



## step-by-step

Practical strategies to protect your ministry

# Child Sexual Abuse Response Plan

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## OVERVIEW

## If You Suspect

### What steps would you take?

*For he guards the lives of his faithful ones and delivers them from the hand of the wicked (Psalm 97:10).*

“When the phone call came, it was if someone knocked the breath out of me.” That’s the response of one senior pastor as he explained how he felt upon finding out that his youth pastor had been accused of molesting a young boy in the youth group. The call had come from the father of the young boy. As he hung up the phone, he had no clue where to turn next.

Hardly a week goes by that we don’t hear of yet another child being victimized and abused in some way. So just what should a church do if they think their church may be harboring a pedophile? What should leaders do if they suspect a child is being abused—in any way and at any time?

### Plan Ahead

First, pre-planning is critical. Making sure your staff, youth workers, children’s workers, and board members are screened and well trained is an important first step. Not only will you have taken the steps to reduce this happening at your church, but you will understand the dynamics of the whole situation as it unfolds. An important component of the pre-planning is to have a written response plan in place. If something occurs, you can pull out the pre-written plan and follow it.

### Protect the Child

Upon hearing of an incident, the safety of the victim is vital. Take any steps necessary to create distance between the alleged suspect and victim. It is wise to temporarily remove any suspects, whether they are staff or volunteers, from any position that puts them in contact with minors.

### Get Facts Quickly

Then begin the fact-finding phase. Seek to gather as much initial information quickly. I can’t stress enough that no church or leader should think they should be the investigator of an incident. Leave this to professionals. This fact-finding step is to simply try and understand what is being alleged and who is involved. As soon as possible after the initial fact-finding phase, you should make sure the mandatory reporting is done according to your particular state’s requirements. Too often, church leaders delay this process. Please know you do this at your own peril.

### Offer Help

Many victims and accused suspects report they feel immediately isolated and ostracized. Remember, we are people of faith. I have seen countless churches offer careful, intentional pastoral care to the reported victims as well as the alleged perpetrator. Remember as well the families involved. To meet with them and offer prayer is a good and godly response.

Finally, always cooperate with authorities. They have a job to do. Obstructing their investigation not only delays getting the facts out, but may also put your church in a bad light in the community. Pray about the whole incident. Pray for those involved and the ministry of the church. Seek that truth will prevail and that lives may be restored.

God bless you as you serve him,

*Jeff Hanna*

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ASSESSMENT

# How Will You Respond to Child Sexual Abuse?

Use this checklist to find out.

by Jeff Hanna

*O Lord, you will keep us safe and protect us from such people forever (Psalm 12:7).*

If you answer “no” to any of these questions, corrective action is recommended.

ITEM	YES	NO	ACTION STEPS
Do we have a written response plan that we can use in case of an allegation?			
Do we have an attorney already designated for our church?			
Is the name and contact information for our church insurance agent easily accessible?			
Do we have a designated, trained church spokesperson who can address the media?			
Do we understand the difference between fact-finding and conducting a full investigation?			
Is there a plan in place to temporarily remove the alleged suspect from contact with minors while the investigation is being conducted?			
Does our plan include specific steps for how we should notify our leaders and membership of the alleged incident?			
Are the state’s mandatory reporting laws posted and are they being followed?			
Do we keep clear notes and utilize the use of an incident report?			

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ITEM	YES	NO	ACTION STEPS
Do we have a plan to follow through with pastoral care for the victim, suspect, and their families?			
Do we have a plan to institute prayer throughout the process in a way that protects all parties involved?			
Are there denominational officials that need to be notified of this incident?			
Have we committed ahead of time to cooperating with authorities?			

COMPLETED BY:

DATE:

HOW TO

## What is Child Sexual Abuse?

Recognize the signs of abuse and the profile of abusers.

by Richard R. Hammar

*He will defend the afflicted among the people and save the children of the needy  
(Psalm 72:4).*

Being able to recognize the signs of child sexual abuse is the first step in being able to take action and respond to the abuse. In this article, you'll gain insights on what to look for in children, as well as what to beware of in suspicious adults.

The precise legal definition of child sexual abuse or molestation varies from state to state, but in general includes any form of sexual contact or exploitation in which a minor is being used for the sexual stimulation of the perpetrator. In a more general sense, child sexual abuse is:

Any sexual activity with a child — whether in the home by a caretaker, in a day care situation, a foster/residential setting, or in any other setting, including on the street by a person unknown to the child. The abuser may be an adult, an adolescent, or another child, provided the child is four years older than the victim (National Resource Center on Child Sexual Abuse).

Child sexual abuse may be violent or non-violent. All child sexual abuse is an exploitation of a child's vulnerability and powerlessness in which the abuser is fully responsible for the actions. Child sexual abuse is criminal behavior that involves children in sexual behaviors for which they are not personally, socially, and developmentally ready. Child sexual abuse includes behaviors that involve touching and non-touching aspects.

*Types of abuse that involve touching include:*

- Fondling
- Oral, genital, and anal penetration
- Intercourse
- Forcible rape

*Types of sexual abuse that do not involve touching include:*

- Verbal comments
- Pornographic videos
- Obscene phone calls
- Exhibitionism
- Allowing children to witness sexual activity

The full extent of child sexual abuse in our country is not known. Current conservative estimates suggest that from 500,000 to over 1,500,000 children are sexually abused each year. The possibility that the number is higher is likely because the greatest percentage of these cases go unreported. A national retrospective study on the prevalence of child sexual abuse found that 27 percent of adult women and 16 percent of men claimed to have experienced some form of child sexual victimization. Over 25 percent indicated this occurred before the age of nine.

Child sexual abuse occurs in all demographic, racial, ethnic, socio-economic, and religious groups. Strangers account for less than 20 percent of the abusers. Estimates indicate that when a known assailant commits the abuse, half of the time it is a father or stepfather, and the rest of the time it is a trusted adult who misuses his or her authority over children.

### Symptoms of Molestation

Church workers and staff members should be alert to the physical signs of abuse and molestation, as well as to behavioral and verbal signs that a victim may exhibit. Some of the more common signs are summarized below (Sloan, 1983).

*Physical signs may include:*

- lacerations and bruises
- nightmares
- irritation, pain, or injury to the genital area
- difficulty with urination
- discomfort when sitting
- torn or bloody underclothing
- venereal disease

*Behavioral signs may include:*

- anxiety when approaching the church
- nervous or hostile behavior toward adults
- sexual self-consciousness
- “acting out” of sexual behavior
- withdrawal from church activities and friends

Verbal signs may include the following statements:

- I don't like [a particular church worker]
- [A church worker] does things to me when we're alone
- I don't like to be alone with [a church worker]
- [A church worker] fooled around with me

[For more signs of child sexual abuse, see **“Indications of Sexual Abuse,”** by Michael Phillips.]

### The Effects of Child Sexual Abuse

The personal violation of child sexual abuse causes the victim to experience many losses...including loss of childhood memories, loss of healthy social contact, loss of the opportunity to learn, loss of bodily integrity, loss of identity and self-esteem, loss of trust, loss of sexual maturity, and loss of self-determination. All of these personal violations mean that victims of child sexual abuse lose the child's right to a normal childhood. In adulthood, it may also mean the loss of the capacity to appreciate sexual intimacy as nurturing, holy, and loving.

Child sexual abuse robs children of their childhood and can potentially scar its young victims for life. Too often in the past, the effects of abuse were minimized or dismissed. Children were viewed as being resilient. Research has shown that children can suffer significant pain from even a single abusive incident. Church members must be aware of the pain and long-term suffering that can accompany such abuse. Abused children can display a wide range of negative symptoms in the aftermath of abuse. Abuse can result in abnormal ears, post traumatic stress disorder (PTSD), aggressive behavior, sexual acting out, depression, diffused sexual identity, and poor self-esteem. The incidence of sexually transmitted disease is also a possible outcome.

The degree of damage depends upon several factors including the intensity, duration, and frequency of the abuse. In addition, the relationship of the perpetrator to the child matters. If the abuser is a known and trusted authority figure in the child's life, the degree of impact increases dramatically.

An additional burden for the parishioner or client is a sense of being betrayed by God and the church. This betrayal by one's pastor represents a major obstacle to the parishioner or client's personal faith. The damage to one's spiritual life done by this experience is often profound and long-term.

Consequences of child sexual abuse can plague victims into adulthood. Outcome studies of adult survivors of child sexual abuse suggest the following affects: sexual dysfunction, eating disorders, substance abuse, promiscuity, disassociation from emotions, and possible perpetration of sexual abuse on others. When church leaders, pastors, and respected congregational workers perpetrate the abuse, lifelong religious confusion and deep feelings of enmity toward God and the church can occur.

### The Behavioral Profile of Child Molesters

Bob sat dejectedly before the church board. His broad shoulders slumped as he tearfully retold his story. Bob has been sexually molesting his thirteen-year-old daughter for the last two years. This activity may have gone undetected except that Bob tried to abuse one of his daughter's girlfriends while chaperoning a Sunday school activity. The young girl reported the incident to her parents and Bob was apprehended. The church leaders

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hearing this confession sat in disbelief. How could Bob, a successful businessman, husband, father of three children, and respected church worker commit such actions?

Who is the typical child molester? Some church leaders assume that molesters are “strangers wearing trenchcoats” or “dirty old men.” These stereotypes not only are inaccurate, but they dangerously contribute to a false sense of security. Researchers in the field of child sexual abuse currently indicate that no one profile fits the various perpetrators of abuse. Church leaders can become preoccupied screening stereotypes, while not suspecting the real molester could be an active adult or teen in the church. Consider the following:

- Over 80 percent of the time, the abuser is someone known to the victim
- Most abuse takes place within the context of an ongoing relationship
- The usual offender is between the ages of 20-30 years
- 20 percent of sex offenders begin their activity before the age of 18
- Child abusers often are married and have children

### Understanding the Behavioral Profile of Molesters

Key point: Church leaders need to be on guard for any adult who attempts to isolate children or develop special relationships with needy children apart from the involvement of other adults. Based on 30 years of work with the FBI as a Special Agent fighting crimes against children, Kenneth Lanning has developed a typology that profiles the complex behaviors of sex offenders. According to Lanning, sexual offenders function along a motivational continuum that ranges from situational sex offenders to preferential sex offenders. Understanding some basic aspects of that continuum can be helpful to church leaders in responding to the problem of child sexual abuse.

### Preferential Sex Offenders

As the title implies, “preferential” offenders have a particular sexual preference, often for children of a particular age and gender. While these individuals are few in number, a single perpetrator can molest hundreds of children. They are extremely dangerous because of their predatory nature. They actively seek victims and will engage in bold and repeated attempts to molest children. Lanning notes that these individuals develop long-term patterns of abusive behaviors, and are willing to invest significant amounts of time, energy, money, and other resources to fulfill their sexual needs. Preferential molesters may be victims of sexual abuse, are generally male, single, over 25 years of age, and live alone or with their parents, although none of these factors may be significant. According to Lanning, they have an excessive interest in children, seek access to children, frequently move to avoid being caught, maintain pornographic collections, and also photograph children.

Preferential sex offenders pose a unique and serious danger to churches. These individuals may appear as the ideal worker for children. They enjoy being with children, and will

spend an excessive amount of time socializing with them. They are also very intentional and selective concerning their victims. Over time, they refine their skills in seducing children. Furthermore, these individuals may be very hardworking and skilled individuals in their everyday work life, and may be among the best and most dedicated of all church workers. They may even develop good relationships with the parents of the children they molest. Since most churches find it hard to recruit adults to work with children, finding someone that enjoys being with children, and who is willing to invest significant amounts of time in church programs, may be viewed as a blessing. In such a case, ignorance about the risk and profile of preferential molesters puts children at risk. The best way to ward off preferential sex offenders is to develop an environment that puts the molester at risk rather than the children. That process begins with the development of a thorough screening program for both paid and volunteer workers, and continues with proper supervision and accountability.

### Situational Sex Offenders

Church leaders should also be familiar with situational sex offenders. Far more situational molesters exist in our society than preferential sex offenders, but they have fewer victims. As the title implies, a “situational” sex offender is an opportunist and engages in misconduct when a situation develops or exists that makes the abuse possible. Situational molesters may engage in a wide range of abusive behaviors with individuals of all ages, and do not fit any single profile. What they share in common is the willingness to engage in sexual misconduct given the opportunity. They may use force or coerce their victims, be indiscriminate concerning whom they molest, and act completely on impulse. Consider the following example:

John, who is 27 years of age, married, and the father of a two-year old child, serves as a supervisor for the church youth group. Each Sunday evening, John drives several members of the group home following the youth meeting. Each time, the last member he drops off is a 15-year old girl who comes from a broken home. Recently, a pattern has developed where John and the girl sit in the car talking for an extended period of time. One thing leads to another and John has a sexual relationship with the girl.

In the above example, a situation develops that creates the opportunity for the abuse to occur. Situational sex offenders are more likely to confess or feel remorse than are preferential molesters. To reduce the risk of situational molestation, churches must create an environment of accountability. Screening and supervision represent the two key strategies to establish such an environment and, in turn, reduce the risk of child sexual abuse in churches.

Both preferential and situational sex offenders operate in churches. While we do not like to acknowledge the reality, these individuals include clergy, board members, respected volunteers, church employees, professionals, and people we think of as friends. They are not easy to identify in advance, but will not feel comfortable in an environment that poses

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a threat to them. Screening helps to put sexual offenders on notice that a church is on guard.

If abuse occurs in your church, a respected member will most likely be the molester. Emphasis upon “stranger danger” will leave your church ill prepared. While it’s uncomfortable even to consider this, the most likely assailants include Sunday school teachers, religious educators, nursery or preschool workers, teachers in a church-operated school, camp counselors, scout leaders, “concerned” adults who volunteer to transport children to church, and clergy. Trusted adults— male or female—can easily mislead children, and most incidents of child sexual abuse take place in the context of an ongoing relationship between the abuser and the child.

Adapted from **Reducing the Risk: Keeping Your Ministry Safe From Child Sexual Abuse** (Your Church Resources/Christianity Today International, 2008).

### Thought Provokers

- Does your church subscribe to a “stranger danger” type of fear when it comes to child abuse, or do you believe that your members are also capable of posing a threat to children?
- How can you help church members keep one another accountable for their actions with children?
- How might the leadership of your church communicate the warning signs of child sexual abuse and the profiles of abusers to church members in order to help protect children?

HOW TO

## Report Child Sexual Abuse

Here's what to do to be ready.

by Richard R. Hammar

*Whoever welcomes one of these little children in my name welcomes me (Mark 9:37).*

Developing and following a reporting procedure is a critical component in a sexual abuse prevention program. Child sexual abuse thrives when it goes unnoticed or unreported. Often, an abusive situation continues because of someone's failure to report it. All church workers need to know what constitutes an occasion for reporting, the reporting channels they should use, and their obligations to make a report.

### Reporting Obligations

An effective reporting procedure enhances the effort to protect children. Ordinarily, child molesters will not remain in a church where workers are trained to identify symptoms of child abuse and are encouraged to report suspicious behavior. Child abusers thrive on secrecy and are more likely to commit criminal acts in organizations where they go unnoticed.

### State Compliance: A Legal Obligation

Church workers should be aware of state laws that govern the reporting of child abuse. Every state has a mandatory reporting law which specifies the following:

- What constitutes child abuse.
- Those persons ("mandatory reporters") who are legally responsible for reporting known and reasonably suspected cases of abuse.
- Most states require a direct report to a state agency.
- The length of time required to make a report. In most states, those providing professional care or services to children have a 48-hour period to make a report. In some states, an oral report is due within 24 hours.
- The nature and content of the report. Many states permit the reporter to remain anonymous. However, if an individual desires to remain anonymous, the report should be made over the phone in the presence of an attorney or other independent witness who can verify later, if necessary, the identity of the reporter.

This may become important if the reporter later is charged with negligence for failing to make a report. If no witnesses to the report exist, and the report is done anonymously, providing a defense becomes problematic.

- The social agencies or department to be contacted. In some states, reports can be made to law enforcement officers.
- The criminal penalties for failing to report. Failure to report may be punishable by a fine or jail sentence.
- Protection from legal and civil litigation if the report is made in good faith.

### **Mutual Accountability: A Church Obligation**

A sound reporting procedure promotes accountability among church workers. Questionable or inappropriate behavior often precedes acts of child molestation. Church workers should be trained to identify inappropriate behavior with children. Workers should be encouraged to warn each other when questionable behavior is displayed. Questionable behaviors should be reported to the proper individuals. Such a policy, if implemented with care and sensitivity, can help to avoid actual instances of abuse or molestation.

### **Personal Responsibility: A Moral Obligation**

Workers may not report a suspected incidence of child sexual abuse for a variety of reasons. Some may want to avoid embarrassing situations. A fear of possible personal and legal recrimination may exist. Discrete and confidential reporting of suspected abuse is critical to abuse prevention. Church workers should understand that reporting reflects caring and is not an act of disloyalty.

### **Developing a Church Reporting Procedure**

A reporting policy should provide clear instructions to church workers concerning when a report should occur and how it should be made.

Your policy should include the following:

- A clear rationale that explains the need for proper reporting and the obligation of workers to follow these procedures.
- The basis for making a report.

- A description of possible indicators and symptoms of child sexual abuse (see previous article and Reducing the Risk II). Workers should report to their supervisor when a child displays these indicators. Although they do not prove abuse, they are warning signs of possible problems.
- A procedure to follow when possible abusive or unhealthy activities are suspected. All reports should be documented in writing and brought immediately to the attention of your church's leadership.

### Establish a Line of Reporting

Church leaders should institute a line of reporting that should be followed in every case of suspected abuse. Reports of possible child abuse should be quickly communicated to the proper church leader. Reports reflect a serious obligation at the highest levels of church leadership. No report should be lost in "middle management."

- **Example 1.** A leader in the church's scouting program confesses to the Youth Director that he has molested a 15-year-old boy in the program. He pledges it will never happen again. The Youth Director keeps the confession to himself. The Youth Director's actions violate the reporting policy guidelines. Under state law, the Youth Director may have a legal obligation to report the confession. A church reporting policy should mandate that any allegation be reported to the senior pastor.
- **Example 2.** A teacher in the preschool program notices a two-year-old girl has severe bruises on her legs and buttocks. She immediately reports the information to the Preschool Director. The Director reports the information to the Senior Pastor and also reports to the county office of Youth and Family Services.
- **Important.** *In many states, both compensated and volunteer church youth workers will be mandatory reporters. Do not assume that requiring such persons to report suspected abuse to a designated church official will discharge their reporting duty under state law. These workers may still have a duty to report the suspected abuse to the state. State law must be consulted.*

### Reporting to the State

- **Example 3.** A 4th grade Sunday school teacher asks her class members to write down prayer requests on individual pieces of paper. One girl writes, "I want my daddy to stop hurting me." The teacher is shocked by this statement, and immediately shares it with the pastor who advises her to question the girl about the statement after class on the following Sunday. The teacher does question the girl, who becomes defensive and insists that she was merely attempting to have the most dramatic prayer request.

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- **Example 4.** A mother and her 4-year-old daughter stop by the church office while the pastor is present. They all spend several minutes in conversation. At one point, the girl makes a statement strongly indicating that she is being abused by her step-father. The mother quickly takes the girl to a back room and questions her.

A few minutes later they emerge, and the mother insists that the child was “fantasizing.”

- **Example 5.** A teenage girl informs her youth pastor that her father has been sexually molesting her. The youth pastor immediately informs the senior pastor, who confronts the father with the allegation. The father (a respected member of the church) vigorously denies the charge.

Is there a legal duty to report any of these incidents to the state? These cases illustrate the difficulty that church staff encounter in making this important decision. Here are some factors to consider in deciding whether or not to report a particular incident of suspected abuse to the state:

- (1) Are you a mandatory or permissive reporter under state law? Mandatory reporters (as defined by state law) face criminal penalties for not reporting. Permissive reporters are permitted to report but they are not legally required to do so. However, it is possible that permissive reporters who do not report reasonable suspicions of abuse will be sued later by victims who allege that their suffering was perpetuated by the failure to report. Therefore, do not automatically dismiss a duty to report on the ground that you are a permissive reporter under state law.
- (2) What is the definition of child abuse in my state? Some states define abuse very narrowly to include only abuse inflicted by a parent or caretaker.
- (3) Do I have reasonable cause to believe that abuse has occurred? Remember, most state laws require mandatory reporters to report not only actual abuse, but also reasonable suspicions of abuse. Our recommendation: interpret “reasonable cause” very broadly. Also, note that child abusers, when confronted with their misconduct, often deny it. Any allegation must be treated seriously.
- (4) Be especially aggressive when dealing with pedophilic behavior (that is, sexual molestation of a pre-adolescent child). Some studies suggest that a pedophile may have hundreds of victims over the course of a lifetime. You have a duty to protect other innocent victims. Resolve doubts in favor of reporting.

- (5) Be especially aggressive when dealing with suspected abuse on the part of a person with a history of previous abusive behavior. Resolve doubts in favor of reporting.
- (6) Does the clergy-penitent privilege apply? In a few states, clergy who learn of child abuse during a confidential counseling session are not required to report the information to the state.
- (7) Consider discussing the case anonymously with a representative of the state agency that receives reports of abuse. These representatives often are more than willing to discuss particular cases and evaluate whether or not a report should be filed. Of course, if you are advised that a report need not be filed, be sure to obtain the representative's name and make a record of the call.
- (8) Consider filing an anonymous report from the office of some independent third party (such as a local attorney or the pastor of another church). The other person can later verify that you in fact made the report.
- (9) If you have any doubts concerning your duty to report any particular incident to the state, an attorney should be consulted. It is also desirable to inform your insurance agent.

### Train Workers

Conduct periodic training of workers and staff regarding the reporting procedures. This is especially important at the beginning of a new program schedule or whenever a new person begins working in a ministry or program. Training sessions should present the church's policy on reporting and the rationale behind it. Workers should have the opportunity to voice their concerns and questions. All church staff should know their obligation to report a possible incident, and the necessity to provide feedback to one another concerning questionable behavior. The church does not want to create an atmosphere of fear or suspicion. Proper training can help workers see how reporting can be done honestly and discretely without generating undue suspicion or anxiety.

- *Tip.* Be sure to check your state child abuse reporting law regularly. State legislatures tend to amend these laws often. Church leaders need to be aware of any changes.

Adapted from **Reducing the Risk: Keeping Your Ministry Safe From Child Sexual Abuse** (Your Church Resources/Christianity Today International, 2008).

### Thought Provokers

- How might delaying on making a report of child sexual abuse impact your church as a whole?
- What fears might hinder your leaders or members from reporting suspected child sexual abuse: desire to avoid embarrassment, personal or legal recrimination, a perception of disloyalty, fear of making a mistake? Be honest.
- What is your church doing to train leaders and members on reporting procedures?

## THE LEGAL SIDE

## The Church's Legal Vulnerability

Here's why churches are susceptible.

by Richard R. Hammar

*Let the children come to me, and do not hinder them (Mark 10:14).*

Churches have unique features that can make them susceptible to incidents of child molestation.

- 1. Trust.** Churches tend to be trusting and unsuspecting institutions. Even when questions are raised about a worker's conduct, church leaders may ignore the evidence rather than question the worker's character or motives.
- 2. Need.** Most churches struggle to get adequate help for children and youth programs. Recruiting nursery workers, for example, can become an unending effort. Turnover among volunteer workers is also high. A willing volunteer worker provides welcome relief.
- 3. Lack of screening.** Some churches do nothing to screen youth workers. Complete strangers may be accepted to work with children without any investigation whatever.
- 4. Opportunity.** Churches provide ample opportunities for unsupervised, close personal contact between adults and children. This risk increases dramatically for overnight activities.
- 5. Access.** The Boy Scouts, Big Brothers, and similar organizations have instituted comprehensive programs to reduce the risk of child molestation. Child molesters are attracted to an institution in which they have immediate access to potential victims in an atmosphere of complete trust — the church.

### The Response of the Insurance Industry

No one evaluates risk better than insurance companies. Some companies are reducing the coverage they provide for child abuse, and in some cases are excluding it entirely. Policies exclude damages based on intentional, criminal conduct. Your church board should immediately review your church liability policy to determine whether you have any coverage for acts of molestation occurring on your property or during your activities, and if so, whether your coverage has been limited in any way. Many churches will discover that they either have no coverage for such incidents or that the policy limits have been significantly reduced. If you fit within either category, the procedures recommended in this book are of even greater relevance. Often, increased levels of coverage are available to churches who implement a prevention program.

### The Legal Environment

The number of lawsuits brought against churches as a result of child sexual abuse has risen substantially over the past several decades. Various factors have been cited for this increase including the following:

- 1. Media attention.** The media has focused attention on child molestation cases, and especially on those cases involving church workers. Often, front page publicity is given to these cases, and to the astronomical jury verdicts that sometimes are awarded. The possibility of a huge verdict lures some victims into the courtroom, although most are seeking justice.
- 2. Statute of limitations.** Many states have greatly liberalized the period of time (the “statute of limitations”) during which molestation victims must file a lawsuit. This has enabled victims to sue churches many years after an incident of molestation.
- 3. Theories of liability.** Innovative theories of liability have been introduced by plaintiffs’ attorneys that have assisted molestation victims in recovering money damages.
- 4. Injury.** The extent of the psychological and emotional injury experienced by victims of sexual molestation has only recently been fully appreciated.
- 5. Number of victims.** Recent studies suggest that the number of adults who were sexually molested or abused as children is staggering. Some studies suggest that as many as 27 percent of adult females and 16 percent of adult males were victims of molestation as minors.
- 6. Reporting requirements.** All 50 states require certain individuals (“mandatory reporters”) to report known or reasonably suspected incidents of child abuse to state officials. This has exposed many cases of child abuse, and made victims less willing to remain anonymous.
- 7. Support for litigation.** An increasing number of attorneys and victim advocacy groups are encouraging sex abuse victims to utilize litigation as a means to secure justice and promote personal healing.

### Example Cases of Litigation

Below are a few examples of lawsuits brought against churches as a result of sexual molestation:

- A mother sued her church and its pastor, alleging that her 10-year-old daughter had been repeatedly raped and assaulted by a church employee. The mother alleged that when the employee was hired, the church should have known that he had recently been

convicted of aggravated sexual assault on a young girl, that he was on probation for the offense, and that a condition of his probation was that he not be involved or associated with children. Despite these circumstances, the individual was hired and entrusted with duties that encouraged him to come freely into contact with children.

- A volunteer Sunday school teacher began picking up a second grade boy each Sunday morning and evening allegedly for church services, and on Thursday evenings to participate in a church visitation program. This relationship continued for two years, during which time the teacher frequently molested the boy.
- A 6-year-old boy was sexually assaulted during Sunday school class. The boy attended a class of 45 first and second graders at a local church. During “story time,” the boy became disruptive, and the teacher allowed a teenage volunteer worker to “take him back and color” in an unused room. The adult teacher did not check on the boy for the remainder of the Sunday school session. The male volunteer allegedly abused and raped the boy, and threatened to hurt or kill him if he “told anyone.”
- A youth pastor sexually molested a 13-year-old boy. The boy then began molesting his sister, attempting to “act out” what the pastor had done to him. The church had hired the youth pastor though church leaders knew he had been guilty of child molestation in the past.

These sample cases illustrate the growing number of lawsuits directed at churches today. Since many out-of-court settlements occur, no one knows the full extent of the legal activity. Churches engaged in litigation can suffer devastating financial consequences. Substantial attorney fees and court costs occur. Jury awards have been in the millions of dollars. Punitive damages are possible. Out-of-court settlements often involve hundreds of thousands of dollars. Insurance may cover only a portion of the final total and some churches will have no coverage at all.

### Why Churches and Church Leaders are Sued

Most of the lawsuits filed against churches for acts of child molestation have alleged that the church was legally accountable either on the basis of negligent hiring or negligent supervision. Both theories of liability are pivotal issues. The term negligence generally refers to conduct that creates an unreasonable risk of foreseeable harm to others. It connotes carelessness, heedlessness, inattention, or inadvertence.

Negligent hiring simply means that the church failed to act responsibly and with due care in the selection of workers (both volunteer and compensated) for positions involving the supervision or custody of minors. A church may exercise sufficient care in the hiring of an individual, but still be legally accountable for acts of molestation on the basis of negligent supervision. Negligent supervision means that a church did not exercise sufficient care in supervising a worker.

Church leaders need to understand the extent of their liability. Churches are not “guarantors” of the safety and well-being of children. They are not absolutely liable for every injury that occurs on their premises or in the course of their activities. Generally, they are responsible only for those injuries that result from their negligence. Victims of molestation who have sued a church often allege that the church was negligent in not adequately screening applicants or for not providing adequate supervision. As noted above, some churches are willing to use just about anyone who expresses an interest in working in a volunteer capacity with the youth in the church (e.g., boys or girls programs, Sunday school, children’s choir, nursery, teenagers, camp). Applicants for compensated positions may not be extensively screened or closely supervised.

Assume that an incident of abuse occurs at your church, and that the pastor is asked to testify during the trial. The victim’s lawyer asks, “What did you or your staff do to prevent this tragedy from occurring? What procedures did you utilize to check the molester’s background and supervise his work with children?” What would your pastor say? If the answer is “nothing,” you can well imagine the jury’s reaction. The only question in the jurors’ minds at this point is the size of the verdict.

Adapted from **Reducing the Risk: Keeping Your Ministry Safe From Child Sexual Abuse** (Your Church Resources/Christianity Today International, 2008).

### Thought Provokers

- What do you think is your church’s biggest area of vulnerability to child sexual abuse? Trust? Lack of screening? Access?
- Is your church vulnerable in any area that could lead to a law suit: negligent hiring, negligent supervision, other? Be specific.
- How might you begin to address your church’s weaknesses today?

## EXPERT ADVICE

## Prevent Child Sexual Abuse in the Church

Reduce risks by improving selection, supervision, and education.

*from Brotherhood Mutual Insurance Company*

*Then little children were brought to Jesus for him to place his hands on them and pray for them (Matthew 19:13).*

No church is immune to the problem of child sexual assault, regardless of size, location, or denomination. Child sexual predators exist, and they're always looking for opportunities to interact with children. They may volunteer to work with children in your nursery, Sunday school, or youth program. How are you going to manage this risk? Strengthen these areas within your ministry.

### Use the Six-Month Rule

Don't give any volunteer worker the opportunity to be involved in nursery, children's or youth work until he or she has been associated with your church for at least six months.

### Screen All Workers

- Investigating prior church membership and volunteer work.
- Check references.
- Develop an application form and have your attorney review and modify it.

### Use the Two-Adult Rule

On or off premises, always have at least two adults supervising each room, vehicle, or other enclosed space- even if only one or two children need care.

### Other Preventive Measures

- Discourage the use of teenagers as nursery workers.
- Increase supervisors for large groups
- Prohibit situations in which one adult is alone with children in changing areas or restrooms.
- Use a "claim check" procedure so that children are released only to a parent, guardian, or other authorized person presenting the "check"
- Don't permit participation in off-premise events, especially when they involve overnight stays, unless an adequate number of adult workers will be present.

### Educate Your Workers

A good way to educate your church employees and volunteer children or youth workers is to use the Reducing the Risk Kit, 3rd Edition. The kit is a turnkey training and implementation solution for a child sex abuse prevention program.

- Become familiar with state and federal laws dealing with child abuse so you know how to comply with them.
- Train your staff to watch for and identify inappropriate behavior and to report such conduct.
- All workers should be trained to prevent situations in which an individual attempts to isolate himself with one or more youths.

Representatives from various state and federal agencies are available to provide information and may be willing to assist you in your worker education program. A good place to start may be the National Clearinghouse on Child Abuse and Neglect, a service of the U.S. Department of Health and Human Services' Administration for Children & Families.

Founded in 1917, **Brotherhood Mutual Insurance Company** is one of the nation's leading insurers of churches and related ministries.

### Thought Provokers

- What are the benefits of adopting a six-month rule in our church?
- Do we currently do extensive screening and background checks for new volunteers and employees? In what areas can we expand our safety procedures?
- What can we do to become more familiar with the state and federal laws dealing with child sexual abuse?

## LEADER'S GUIDE

## Resource Center

Quick tips and recommended resources.

*Guard against what has been entrusted to your care (1 Timothy 6:20).*

### Tips for Using Articles

Consider these options for the use of articles and information in this download:

- Pass the Child Sexual Abuse Response Checklist (see “Assessment” section above) around at your next board meeting and have a 15-minute discussion.
- After reading through an article, choose questions to pose at a scheduled meeting and discuss them together.
- Copy one of these articles, pass it on to the staff, and tell them you want to discuss it at the next staff meeting.
- Determine what areas your church will need to pay extra attention to in the areas of child safety at church and discuss your plans to do this.
- Using the Bible verses found at the beginning of the articles, lead a devotional discussion at a staff meeting on the topic of biblical stewardship when it comes to children.

### Web Resources

- [ReducingtheRisk.com](http://ReducingtheRisk.com)
- [Child Welfare Information Gateway](http://ChildWelfareInformationGateway.org): [www.childwelfare.gov](http://www.childwelfare.gov)
- [Church Law Today](http://ChurchLawToday.com): [www.churchlawtoday.com](http://www.churchlawtoday.com),
- [Your Church Resources](http://YourChurchResources.com): [YourChurchResources.com](http://YourChurchResources.com), Reference and training material for legal and tax issues that affect your church.
- [Inside PANDora's Box](http://InsidePandorasBox.com): [www.prevent-abuse-now.com](http://www.prevent-abuse-now.com)
- [The National Children's Advocacy Center](http://TheNationalChildrensAdvocacyCenter.org): <http://www.nationalcac.org/>

- **Screen Church Staff:** [www.screenchurchstaff.com](http://www.screenchurchstaff.com)
- **Brotherhood Mutual Insurance Company:** Founded in 1917, Brotherhood Mutual Insurance Company is one of the nation's leading insurers of churches and related ministries.

### Books, Kits, and Other Resources

- **Church Law Special Reports:** Quick and easy updates on the critical issues that continually concern the church.
- **Inspection and Safety Checklists:** 12 modules for assessing and improving facilities, and safeguarding activities.
- **Risk Management Assessment Pack** from Christianity Today International.
- **Risk Management Handbook for Churches and Schools** by James F. Cobble, Jr., and Richard R. Hammar.
- **Pastor, Church & Law** by Richard Hammar. The most comprehensive and practical legal reference book ever published for churches and clergy.
- **Reducing the Risk 3 Resource Kit:** This completely revised Resource Kit includes the Reducing the Risk of Child Sexual Abuse in Your Church reference book, training manual, and DVD set with six video presentations.
- **Additional Risk Management and Safety resources** from Christianity Today International.

### Additional Articles

- **"Confronted with the Shameful,"** by Mike Woodruff and Dennis Kasper; Summer 2001, *Leadership* journal.
- **"Safeguard Your Church,"** by William L. Smith; March/April 1998, *Your Church*.
- **Additional Articles on Child Abuse** from the CT Library.

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