



Protecting Children from Abuse

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Why is this information important?

Sexual abuse is one of the leading causes of lawsuits churches, schools, and youth ministry organizations face today. Lawsuits in some cases can be large enough to bankrupt an organization.

More importantly, the devastation experienced by the affected minors and their families is profound.

- ⚖ Important to educate pastors and churches and thereby:
 - Prevent the devastation experienced by victims;
 - Enable pastors to more effectively help; and minister to those who may have suffered abuse
 - Reduce the liability risk to ministries.



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Recognizing the Risks

⚖ Child abuse is a widespread problem:

- **3.3 million** abuse reports annually in U.S. involving **6 million** minors.
 - U.S. H.H.S., *Child Maltreatment 2010*.
 - http://www.acf.hhs.gov/programs/cb/stats_research/index.htm#can
- As many as **1 in 4 girls** and **1 in 6 boys** experience some form of sexual abuse before the age of 18.
 - U.S. C.D.C., *Adverse Childhood Experiences Study: Data and Statistics* (2005).
 - <http://www.cdc.gov/ace/prevalence.htm>
- Minors most often sexually abused by **someone they know and trust**.
 - U.S. H.H.S., *Child Maltreatment 2005*.
 - <http://www.acf.hhs.gov/programs/cb/pubs/cm05/cm05.pdf>
- 23% of reported cases of sexual abuse are **perpetrated by a minor**.
 - H.N. Snyder, *Sexual assault of young children as reported to law enforcement: Victim, incident, and offender characteristics*. U.S. D.O.J., OJP, BJS (2000).
 - <http://www.ojp.usdoj.gov/bjs/pub/pdf/saycrle.pdf>



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Recognizing the Risks

⚖ The impact of child abuse is profound:

- Children
 - Physical, emotional, and mental health
- Adults
 - False accusations difficult to correct
- Churches and ministries
 - Ministry impact
 - even if allegations ultimately prove false
 - Economic impact
 - Direct – judgments, settlements, counseling, etc.
 - Indirect – attendance, support.



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Fundamentals of Child Protection

- ⚖️ **Preparation**
- ⚖️ **Prevention**

- ⚖️ **Recognizing**
- ⚖️ **Responding**
- ⚖️ **Reporting**

- ⚖️ **Retrospection**



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PREPARATION & PREVENTION

- ⚖️ **Screening** *Those With Contact with Youth*

- ⚖️ **Structuring** *Youth Programs & Activities*

- ⚖️ **Supervising** *Youth & Youth Workers*

- ⚖️ **Schooling** *Workers to Recognize & Respond to Child Abuse & Neglect*



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PREPARATION (optional – if time allows)

- ⚖️ *Setting Up a (Crisis) Communications Plan*

- ⚖️ *Safely Serving Sex Offenders*

- ⚖️ *Securing and Using Insurance Coverage*

- ⚖️ *Shrinking the Risks of New Technologies*



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RECOGNIZING, RESPONDING & REPORTING

- ⚖️ **Recognizing** *Indicators of Child Abuse*

- ⚖️ **Responding** *to Allegations and Indicators of Possible Child Abuse*

- ⚖️ **Reporting** *Abuse Wisely In Accordance with Applicable Laws*

- ⚖️ **Running** *a Responsible Investigation*



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RETROSPECTION (if time allows)

⚖️ *Running a Responsible Internal Investigation of Historic Abuse*

⚖️ *“Never Waste a Crisis” – Learning Life Lessons from Past Pains*



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Preparation & Prevention: Screening Youth Workers

⚖️ **WHY** should you screen?

- Identify risks
- Intimidate predators

⚖️ **WHO** should you screen?

- ALL workers who will have contact with youth
 - Employees
 - Volunteers
 - (Same form?)

⚖️ **WHAT/WHEN/HOW** should you screen?



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Preparation & Prevention: Screening Youth Workers

⚖️ Use a screening application.

- Ask the right questions:
 - Past charges / convictions for range of relevant conduct that encompasses abuse.
 - Past involvement in range of relevant conduct that encompasses abuse.
 - Self-disclosure regarding background checks.
 - Any other information relevant to fitness to serve.
- Consider asking:
 - Past victimization.
 - Pornography use.
 - Drug use.
- Request references.
- Request history - employment & working with children.



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Preparation & Prevention: Screening Youth Workers

⚖️ Require that applicants sign a concluding verification provision on the application:

- Representing that all information is accurate and complete.
- Committing to update about any changes.
- Authorizing records checks.
- Authorizing references to provide information.
- Releasing church & references from liability.

⚖️ Be sure signatory has capacity to consent *and* that consent is not “voidable” (e.g., a minor).



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Preparation & Prevention: Screening Youth Workers

- ⚖ Check key records and registries:
 - Criminal records (limited in some states)
 - Sex offender registries (limited coverage)
 - Child abuse registries (limited access)
- ⚖ Consider use of third party services.
 - Verify scope of search coverage.
 - Sculpt contractual allocation of responsibility.



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Preparation & Prevention: Screening Youth Workers

- ⚖ Conduct personal interviews
 - (if reasonably possible)
- ⚖ Verify all information provided
 - Contact and check all references
 - “Red flag” any irregularities
- ⚖ Treat applications and records of reference contacts as confidential
 - But avoid promising confidentiality



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Preparation & Prevention: Screening Youth Workers

- ⚖ Adequately address and fully resolve any irregularities.
- ⚖ ***Do not permit applicants to work with children in any capacity unless they have completely passed the screening process.***



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Prevention: Structuring and Supervising Youth Programs

- ⚖ Six Month Rule (if workable)
- ⚖ Two Adult Rule
 - Especially for younger children
 - Consistently or not at all
- ⚖ No isolated locations
 - Be thoughtful about small meeting locations.
- ⚖ Unobstructed visibility
- ⚖ Random monitoring



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Prevention: Structuring and Supervising Youth Programs

- ⚖ Investigate anything suspicious **immediately!**
- ⚖ Establish clear chains of authority & reporting.
- ⚖ Set **internal** triggers for reporting LOW.
 - Lower than the legal reporting trigger.
 - Channel information to those persons best equipped to assess and act on it.
 - Prevent the “silo” problem.



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Preparation & Prevention: Implementing Prudent Policies

- ⚖ All policies in writing:
 - Screening process
 - Structure & supervision of youth & ministries
 - Reporting requirements (including laws)
 - Sex Offenders
- ⚖ Regular review by legal counsel
- ⚖ Promulgate to all employees & volunteers
 - Required sign-off



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Preparation & Prevention: Implementing Prudent Policies

- ⚖ Train staff and youth workers on policies
 - Special training for supervisors
 - Require attendance at training
 - Train staff to recognize signs of abuse
 - (see below)
 - *Who should provide the training?*
 - (The “Virginia trigger” problem)

- ⚖ Consider educating children



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Preparation: Recognizing Abuse

- ⚖ **Behavioral** Indicators of Possible **Physical** Abuse:
 - Dramatic changes in school performance
 - Sleep disturbances (nightmares, insomnia, fear of dark, fear of sleeping alone)
 - Inappropriate fears (fear of being with a person, being in a familiar place, or doing a familiar activity)
 - Changes in behavior (hostile language, aggressive behavior, or overly compliant behavior)
 - Changes in eating behavior (anorexia, bulimia, or sudden increases or decreases in appetite)
 - Delinquency or running away from home
 - Conflicting or changing stories about how injury occurred
 - Delayed treatment, resistance to treatment, or inappropriate treatment of injury



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Preparation: Recognizing Abuse

Physical Indicators of Possible **Physical** Abuse:

- Burns (from cigars, cigarettes, ropes, wet burns caused by forcing child to bathe in water too hot, and dry burns from electric irons, stove burners, etc.)
- Bruises (different color bruises, which may indicate infliction at different times and different stages of healing, or different shapes, which may indicate a weapon used)
- Lacerations and abrasions (soft tissue injuries to the abdomen, back, arms, legs, or genitalia, or human bite marks)
- Unexplained fractures (multiple fractures or tender or swollen limbs)



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Preparation: Recognizing Abuse

Behavioral Indicators of Possible **Sexual** Abuse:

- Reports of sexual assault by a caretaker
- Bizarre, sophisticated, or unusual sexual behavior or knowledge
- Detailed and age-inappropriate understanding of sexual behavior (esp. younger kids)
- Unusually seductive behaviors with peers and adults
- Withdrawal, fantasy, or infantile behavior
- Poor peer relationships
- Delinquency or running away
- Unwillingness or reluctance to change clothes
 - (where changing clothes is otherwise appropriate, as in changing for a gym or physical education class)



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Preparation: Recognizing Abuse

Behavioral Indicators of Possible **Sexual** Abuse:

- Appearing to be threatened by physical contact
- Unusual apathy or depression
- Frequent hostility and aggression
- Compulsive overeating
- Extreme loss of appetite

Verbal Indicators of Possible **Sexual** Abuse:

- "I don't like [named individual]."
- "I don't want to be alone with [named individual]."
- "I don't want to go there anymore."
- "[Name] does things to me when we're alone."



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Preparation: Recognizing Abuse

Physical Indicators of Possible **Sexual** Abuse:

- Difficulty in walking or sitting
- Torn, stained, or bloody underclothing
- Pain or itching in the genital area
- Bruises or bleeding in the external genitalia, vaginal, or anal areas
- Redness or swelling in the anal area
- Swollen genitalia
- Pain in urinating or defecating
- Unusual odors in the genital area
- Venereal disease, especially in pre-teens
- Vaginal infections or discharge
- Unexplained persistent sore throat or gagging (due to oral sex)
- Pregnancy
- Physical complaints with no apparent somatic base



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Preparation: Recognizing Abuse

⚖ Resources for recognizing abuse:

- <https://www.childwelfare.gov/pubs/factsheets/signs.cfm>
- State and local child protective services agency training
 - But beware the “Virginia trigger”.



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Responding to Abuse

- ⚖ **ALWAYS** respond!
 - Don’t ignore allegations or suspicions.
- ⚖ Contact legal counsel **immediately**.
- ⚖ Comply with applicable reporting laws.
 - (see below)
- ⚖ Cooperate with authorities.
- ⚖ **Immediately** remove the accused from all contact with children.
 - For employees, suspend WITH pay while investigating.
- ⚖ Notify insurance provider (as counsel advise).
- ⚖ Promptly investigate.



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Reporting Child Abuse

⚖ Child abuse reporting is primarily governed by **state** law.

⚖ All 50 states and DC require child abuse reporting of certain persons.



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Reporting Child Abuse

- ⚖ Defining “child abuse”
- ⚖ Distinguishing the two categories of child abuse reporting obligations
 - Mandatory Reporters
 - Permissive Reporters
- ⚖ Triggering the reporting obligation
- ⚖ Making the report
 - Procedures for reporting
 - Protections for reports
 - Penalties for not reporting
 - Privileges for not reporting



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Defining Child Abuse: In General

- ⚖ Child = under 18 years of age
- ⚖ Child abuse generally comprises 3 things
 - Non-accidental physical injury to a child.
 - Actual or attempted sexual abuse of a child.
 - Child neglect.



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Virginia: Defining Child Abuse

- ⚖ Child abuse includes:
 - physical or mental injury by other than accidental means
 - substantial risk of death, disfigurement, impairment of bodily or mental functions
 - neglecting to provide care necessary for health
 - abandonment
 - sexual exploitation or sexual act
 - unreasonable absence or incapacity of parent/guardian



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Maryland: Defining Child Abuse

- ⚖ Child abuse or neglect is defined as:
 - Physical or mental injury (by certain persons) under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed.
 - Sexual abuse, regardless of injuries.
 - Neglect - leaving child unattended or failing to give proper care under circumstances that indicate harm or substantial risk of harm to child's health or welfare or of mental injury



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Virginia: Categories of Reporters

- ⚖ **Mandatory Reporters** are identified as:
 - “the following persons who,
 - in their *professional or official capacity*,
 - have *reason to suspect*
 - that a *child* is an abused or neglected child,
 - *shall report the matter immediately....”*
- ⚖ **Permissive Reporters** are therefore **EVERYONE ELSE** not listed as a mandatory reporter.



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Virginia: Categories of Reporters

Mandatory Reporters include certain:

- health care professionals
- law enforcement and court officers
- social service workers
- teachers and education workers

- *"Any person 18 years of age or older associated with or employed by any private or public organization responsible for the care, custody or control of children;"* [Va. Code §63.2-1509(A)(11)]

- *"Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;"* [Va. Code §63.2-1509(A)(13)]



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Virginia – Categories of Reporters

Mandatory Reporters do **NOT** include:

- This subsection shall **not** apply to any regular *minister, priest, rabbi, imam*, or duly accredited practitioner of any religious organization or denomination usually referred to as a church
 - as it relates to
 - (i) information required by the doctrine of the religious organization or denomination to be kept in a confidential manner or
 - (ii) information that would be subject to § 8.01-400 or 19.2-271.3 [*Virginia clergy privilege laws*] if offered as evidence in court.
- [Va. Code §63.2-1509(A)]



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Categories of Reporters - General

COMPARE other states – CLERGY:

- Approximately 28 States include members of the **clergy** among mandatory reporters (as of 2015):
 - Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Vermont, West Virginia, and Wisconsin.
- E.g., Michigan: **ALL clergy** = mandatory reporters. (Mich. Comp. Laws § 722.623)



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Categories of Reporters - General

COMPARE Other States – ALL PEOPLE:

- Approximately 18 States require **ANY PERSON** who suspects child abuse or neglect to report it.
 - Delaware, Florida, Idaho, Indiana, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Utah, and Wyoming.
 - The specific text of the law in each state matters.
- For more information, see:
 - https://www.childwelfare.gov/systemwide/laws_policies/statutes/clergymandated.pdf



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Maryland: Two Categories of Reporters

- ⚖️ Mandatory reporters - category 1
 - Health practitioner
 - Police officer
 - Educator or human service worker — defined as:
 - any teacher
 - any counselor
 - any social worker
 - any caseworker
 - any probation or parole office
 - *Acting in a professional capacity in Maryland*
- ⚖️ Mandatory reporters - category 2 - All Others
 - Except attorney-client & clergy privileges



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Virginia: Trigger for Reporting

⚖️ “Reason to Suspect”

- Meaning undefined by statute or cases

- The use of the term “**reason**” suggests that there must be **justifiable reasons** for the suspicion of abuse



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Maryland: Trigger for Reporting

- ⚖️ The reporting obligation is triggered when the reporter has “reason to believe” a child is an abused or neglected child.
 - Meaning of “reason to believe” is undefined by statute or cases
 - The use of the term “reason” suggests that there must be justifiable reasons for the suspicion of abuse



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Virginia: Making the Report

⚖️ Procedures

- Time: “immediately” - no later than 24 hours
- Content: all information listed in § 63.2-1509(D)
- Recipient: local child protective services dept.
 - Hotline - 1-800-552-7096
- Recipient: local law enforcement agency.
- No duty if **actual knowledge** report has been made.

- ⚖️ Protections - Person making report in good faith has immunity from civil & criminal liability.



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Maryland: Making the Report

⚖️ Procedures

- Time: ASAP & written report within 48 hours
- Content:
 - name, age & home address of child & caretaker
 - whereabouts of child
 - nature and extent of abuse or neglect, including evidence re: previous abuse or neglect
 - any other relevant information
- Recipient:
 - Local child protective services department or law enforcement agency (for abuse only)
 - 24 hour hotline - 240-777-4417



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Virginia: Making the Report

⚖️ Penalties for NOT reporting

- \$500 fine for failure to make required report
- \$100 to \$1000 fine for subsequent failures

⚖️ Penalties for FALSE report

- Knowingly false report is a misdemeanor

⚖️ Privileges - clergy privilege *not* abrogated



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Maryland: Making the Report

⚖️ Protections - Person making report *in good faith* has *immunity from civil & criminal liability* under Family Law Code §5-362 and §5-708.

⚖️ Penalties - not specified.

- Intentionally preventing or interfering with making a report is prohibited - \$5,000 fine / 5 years.

⚖️ Privileges

- Clergy are not included in category 1 of mandatory reporters.
- §5-705(a)(3) expressly recognizes the clergy privilege for Category 2 mandatory reporters – *with limits*.



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Reporting Abuse - Resources

⚖️ ChildWelfare.gov

- https://www.childwelfare.gov/systemwide/laws_policies/statutes/mandata.cfm
- Overview of child abuse reporting laws.
- State-by-state summaries of reporting laws.
- **NOT** the final word, but a good **starting point**.
- Updated every few years (last in 2015) ...
 - So always check actual underlying laws.

⚖️ Church Law and Tax Report (2014)

- <http://www.churchlawandtax.com/web/2014/march/wh-at-should-we-do-if-we-suspect-child-abuse.html>



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Privileges from Reporting - The Clergy-Penitent Privilege

- ⚖️ Created by statute, so specific wording of statute is significant.
- ⚖️ Statutes adopted in 50 states and D.C.
- ⚖️ Only a few reported cases in Virginia.
 - Courts may look to cases from other states for guidance.



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Applying the Clergy Privilege

- ⚖️ Does the clergy privilege apply?
 - Were the statements intended to be communications?
 - Was the communication made in confidence?
 - Were the statements made to a clergyperson?
 - Was the clergyperson acting in a professional capacity?
 - Was the communication made “in the course of discipline....”



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Applying the Clergy Privilege

- ⚖️ Does the privilege apply in this context?
 - Does it apply only as to testimony in a court?
 - Or does it apply to excuse an abuse report?
- ⚖️ Has the clergy privilege been lost?
 - Has the privilege been taken away by law?
 - Has the privilege been waived or otherwise compromised ...
 - By the clergyperson?
 - By the communicant?



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Applying the Clergy Privilege

- ⚖️ Who holds (can assert) clergy privilege?
 - Many states – communicant only.
 - Some states – both clergy and communicant.
 - Some states – **clergy** only.



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Clergy Privilege: Virginia Law

- § 8.01-400. Communications between ministers of religion and persons they counsel or advise
- No regular minister, priest, rabbi, or accredited practitioner over the age of eighteen years, of any religious organization or denomination usually referred to as a church,
 - shall be required to give testimony as a witness or to relinquish notes, records or any written documentation made by such person, or disclose the contents of any such notes, records or written documentation,
 - in discovery proceedings in any civil action
 - which would disclose any information communicated to him in a confidential manner,
 - properly entrusted to him in his professional capacity
 - and necessary to enable him to discharge the functions of his office according to the usual course of his practice or discipline,
 - wherein such person so communicating such information about himself or another is seeking spiritual counsel and advice relative to and growing out of the information so imparted.

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Does the Clergy Privilege Apply?

- ⚖ **Were the statements intended to be *communications*?**
 - "...any information *communicated to him* ... wherein such person so *communicating* such information"
- ⚖ **Was the communication made *in confidence*?**
 - "...any information communicated to him *in a confidential manner*...."
- ⚖ **Were the statements *made to a clergyperson*?**
 - "No *regular minister, priest, rabbi, or accredited practitioner* over the age of eighteen years, of any religious organization or denomination usually referred to as a church...."

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Does the Clergy Privilege Apply?

- ⚖ **Was the person *acting in the capacity of clergy*?**
 - "... properly entrusted to him *in his professional capacity and necessary to enable him to discharge the functions of his office* according to the usual course of his practice or discipline..."
- ⚖ **Was receiving the communication *necessary "in the course of practice or discipline..."*?**
 - "... necessary to enable him to discharge the functions of his office *according to the usual course of his practice or discipline*...."
 - » Source: Virginia Code §8.01-400

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Has the Clergy Privilege Been Lost?

- ⚖ **Has the privilege been abrogated by law?**
 - Virginia: Child abuse law does NOT currently abrogate the clergy privilege.
 - Virginia: Legislation has been introduced to make clergy mandatory reporters of child abuse.
 - Legislation did not pass at that time.
 - Not clear how law would have affected clergy privilege.
- ⚖ **Has the privilege been waived or otherwise compromised by the clergyperson or the communicant?**
 - Presence of third persons during communication.
 - Disclosure of content to third persons.

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Does the Clergy Privilege Apply?

- ⚖ Who holds (can assert) clergy privilege?
 - Many states – communicant only.
 - Some states – both clergy and communicant.

 - VIRGINIA – **clergy** only.
 - MARYLAND – unclear – arguably clergy only.



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Clergy Privilege: Maryland Law

- ⚖ **LIMITED** exception for clergy from general mandatory reporting obligation under Family Law Code 5-705:
 - (3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § 9-111 of the Courts Article [the clergy privilege statute] **and**:
 - (i) the communication was made to the minister, clergyman, or priest *in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs*; **and**
 - (ii) the minister, clergyman, or priest is *bound to maintain the confidentiality* of that communication under canon law, church doctrine, or practice.



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Responding to Child Abuse

- ⚖ What should you do when you receive information about a possible offense against a child?
 - **Identify:**
 - **The risk**
 - **The people involved, affected, or interested**
 - **The process**
 - **Initiate protective protocols**
 - **Isolate technology and hardware**
 - **Inform the appropriate officials**
 - **Investigate appropriately**



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Responding: Identify Risks with Counsel

- ⚖ Reach out to legal counsel **immediately**.
- ⚖ Recognize the multiple legal land mines implicated by your actions:
 - Legal reporting obligations
 - Impact on investigation or evidence
 - Will your actions create unnecessary liability?
 - Does this involve ongoing or only past conduct?
 - Will your actions harm the victim?
- ⚖ Work with counsel to structure response/investigation.
- ⚖ Counsel engages all other needed professionals.
 - (investigators, communications, forensic experts, etc.)



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Responding: Identify Involved People

- ⚖️ Alleged Victim
- ⚖️ Alleged Perpetrator
- ⚖️ Government Authorities
 - Child Protective Services
 - Law Enforcement
- ⚖️ Potential Witnesses
- ⚖️ Potential Additional Victims



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Responding: Identify Interested People

- ⚖️ Immediate family of those affected
- ⚖️ Concentric circles proceeding from those affected
 - Friends
 - Small group
 - Extended family
- ⚖️ Church community or ministry constituency
- ⚖️ Broader community – geographic and religious



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Responding: Identify Involved People

- ⚖️ Identify Your Team and the Roles Each Will Play:
 - Legal team
 - Investigator(s)
 - Communication with & pastoral care for alleged victim.
 - Communication with & pastoral care for accused.
 - Communication with & pastoral care for others.
 - Communication with congregation.
 - Communication with broader local community.
 - Communication with media and “blogosphere.”
- ⚖️ Probably want different people to play these roles.



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Responding: Identify the Process

- ⚖️ Reporting Process
 - Even if initially there is no reporting obligation, reporting obligations can be triggered at any time with new information,
- ⚖️ Coordination with Authorities & Their Investigation
- ⚖️ Investigation by Your Church or Ministry
- ⚖️ Pastoral Care by Your Church or Ministry
 - Victim & family
 - Accused & family
 - Broader small group and church community
- ⚖️ Communications to Broader Communities



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Responding: Initiate Protective Protocols

- ⚖️ Secure the Victim.
 - Goals at this stage are to calm and to care for the alleged victim and to prevent further abuse.
 - Law enforcement should conduct any questioning of a victim.
- ⚖️ Secure All Evidence
 - Don't play with smart phones or computers.
- ⚖️ Preserve Records and Protect the Integrity of the Investigation.
 - Failure to preserve and protect is one of the most frequent ways an innocent organization turns itself into a suspect.



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Inform Appropriate Persons

- ⚖️ Report the alleged abuse in accordance with applicable law and advice of counsel.
- ⚖️ Immediately inform (with counsel participation):
 - Board Chair
 - Risk management officer / insurance provider
- ⚖️ Consider informing parents/guardian **IF**:
 - Abuser is not alleged to be that person AND
 - Authorities do not object (investigation integrity).
- ⚖️ Consider whether, when, and how to inform community:
 - Immediate community (congregation, school)
 - Broader community??



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Responding to Child Abuse

- ⚖️ Act promptly (preferably immediately).
- ⚖️ Reach out to the alleged victim.
- ⚖️ Treat accused with dignity and support.
- ⚖️ Maintain appropriate confidentiality.
- ⚖️ Carefully consider release of information.
- ⚖️ Bring closure to the investigation.



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Preparation: Preparing a Communications Plan

- ⚖️ Prepare basic plan in advance of crisis
 - Identify your team and resources
 - Identify possible crises that may arise
 - Identify communications channels & contacts
 - Obtain contact information
 - Identify understanding persons
 - Identify internal process for preparing, reviewing, and approving communications
- ⚖️ Train and practice!



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Preparation: Implementing a Communications Plan

- ⚖ When situation arises:
 - Identify everyone who may be:
 - Involved OR
 - Interested
 - Prepare draft talking points / FAQs:
 - Brainstorm broadly
 - List points and categories
 - Identify themes
 - Draft possible responses
 - Always work with legal counsel – review all statements before they are made



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Communications Plan: Identify *Involved* People

- ⚖ Alleged Victim
- ⚖ Alleged Perpetrator
- ⚖ Government Authorities
 - Child Protective Services
 - Law Enforcement
- ⚖ Potential Witnesses
- ⚖ Potential Additional Victims



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Communications Plan: Identify *Interested* People

- ⚖ Immediate family of those affected
- ⚖ Concentric circles proceeding from those affected
 - Friends
 - Small group
 - Extended family
- ⚖ **Church community or ministry constituency**
- ⚖ **Broader community – geographic and religious**



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Communications Plan: Identify Involved People – Your Team

- ⚖ Identify Your Team and the Roles Each Will Play:
 - Legal team
 - Investigator(s)
 - Communication with & pastoral care for alleged victim
 - Communication with & pastoral care for accused
 - Communication with & pastoral care for others
 - Communication with & pastoral care for congregation
 - Communication with broader local community
 - Communication with media and “blogosphere”
- ⚖ Probably want different people to play these roles



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Communications Plan: Identify the Process

- ⚖ Reporting Process
- ⚖ Coordination with Authorities & Their Investigation
- ⚖ Investigation by Your Church or Ministry
- ⚖ Pastoral Care by Your Church or Ministry
 - Victim & family
 - Accused & family
 - Broader small group and church community
- ⚖ Communications to Broader Communities
- ⚖ Prepare, Vet, Refine Talking Points and Statements
 - But pray that you never need to use them



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Safely Serving Sex Offenders

- ⚖ Increasing issue with increasing risks
 - Identifying sex offenders
 - Implementing prudent practices for sex offenders
 - Insulating children from any risks of presence
- ⚖ Identifying sex offenders
 - Child Protection Policy – background checks (see above)
 - Sex offender registries are widely available
 - <https://www.nsopw.gov/>
 - Encourage (and be prepared) for self-disclosure



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Safely Serving Sex Offenders: Policies & Practices

- ⚖ Implementing Prudent Policies
 - Coordination with Child Protection Policy
 - Counsel involvement
 - Clear commitments
 - Sex offender – accountability
 - Church leadership – oversight
 - Church children's ministry workers – vigilance
 - Communications plan
 - Accountability Covenant
 - Limitations on attendance
 - Limitations on ministry and involvement
 - Limitations (prohibitions) on contact and relationships with children
 - Required oversight / "Accountability Partners"



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Preparation: Obtaining Insuring Coverage

- ⚖ CATCH-22s of insurance coverage
- ⚖ Effectively Engaging with Insurance Providers
 - Recognize the Inflection Points where insurance matters
- ⚖ Obtaining insurance – Front-end legal review
 - Coverage – Who and What?
 - Claims – How and When Made?
 - Counsel – Who Chooses and How?




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Preparation:
Effectively Engaging with Insurance

- ⚖ Incident occurs – Reporting to insurer
- ⚖ Claim is made – Reporting to insurer
- ⚖ Coverage is acknowledged or denied
 - Whether and How to Challenge
- ⚖ Litigation is going on
 - Choosing counsel (if possible under policy)
 - Cooperating with and overseeing counsel




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Protecting Children from Abuse

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