

Church ExecutiveTM

HELPING LEADERS BECOME BETTER STEWARDS.



CHILD SEXUAL ABUSE

Presented by:

Love & Norris & MinistrySafe

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However, for many churches, the background check is the only line of defense.

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If every allegation of child sexual abuse was simply reported by church leaders to appropriate authorities, the resulting positive impact would be immeasurable.

Why is reporting such a stumbling block for the Church? Why is it so difficult? Answer: ministry leaders must gain understanding and take action. They **MUST**:

- Understand mandatory reporting legislation
- Understand the limitations of ‘clergy privilege’
- Understand how child sexual abuse manifests in ministry environments
- Have the courage to take action in deeply difficult circumstances

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Every church — whether it's multi-campus or a recent plant — deals with insurance coverage.

Ministry leaders tend to gravitate to the least expensive policy options and often lack knowledge about what they should be looking for when securing coverage related to child sexual abuse risk. Unfortunately, this reality is revealed only when an allegation arises.

By Gregory Love & Kimberlee Norris

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Our church just completed an RSO Policy. Will you review it and tell us if it's adequate?

We frequently encounter this (seemingly simple) question in our law practice.

In reality, the issue is multi-faceted and complex, and tends to kick off a broader discussion. In the larger conversation, this ‘simple’ query should be preceded by a half-dozen more pertinent questions before putting RSO policies in place.

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By Gregory Love & Kimberlee Norris





CHILD SEXUAL ABUSE

IN MINISTRY CONTEXTS

Understanding the risk

By Gregory Love & Kimberlee

Child sexual abuse risk in ministry contexts cannot be ignored. This statement implies child protection *has* been ignored by some ministries in the past.

For most ministries, however, the challenge is *ignorance of the problem*. Most ministries are doing *something*, but not doing the *right thing*.

Church Executive and MinistrySafe have teamed up to provide ministry leaders with analysis and guidance such that they can understand the risk, properly prepare to meet the risk, and effectively address the risk with preventive protocols. As sexual abuse attorneys, and the founders and directors of MinistrySafe, we have more than 50 years combined legal experience addressing child sexual abuse issues impacting ministries and secular organizations across North America.

Prevention starts with understanding: how does child sexual abuse risk unfold in ministry contexts?

We cannot reduce a risk we do not understand

Prevention starts with understanding.

What does your church do to protect children from sexual abuse?

This question jump-starts any discussion about child sexual abuse risk and preparation.

The majority of ministry leaders typically reference these practices or efforts:

- Criminal background checks
- Child check-in system
- Policies
- Two adult rule
- Six-month member rule
- Video cameras
- Police officer on site (uniformed or plain clothes)

This list, however, is minimally helpful in protecting children from the dozens of abusers featured in media reports across the nation within the past five years. Yet the Church continues to double down on the 'list' as if it were the solution to the problem. Doing so will result in negative headlines for the next 25 years. As civil trial attorneys who deal with standards of care, we stand over scores of 'train wrecks' in Christ-based



environments. In nearly all cases, the ministry in the media cross-hairs employed a variation of the practices listed previously; the problem is that these do not address the *real* risk.

Building the right fence

In any discussion related to child sexual abuse prevention, the concept of a *fence* is a good starting point.

The type of fence built is driven by what it is meant to be kept out. To protect a garden from your neighbor's livestock, for example, the fence might involve metal stakes and barbed wire.

While a barbed wire fence effectively addresses one risk (livestock), it's absolutely worthless related to another (rabbits).

In general, *churches are building the wrong fence*. Ministries are building perfectly functional barbed wire fences, and the rabbits are destroying our gardens. Compounding the problem, churches construct the wrong fence *and believe the problem is solved*.

To effectively address the risk of child sexual abuse, church leaders must understand offender behavior, then *build the right fence*.

Understanding the risk

A church's efforts must correspond to actual risk. To properly protect children in ministry programs, church leaders must understand how the risk unfolds.

Livestock vs. rabbits

To better understand this risk, ministry leaders must be aware of two types of sexual abusers, the *abduction offender* (livestock) and *preferential offender* (rabbit).

Abduction offender

The abduction offender often has little or no relationship to the child or the child's family; this person simply sees an opportunity to snatch a child and does so. The public sees the story on the news, and the outcome is generally awful. Considering the broad waterfront of child sexual abuse risk, the abduction offender only represents 4-5% of the problem.

Preferential offender

The preferential offender might be male or female and may have an age-appropriate partner, but *prefers* a child as a sexual partner. Not just any child; typically, a child of a particular gender and age range. The preferential offender has no visual profile — he or she looks like you and me. Jerry Sandusky and Larry Nassar, for example, are preferential offenders; neither was identified as a risk by a visual profile. The preferential offender represents over 90% of the problem. This explains a commonly accepted statistic: that 90% of children are victimized by someone they know and trust.

The preferential offender is the problem in ministry contexts, but ministry protocols related to child sexual abuse risk are designed to protect children from the abduction offender — the *snatch and grab* scenarios. Because the preferential offender has no visual profile, he or she must be recognized by *behavior*, known as the grooming process.

“Sadly, most ministries continue to build the wrong fence. For the sake of our children, it’s time to get to work building the right fence.”

The grooming process

The grooming process of the preferential offender involves two significant efforts: *grooming the child* and *grooming the gatekeepers*. It includes patterns of identifiable behavior, including:

- Gaining access to children within an age and gender of preference
- Selecting a specific child (or children)
- Introducing nudity and sexual touch
- Keeping the child quiet to ensure secrecy

Grooming the child

Grooming of the child will vary depending on the child’s age, gender and situation. When the targeted child is a teen male, common grooming behaviors will include pornography, alcohol, marijuana and horseplay. If the targeted child is a teen girl, common grooming behaviors will include texting, social media communication and sexual discussion. If the targeted child is under 8, common grooming behaviors will include tickling and forms of playful touch, gravitating toward places of isolation.

Grooming the gatekeeper

A gatekeeper is anyone responsible for protecting a child: parents, teachers, youth

workers, coaches or babysitters. The preferential offender works hard to appear helpful, trustworthy and responsible to disarm a child’s gatekeepers. Why? Molesters are looking for *trusted time alone* to groom a child for sexual touch.

Both Sandusky and Nassar were effective at grooming children *and* gatekeepers. Neither had past criminal convictions, both would have passed a criminal background check, and neither had a visual profile. Conversely, if program leaders had understood the grooming process of the preferential offender, both Sandusky and Nassar would have been identified as a serious risk several years — and several victims — earlier.

What now?

For any church leader, the first step in addressing child sexual abuse risk is self-critical analysis. Ministry leaders must shake off the delusion that this is an insignificant issue or someone else’s problem, or that this risk is effectively addressed by criminal background checks and a child check-in system. Conservative studies indicate that less than 10% of sexual abusers will encounter the criminal justice system, *ever*. The child check-in system will not negate or identify the behaviors of the preferential offender. By clearly understanding the *actual risk*, ministry leaders are better prepared to protect children in their care.

The next article will explore the grooming process of the preferential offender, and describe an effective safety system addressing the risk of child sexual abuse in ministry programs — the foundational elements of *the right fence*.

Is there any good news in this? Yes. The offender’s grooming process is predictable — and what is predictable is *preventable*. **CE**

Next Article: CHILD SEXUAL ABUSE IN MINISTRY

The Grooming Process and an Effective Safety System

Kimberlee Norris and Gregory Love are partners in the Fort Worth, Texas law firm of **Love & Norris** [<https://www.lovenorris.com>] and founders of **MinistrySafe** [<https://ministrysafe.com>], providing child sexual abuse expertise to ministries worldwide.

After representing victims of child sexual abuse for more than two decades, Love and Norris saw recurring, predictable patterns in predatory behavior. MinistrySafe grew out of their desire to place proactive tools into the hands of ministry professionals. Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry as Visiting Faculty at Dallas Theological Seminary.

Why *‘the list’* fails

Criminal Background Checks — No Silver Bullet

Less than 10% of sexual abusers will encounter the criminal justice system, *ever*.

More than 90% of abusers have no record to find; and they know it.

Further, *getting and understanding* criminal records that do exist continues to challenge ministry leaders.

Child Check-In Systems

The effectiveness of a child check-in system can only be evaluated when ministry leaders understand the difference between the abduction offender and the preferential offender. A ministry’s child check-in system might be effective related to the abduction offender, who constitutes 4-5% of the risk. Generally, a child check-in system is useless as it relates to the preferential offender — who represents over 90% of the risk.

Further, the child check-in system is completely ineffective in reducing the risk of peer-to-peer sexual abuse.

Policies & Procedures

Policies are what you *DO*, not what you *SAY* you do. Policies and procedures are the written expression of what *is* and *is not* appropriate behavior in a ministry program.

If a ministry leader does not understand the preferential offender, it is unlikely that he or she is familiar with the *grooming process* of the preferential offender.

To effectively address child sexual abuse risk, policies must clearly identify and prohibit grooming behaviors within the ministry program.



PREVENTING CHILD SEXUAL ABUSE

An Effective Safety System

By Gregory Love & Kimberlee

The “Stop Sexual Abuse” series is designed to provide ministry leaders with information to better understand the risk of child sexual abuse and take necessary steps to protect children in ministry programs.

The first article in the series [churchexecutive.com/archives/stop-sexual-abuse] provided analysis concerning sexual abuse risk using the metaphor of *building the right fence*. In this article — the second in the series — we will further develop that metaphor.

A SYSTEM BASED ON GROOMING

When a ministry gathers children or youth, it becomes an attractive target for the sexual offender. Preferential offenders — abusers who prefer a child as a sexual partner — generally target a child within an age range and gender of preference.

In developing an effective safety system, churches or ministries are building a “fence”: a protective device meant to keep out an unwanted intruder. Building the right type of fence requires us to understand how an offender will pursue and harm children. Understanding the grooming process of the preferential offender is the key. When we understand the behavior of the offender, we can design and construct effective barriers.

Critical Concepts

Because the preferential offender often looks like you and me, we cannot recognize him or her visually; we must recognize the risk behaviorally — that is, we must recognize the grooming process.

The grooming process of the preferential offender involves two significant efforts: grooming the child and grooming the gatekeepers.

The targeted child is groomed for inappropriate sexual interaction, while *gatekeepers* (parents, ministry leaders, co-workers) are groomed into a belief that the offender is a helpful, responsible and trustworthy individual. The effort aimed at gatekeepers is necessary, as all abusers are working to facilitate *trusted time alone* with a targeted child.

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At the core of an effective safety system is this reality: what we believe shapes what we DO. Sexual Abuse Awareness Training changes what we believe. Prevention starts with awareness.”

The Grooming Process

Validated by decades of academic studies, the grooming process of the abuser is *known* and *recognizable*. The grooming process includes the following steps, with some variation depending on the age of child, gender of child and particular program:

- Gaining access to children within an *age and gender of preference*;
- Selecting a specific child (or children);
- Introducing nudity and sexual touch; and
- Keeping the child quiet and the abuse *secret*.

AN EFFECTIVE SAFETY SYSTEM

The purpose of this article is not to simply list elements of an appropriate safety system; rather, it aims to provide analysis of the risk and how the risk relates to specific safety system elements. An understanding of the risk drives preventative efforts.

The Elements of a Safety System

An Effective Safety System must employ the following elements:

- Sexual Abuse Awareness Training
- Skillful Screening (and training)
- Appropriate Criminal Background Check
- Tailored Policies & Procedures
- Systems for Monitoring and Oversight

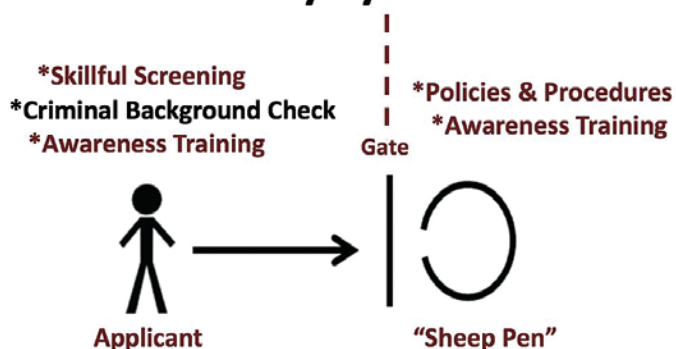
Each of these elements play a role in a system; no one element solves the problem.

The preferential offender is a “wolf” who will deceive and manipulate to gain access to the “sheep pen” with the intention of doing great harm. In every church, there should be a gate through which anyone desiring access to children must pass, as well as controls in place to identify those with wolf-like qualities.

Within the sheep pen, there must be preventative protocols in place to ensure that grooming behaviors are clearly identified, addressed in policies, recognized by workers and reported to ministry leaders.

To better understand the elements of an effective safety system, the following diagram is helpful:

Effective Safety System



Sexual Abuse Awareness Training

Sexual Abuse Awareness Training is the foundation of the safety system, because we cannot address a risk we do not understand. At the core of an effective safety system is this reality: what we believe shapes what we DO. Sexual Abuse Awareness Training changes what we believe. *Prevention starts with awareness.*

Awareness Training equips staff members and volunteers with a better understanding of abuser characteristics, the abuser's *grooming process* and *common grooming behaviors*. Awareness Training equips ministry workers with 'eyes to see' such that they might recognize abuser characteristics and behaviors.

Critical training topics include:

- Facts and misconceptions
- Common abuser characteristics
- The abuser's grooming process
- Common grooming behaviors
- Peer-to-peer abuse
- Short- and long-term impacts of abuse
- Reporting requirements

Further, what we believe shapes what we SAY. When staff members and volunteers are trained to understand grooming behaviors, all are better equipped to receive and report allegations and suspicions of abuse, both internally and to appropriate civil authorities.

Skillful Screening

The best predictor of future behavior is past behavior. Screening is the process by which ministry leaders gather information about an applicant's past behavior to best develop expectations regarding future behavior. An effective screening process typically includes: application, reference checks, criminal background check and an interview.

Commonly, ministries screen applicants for fitness for purpose — gathering information about an applicant's past behavior to determine whether he or she has the skills, abilities and education to fill a particular role. For example, if a school desires to hire a Greek teacher, it is important to gather information to determine whether the applicant has mastered Greek and can effectively teach it. In this example, the school's purpose for screening was related to fitness for purpose (teaching Greek), *not child safety*.

Screening for child safety requires the gathering of information concerning an applicant's past behavior to determine if the applicant has 'wolf-like qualities.' Where child safety is concerned, an effective screening process includes questions designed to elicit high-risk indicators of the preferential offender (male and female).

Every applicant — paid or unpaid — should be screened before that applicant may gain access to children. The goal: *keep the wolf out of the sheep pen.*

Tragically, many ministries are not screening effectively. In fact, many churches are not screening at all.

Because the screening element of an effective safety system is complex, it will be handled in greater detail in our next article.

“Sexual abusers go to where the barriers are lowest or do not exist. Too often, the Church is where the barriers are lowest.”

Criminal Background Check

Most ministries require criminal background checks; however, these often are the sole effort to screen for child safety. This is because ministry leaders lack any real understanding of the realities of the criminal justice system and the known limitations of criminal background checks.

Consider this statistic: *Less than 10% of sexual abusers will encounter the criminal justice system, ever.*

Given this reality, even if a ministry's background check system is working perfectly (which is unlikely), more than 90% of individuals who have sexually abused children have no past criminal record ... *and they know it*. So, while making a reasonable effort to access past criminal history has become a standard of care, background checks cannot serve as a standalone safety effort.

Background checks *can* be a helpful tool when used effectively, however. For each staff member or volunteer, the depth of criminal background check should be determined by the extent of direct contact with children. In addition, background checks should be periodically refreshed.

To become informed consumers, ministry leaders have much to learn about criminal background checks. A subsequent article will discuss criminal background checks in greater detail, providing information about often overlooked high-risk indicators: plea-down offenses, stair-step offenses, grooming offenses, and more. >>



Tailored Policies & Procedures

A Policies and Procedures document is the written expression of what is and is not permissible behavior in the sheep pen. Effective policies are shaped around an understanding of the abuser's *grooming process*, *abuser characteristics* and *common grooming behaviors*.

Ministry policies should be tailored to the particular program and population served.

While *common grooming behaviors* exist universally, the grooming process will vary depending on the age and gender of child, and the type of program. Because grooming will unfold differently in a Student Ministry than in a Mom's Day Out, policy provisions will vary.

Through Awareness Training, staff members and volunteers can be trained to better understand the *purpose* of policies, therefore serving more effectively within policy boundaries, and recognizing problematic behaviors *before* inappropriate sexual interaction occurs. As well, when policy 'bright lines' are clearly communicated — communicating, 'This is appropriate; this is NOT' — staff members and volunteers are more likely to notice and communicate when someone steps *over* the bright line. Written policies should present clear guidelines concerning appropriate touch, talk, boundaries, social media interaction, bathroom use, one-to-one interaction, overnight stays and reporting requirements.

Systems for Monitoring and Oversight

Child sexual abuse is an enormous issue causing incredible harm to children.

For any safety system to remain effective, every ministry must incorporate systems for monitoring and oversight to ensure that *you DO what you SAY you do* in an ongoing manner.

To this end, a periodic review of safety system elements is necessary:

- Does the system still fit the ministry?
- Are adequate methods of accountability in place?
- Is the ministry able to archive evidence of safety system compliance?

Leaders must evaluate new programs for child protection issues, monitor changes in reporting requirements, address ongoing need for policy updates, and include child protection compliance in employee performance evaluations. Periodic review ensures that child protection is not jeopardized by the departure of one or two key staff members or volunteers.

A system for monitoring and oversight provides the framework for the existence of an effective safety system and ensures the system's sustainability.

At MinistrySafe, a safety system is made sustainable through the use of an online Control Panel. To learn more, visit MinistrySafe.com.

Sexual abusers go to where the barriers are lowest or do not exist. Too often, the Church is where the barriers are lowest.

Designing an effective system starts with ministry leaders understanding the behavior of the sexual abuser so that an effective safety system — one with appropriate efforts guarding the sheep pen, and also within it — can be put in place. **CE**

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SEXUAL ABUSE AWARENESS TRAINING

Sexual Abuse Awareness Training is the foundation of any effort to reduce the risk of child sexual abuse. At the core of this training is a description of the molester's *grooming process*: the process used by an abuser to gain access to a child, prepare the child for inappropriate sexual interaction, and then keep the child silent.

This training provides these elements of instruction:

- Facts versus Misconceptions
- Abuser Characteristics
- Grooming Process
- Common Grooming Behaviors
- Peer-to-Peer Sexual Abuse
- Impact of Abuse
- Reporting Requirements

Recognizing the abuser's grooming process is the focus — allowing child-serving workers to see risky behavior before an abuser has harmed a child.

Training Staff Members and Volunteers

We can't address a risk we don't understand. Sexual offenders have no *visual profile*; they look like everyone else. Instead, abusers are characterized by their *behavior*.

Sexual Abuse Awareness Training equips staff members and volunteers with a better understanding of abuser characteristics, the abuser's *grooming process* and *common grooming behaviors*.

Critical for Policy Implementation

Nobody likes change if the *need* for change isn't understood.

Without effective training, staff members and volunteers rarely embrace change, even in the form of well-crafted policies. Policies work best when ministry workers are trained to understand the *WHY*, particularly if a policy is new.

Opt-out Opportunity

Sexual Abuse Awareness Training should be completed during the onboarding of any child-serving applicant. When a ministry requires training *before* the applicant has access to children, an applicant with wrong motives recognizes that all his or her future co-workers understand the grooming process, common grooming behaviors and the importance of reporting. All workers — paid or unpaid — are equipped to recognize the abuser's attempts to groom children for abuse, with eyes that see, ears that hear and mouths that speak.

Sexual Abuse Awareness Training provides offenders with an opportunity to self-select OUT.

MinistrySafe Training

Sexual Abuse Awareness Training is the cornerstone element of the wide-ranging resources available at MinistrySafe.com. At present, MinistrySafe's online Awareness Training is being used by more than 25,000 churches, 20 denominations, 400 schools and 10 seminaries — and growing daily.

In 2019, MinistrySafe issued its one-millionth certificate of completion and continues to train more than 35,000 people per month online. **CE**



CHILDREN ARE SAFER IN MINISTRYSAFE CHURCHES



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OF CHILD SEXUAL
ABUSE REQUIRES A
COMPREHENSIVE
SAFETY SYSTEM.**

Industry experts.
Unabashedly Christ-based.



AWARENESS TRAINING

We can't reduce a risk we don't understand. Providing staff members with facts to recognize the offender's grooming process.



SKILLFUL SCREENING

Keeping the wolf out of the sheep pen. Utilizing questions meant to elicit a high-risk response, and training staff to recognize red flags.



POLICIES & PROCEDURES

Policies are what you do, not what you say you do. Tailored policies must fit the specific needs of your ministry program.



BACKGROUND CHECKS

Criminal background checks are necessary, but no silver bullet, because 90% of offenders will never encounter the criminal justice system.



MONITORING & OVERSIGHT

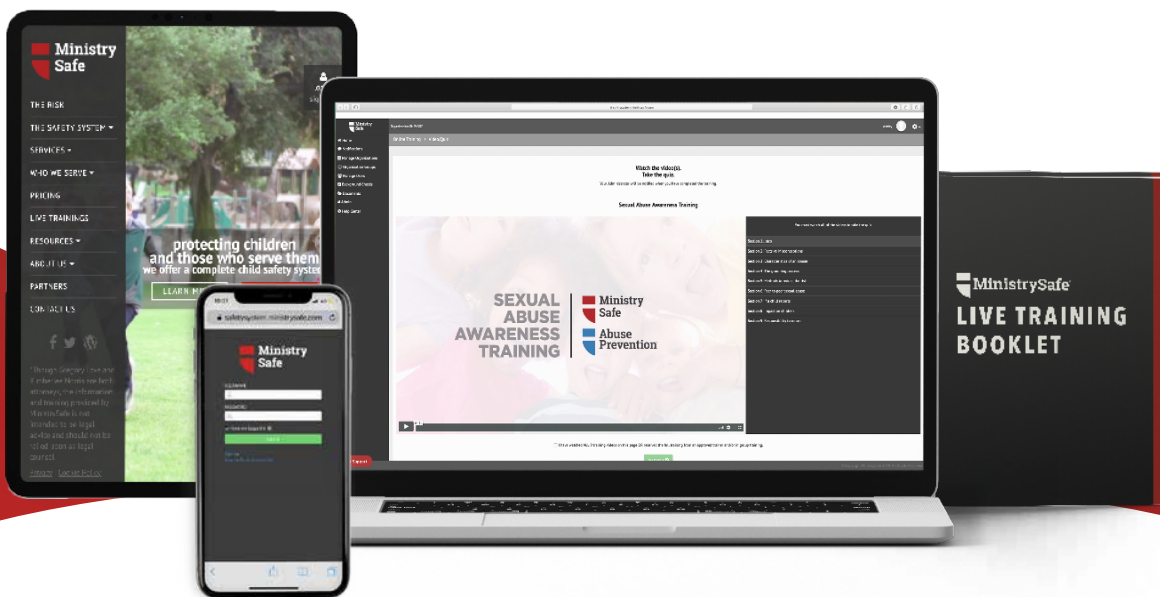
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IS YOUR CHURCH BUILDING A 4% FENCE?

The abduction offender — *an adult that snatches a random child* — represents a mere 4%-5% of child sexual abusers. **Most churches are building the wrong fence.**

A fence that keeps out the abduction offender will be useless against protecting children from the preferential offender, which represents an overwhelming majority of child sexual abusers.

What is a preferential offender?

What does the **wrong** fence look like?

What does the **right** fence look like?

Watch MinistrySafe Cofounder Gregory Love's 15-minute session at the Ethics & Religious Liberty Commission's annual conference to learn more about building the right fence in your church or ministry.





EFFECTIVE SCREENING: KEEPING THE WOLF OUT OF THE SHEEP PEN

By Gregory Love & Kimberlee

Pastor Arrested for Molesting Teens in Youth Group screamed a recent media headline in a heavily populated metropolitan area.

Unfortunately, it's not an anomaly; headlines detailing child sexual abuse in ministry contexts occur almost **daily**.

The reality is daunting: one in four girls and one in six boys will be sexually abused before reaching the age of 18. Two out of three children don't disclose abuse until adulthood, *if ever*.

These statistics don't skip any socioeconomic status, geographic location, ethnicity or spiritual paradigm. In one large study, the average *convicted* male abuser who preferred *female* victims had an average of 52 victims prior to prosecution. In the same study, the male abuser who preferred *male* victims had an average of 150 victims.

Where children are gathered for ministry purposes, the risk of child sexual abuse exists.

To effectively protect children and youth from sexual abuse, the Church must learn to recognize the offender's 'grooming process' and undertake effective screening practices to weed out offenders, thereby *keeping the wolf out of the sheep pen*.

Effective screening requires more than a criminal background check

While background checks have become a standard of care for child-serving programs, they cannot be relied upon as a standalone screening tool. Why? Because less than 10% of sexual abusers will encounter the criminal justice system, ever. More than 90% of abusers have no record to find, and they know it. A criminal background check must be included in the screening process but cannot be relied upon to identify the majority of abusers.

Effective screening is rooted in an understanding of the offender's *grooming process*.

Sexual offenders come from all segments of society. Sadly, some gain access to children through church programming. Abusers groom both children *and* gatekeepers — trusted adults in a child's life — to convince them that they are helpful,



CRIMINAL BACKGROUND CHECKS: 5 FACTS EVERY EXECUTIVE PASTOR SHOULD KNOW

#1: Criminal background checks are no silver bullet.

Less than 10% of sexual predators will encounter the criminal justice system. Criminal background checks cannot be relied upon as a stand-alone screening system.

#2: Churches should be looking for plea-down or 'red flag' offenses.

Red flag offenses, such as providing alcohol to a minor, might reveal grooming behaviors.

Plea-down offenses occur when an offense related to child sexual abuse is pled down to a lesser or non-registration offense, such as assault or indecency.

#3: There is no one-size-fits-all criminal background check.

Background checks should be keyed to ministry positions, so that the depth of check matches the extent and type of direct involvement with children.

#4: Ministries should clearly identify disqualifying offenses that automatically preclude an applicant from serving with children.

Check your state law for any mandated list of disqualifying offenses.

#5: The national criminal database sold as the 'basic' package by background check vendors has significant limitations and largely incomplete data.

Consider adding a county search pulled directly from county record-keepers. The majority of child sexual abuse and violent crime cases are prosecuted at the county level.

Learn more about effective criminal background checks in our next "Stop Sexual Abuse" Series installment, and at MinistrySafe.com.

trustworthy, responsible people. Validated by decades of academic studies, the grooming process of the abuser is *known* and *recognizable*. Ministries should evaluate each element of the screening process with a thorough understanding of the abuser's grooming process, *common grooming behaviors*, and known offender characteristics.

As an example, offenders often engage in kid-magnet activities and hobbies which are attractive to children within the offender's *age and gender of preference*. If an applicant demonstrates an unusually exclusive interest in children's activities when asked about interests or hobbies, dig a little deeper into the applicant's past interaction with children, whether as an employee or volunteer.

Effective screening creates OPT-OUT opportunities

Skillful screening incorporates *opt-out opportunities* in the course of the screening process, *before* the applicant has access to children. When a ministry communicates current child protection practices and protocols, from the beginning, it communicates to the abuser: *It might be easier somewhere else*.

Applications should clearly state that all suspicions and allegations of child abuse are immediately reported to civil authorities. The *Two-Adult Rule* should be clearly communicated and followed.

Applicants should review and sign child protection policies

describing inappropriate forms of communication and physical touch. Sexual Abuse Awareness Training should occur *before* an applicant is interacting with children or youth.

These clear expressions, at the onset of involvement or employment, provide offenders with an opportunity to self-select out of the screening process.

Gather information about the applicant from third-party sources

Many employers ask for references, but *don't check them*. Others check references but fail to ask *questions meant to elicit a high-risk response*.

Failing to speak with references about a prospective staff member or volunteer is one of the most common, yet detrimental, mistakes made by ministries. References represent the *only third-party source of information* commonly available to employers or ministry supervisors. Beyond the initial consequence of missing helpful information about an applicant, untapped references can ultimately prove to be harmful to the church, as employers might be responsible for information a reference would have communicated if the reference had been contacted.

In screening *pinnacle* employees, churches should make significant effort to communicate with all past ministry and child-serving employers, using a waiver signed by the applicant. The waiver should include language freeing all past employers or supervisors to freely share information or performance issues related to child protection. If the applicant exhibited boundary or judgment issues in a past position, take note.

Get a family reference

Why? Because early sexual abuse offenses occur before the abuser reaches 18 — on average, at age 13 or 14. If *anyone* knows of early offenses, it's typically the family of origin.

Use questions *meant to elicit a high-risk response*

An applicant with inappropriate sexual motives carries with him various indicators and life patterns that help identify him as one who might not be appropriate for ministries serving children or youth. Every church should be well versed in these indicators, but few are.

Offender studies provide us with *known offender characteristics* and risk indicators; *red flags* that signify potential risk. Skillful screening requires training of intake coordinators and interviewers, providing them with information and tools to recognize high-risk responses on applications, reference forms, or during an interview. Risk indicators might disqualify an applicant for service or employment, or simply instigate follow-up questions to rule out risk.

The best predictor of future behavior ... is past behavior

Effective screening looks into the past behavior of each applicant. Does the applicant have a pattern of interacting with children of a specific age and gender? Does he fail to provide contact information

for past work or volunteer supervisors in child-serving contexts? Is he vague about past interaction with children, or why he left a previous position? Does he describe very physical interaction with children or youth? Is he interacting with children or youth in contexts that are not easily supervised? Has he surrounded himself with 'kid magnet' toys or activities? Does he describe unrelated children in terminology that is unrealistic or idealistic ('pure,' 'innocent,' 'clean')?

Offenders often find churches to be an easy target, because the Church is grace-based and church leaders tend to assume the motives of each applicant are honorable and good. Churches generally don't do a good job of looking at an applicant's past behavior for risk indicators.

Screen your teen applicants

Many churches use teens in volunteer ministry positions. Teens should not be counted as adults (for supervisory ratio purposes) but *should* be screened before serving. Criminal background checks serve little purpose where minors are concerned, but teens should complete a comprehensive screening process, including an abbreviated application, reference checks and interview. Each of these screening elements should include age-appropriate questions meant to elicit a high-risk response. The application should include a statement *signed by the teen's parent or caregiver* asserting that the teen has not physically or sexually abused or molested another child in the past. Teens who have perpetrated unwanted sexually aggressive behavior upon another child in the past should not be allowed to work in child-serving contexts.

Effective screening serves as *one* element in an effective Safety System

Preventative protocols to protect children from sexual abuse do not end when an applicant has been thoroughly screened and approved to participate in ministry programs. Training volunteers, staff members and program leaders to understand the grooming process of the abuser is key, because your ministry leaders can't address a risk that they *don't understand*. Once training has occurred, other Safety System components come into play, including tailored policies and procedures, comprehensive reporting policies, adequate supervision, and a system to facilitate and monitor safety practices.

Need help understanding how to get started? Learn how to implement an effective Safety System with overlapping layers of protection at MinistrySafe.com. **CE**

Kimberlee Norris and Gregory Love are partners in the Fort Worth, Texas law firm of Love & Norris [<https://www.lovenorris.com>] and founders of MinistrySafe [<https://ministrysafe.com>], providing child sexual abuse expertise to ministries worldwide. After representing victims of child sexual abuse for more than two decades, Love and Norris saw recurring, predictable patterns in predatory behavior. MinistrySafe grew out of their desire to place proactive tools into the hands of ministry professionals. Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry as Visiting Faculty at Dallas Theological Seminary.





CHILD SEXUAL ABUSE RISK IN MINISTRY CONTEXTS

Criminal background checks — not a *silver bullet*!

By Gregory Love & Kimberlee

Given the #MeToo and #ChurchToo movements and the ongoing media headlines, many church leaders have awakened to the risk of child sexual abuse and are seeking guidance about *what to do*.

Others are taking this opportunity to evaluate existing safety efforts to measure preparedness. Typically, the criminal background check is quickly identified as the first line of defense.

However, for many churches, the background check is the *only* line of defense.

When it comes to criminal background checks, many ministry leaders are not good consumers — they tend to look for ‘cheap and fast’ rather than intrinsically effective. There is much to learn about this important security measure.

As a starting point, ministry leaders must learn what this element in the ministry screening process accomplishes, and what it lacks.

If a ministry allows an applicant with a past *known* (or knowable) criminal history of harming children into a ministry program, that ministry is placing children in harm’s way, as well as exposing the ministry to civil liability and public censure. Why? Because the best predictor of future behavior is *past behavior*.

However, the value of the criminal background check must be measured in light of reality. Take, for example, this fact: less than 10% of sexual abusers will encounter the criminal justice system *ever*. As a result, more than 90% of child sexual abusers have no criminal record to find — *and they know it*.

Criminal background checks have become a standard of care and must be performed, but they cannot be relied upon as a *silver bullet* used as a ministry’s sole preventative protocol meant to prevent child sexual abuse.

The purpose of this article is to provide ministry leaders with a better understanding of the value and limitations of this fundamental element of an effective screening process: the criminal background check.

Legislative limits

Due to legislative limits, an applicant applying for a ministry position might have a criminal record that *does not appear* on a criminal background report due to laws placing guidelines and limitations on the type and age of information reported. As a result, it behooves ministry leaders to develop some familiarity with state-specific guidelines and restrictions. When a background check report comes back stating ‘no records found,’ it cannot necessarily be concluded that *no records exist*.



FCRA (federal law)

The criminal background check industry is governed by federal legislation: the Fair Credit Reporting Act (FCRA). Any third-party vendor providing criminal background checks to a church or ministry is a Credit Reporting Agency (CRA). One purpose of the FCRA is to provide *consumer protection*, promulgating guidelines that seek to ensure that consumers are not unfairly deprived of employment and other opportunities. The FCRA places limitations on information reported by a background check vendor, a CRA, to a ministry. In addition, in some jurisdictions state law further restricts criminal history reporting, placing limits on the *type* of information reported and *when* a background check can be requested by a potential employer.

Under the FCRA, criminal *convictions* can be reported regardless of when the conviction occurred, while *non-convictions* may only be reported if the matter is less than seven years from the criminal filing. A non-conviction could involve an alternative or deferred adjudication, a dismissal or a finding of ‘not guilty.’

State law

Though the FCRA places no limits on reporting criminal convictions, various states have passed legislation that have limited the scope of conviction reporting to seven years, including California, Kansas, Massachusetts, Montana, New Hampshire, New Mexico, New York and Washington.

Though the FCRA limits the reporting of *non-convictions* past the seven-year mark, some states (California, Kentucky, New Mexico and New York) prevent CRAs from reporting non-convictions altogether.

In Massachusetts, Hawaii and Washington, employers may perform a criminal background check only *after* an offer of employment has been extended. Additionally in Hawaii and Washington, an employer may rescind the offer of employment only if a conviction has occurred within the past 10 years *and* is directly related to employment responsibilities.

These examples, which are not exhaustive, illustrate how state legislation can impact the *type and age* of information reported, and *when* it can be requested. Year by year, these legislative limitations continue to mount.



Equal Employment Opportunity Commission (EEOC)

In addition to federal and state law, the EEOC is a federal agency that has proposed guidelines further restricting *how and when* criminal histories can be requested and used for employment purposes.

Plea-down offenses

Criminal background checks are performed in various industries, and the 'hit rate' varies depending upon the type of industry. An industry hit rate defines the likelihood that a population of applicants will have a criminal history. In the construction industry, for instance, the hit rate is much higher than the hit rate in higher education. The hit rate for industries hiring younger applicants (i.e., summer camps, youth ministry) is low in part because criminal activity *prior to age 18* is generally unavailable.

The hit rate for ministry applicants is comparatively low. As a result, most ministry leaders get a report stating 'no records found.' As a starting premise, do NOT read this statement as an assurance that no records exist. An applicant *might* have encountered the criminal justice system, but that encounter is not or cannot be reported by a background check vendor for any of the reasons listed above.

On occasion, however, ministry leaders request a criminal history related to an applicant and get a 'hit.' Remember, the criminal background check is *one* screening element, part of an effective *screening process* (see prior article in this series, "Effective screening: keeping the wolf out of the sheep pen"). A fundamental principle in effective screening is this: *the best predictor of future behavior is past behavior*. A hit from an applicant's criminal background check provides information related to an applicant's past behavior that is criminal in nature. The next question is this: *exactly what behavior did the applicant exhibit that gave rise to the criminal charge?*

For example, if the charge is 'theft by check,' the applicant's behavior is fairly clear. The appropriate analysis is this: the applicant has engaged in past criminal behavior involving money, suggesting the applicant might not be the best candidate for a position involving ministry funds. Screening analysis — predicting possible *future behavior* — is feasible with most criminal charges: DUIs, drug charges, fraud charges, etc. ➔

SCREENING FOR CHILD SEXUAL ABUSE RISK

Principles every executive pastor should know

Effective screening is rooted in an understanding of the offender's grooming process

Sexual offenders come from all segments of society. Sadly, some gain access to children through ministry programming. Abusers groom both children *and* gatekeepers — trusted adults in a child's life — to convince them that they are helpful, trustworthy, responsible people. Validated by decades of academic studies, the grooming process of the abuser is *known and recognizable*. Ministries should screen child-serving personnel with a thorough understanding of the abuser's *grooming process*, common grooming behaviors and known offender characteristics.

Effective screening creates OPT-OUT opportunities

Skillful screening incorporates *opt-out opportunities* for applicants with the wrong motive, *before* he or she has access to children. When a ministry communicates current child protection practices and protocols, from the beginning, it communicates that *'it might be easier somewhere else.'* Written policy should clearly state that all suspicions and allegations of child abuse are immediately reported to authorities. Applicants should review and sign child protection policies describing inappropriate forms of communication and physical touch. Training should occur *before* an applicant is interacting with children. These clear policy expressions provide offenders with an opportunity to self-select out of the ministry's screening process.

Effective screening gathers information about the applicant from third-party sources

Many employers ask for references, *but don't check them*. Others check references but fail to include *questions meant to elicit a high-risk response*. The failure to speak with references about a prospective staff member or volunteer is one of the most common mistakes made by ministry hiring personnel. Beyond the initial consequence of missing helpful information about an applicant, untapped references can ultimately prove to be harmful to the organization, as employers are commonly responsible for information that *would have been* communicated by a reference, if the reference *had* been contacted.

Effective screening requires training

To screen effectively, intake coordinators and interviewers must be trained to recognize high-risk responses on applications, reference forms and during the interview process. An applicant with inappropriate sexual motives carries with them various indicators and life patterns that help identify them as one who might be a danger to children or youth.

For screening training, information and additional resources, see MinistrySafe.com.

Some criminal offenses are more difficult to evaluate — especially when the charges are related to ‘plea-down offenses.’ Imagine this occurrence: a sexual offender is arrested and charged with aggravated sexual assault of a child — clearly a disqualifying offense. In the course of the criminal justice process, however, the offender is allowed to plea down to a lesser (possibly even a *non-registration*) offense. Examples of common plea-down offenses correlated to child sexual abuse include: indecency, contributing to the delinquency of a minor, criminal mischief, assault, and a variety of other labels, depending on the criminal codes of a particular state. For screening purposes, these are *red flag offenses*. The person reviewing the criminal search results must understand this concept and be sensitive to red flag offenses.

In many cases, the criminal behavior underlying a charge for indecency is simple and explicable. In some cases, however, the criminal behavior underlying a charge for indecency is child sexual abuse. If the offender was allowed to plea down to a lesser offense, he or she will have an explanation for the charge that does not involve sexual abuse of a child, and this explanation will be well-rehearsed and persuasive. *Do NOT accept self-reported explanations for red flag offenses.* Instead, politely explain to the applicant that you must pause the process. Shift the burden to the applicant. Politely request that the applicant bring you the arrest record for the indecency charge. The arrest record is more difficult for you to access, but it is available to the applicant. The arrest record will describe the behavior that gave rise to the underlying arrest. If the applicant was arrested and charged with sexual abuse of a child, the arrest record will say so. If the applicant was in fact arrested and charged with sexual abuse of a child, the applicant will simply disappear. He or she will *self-select out* of the screening process.

This concept is covered at length in *MinistrySafe’s Skillful Screening Training*: including grooming offenses, stair-step offenses and use of releases.

Ministry best practices

Notwithstanding background check limitations, criminal searches must be completed. In so doing, ministries must wisely allocate limited resources. As financial resources are expended, the following principles should be considered.

Deeper searches

Given the growing crisis of child sexual abuse, background check vendors are quick to capitalize, encouraging ministries to run deeper searches and refresh searches more frequently. These are excellent suggestions, but deeper and more frequent background checks alone do not solve the problem, because less than 10% of abusers will encounter the criminal justice system.

As an example, USA Gymnastics could have undertaken an exhaustive criminal background check on Larry Nassar *weekly*, without a single hit.

Create tiers of staff / volunteers

Most ministries choose a background check vendor based upon how quickly and cheaply a search can be completed. As a general rule, the ‘cheapest’ background check has the narrowest search scope. Often, it will not search aliases, it provides the shortest ‘look back’ period, and it does not confirm Social Security Number (SSN) identity. In other words, it’s relatively easy to foil.

For some roles, a cheaper and narrower search might be acceptable: roles that are highly supervised with limited (or no) time alone with a child (e.g., a face-painter at your VBS). For other roles, a deeper search is necessary, particularly high-trust positions where *trusted time alone* with a child or student might be contemplated (e.g., student minister, children’s minister, senior pastor, church counselor). For these roles, a ministry cannot afford to be wrong.

Given differing roles and a limited budget, it is recommended that a ministry create two or more tiers of those who wear the ministry’s nametag. The depth of search should correspond to the trust level and access to children. Be prepared to spend more for personnel about whom you cannot be wrong. These tiers should be based on *trust level* and *access*, not whether a person is a staff member or a volunteer.

In general, there is no ‘one-size-fits-all’ criminal background check.

Disclosure requirements

Every ministry should have a disclosure requirement requiring all staff members and volunteers to disclose whether they have been arrested, charged or accused of criminal behavior during the time of service as a staff member or volunteer. This is not to be confused with requesting information prior to engagement, which might be impacted by state law.

Periodically refresh

Every two or three years, each ministry should refresh or re-run criminal history searches to determine whether a staff member or volunteer has been arrested or charged with criminal conduct. Coupled with a disclosure requirement (see above), discovery of an undisclosed new criminal record provides an independent justification for dismissal; requiring disclosure is an important first step.

Skillful screening training

Managerial and screening personnel must receive training to recognize high-risk indicators revealed by and through an effective screening process, including those revealed by criminal records. Risk indicators stemming directly from skillful evaluation of background check records include common *plea-down*, *stair-step*, *grooming* and *red-flag offenses*, as well as disqualifying offenses (mandated by state law or internal policy).

Ministry leaders have much to learn about the criminal justice system, how criminal records are generated, how records are reported, and the various

obstacles to obtaining a complete criminal history. When ministry professionals become educated consumers, they are best prepared to fully use the criminal background check with an understanding of what this screening element can — and cannot — provide. **CE**

Kimberlee Norris and Gregory Love are partners in the Fort Worth, Texas law firm of Love & Norris [<https://www.lovenorris.com>] and founders of MinistrySafe [<https://ministrysafe.com>], providing child sexual abuse expertise to ministries worldwide. After representing victims of child sexual abuse for more than two decades, Love and Norris saw recurring, predictable patterns in predatory behavior. MinistrySafe grew out of their desire to place proactive tools into the hands of ministry professionals. Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry as Visiting Faculty at Dallas Theological Seminary.

Practice Point 1: Develop a familiarity with 'plea-down' or red flag offenses.

Practice Point 2: NEVER accept a self-reported explanation for a red flag offense.

Protecting children from sexual abuse.



PART ONE

Awareness
Training



PART TWO

Skillful Screening
Process



PART THREE

Policies and
Procedures



PART FOUR

Background
Checks



PART FIVE

Monitoring and
Oversight

Children Are Safer in MinistrySafe Churches

WHY: Child sexual abuse occurs in all contexts. Increasingly, parents are asking, "What are you doing to protect my child from sexual abuse?" Sexual abuse claims carry massive financial consequences for ministries, and significantly impact public opinion.

WHO: Child sexual abuse is an equal opportunity employer: it crosses all spiritual paradigms and all demographics. Offenders seek access where the barriers to entry are the lowest. Unfortunately, this is often the church.

WHAT: MinistrySafe trains church personnel to effectively address the risk of child sexual abuse by utilizing the Five Part Safety System. From screening forms and tools, sample policies, online training and systems for monitoring and oversight, MinistrySafe provides turnkey resources to reduce the risk of child sexual abuse.

HOW: Churches pay an annual membership fee of \$250 to gain access to state-of-the-art training, sample church policies, screening forms, and the MinistrySafe Control Panel.

WHY MINISTRYSAFE: Created by sexual abuse trial attorneys with 20+ years experience litigating child sexual abuse cases, MinistrySafe provides tools and resources created by industry experts.

Industry Experts. Unabashedly Christ-Based.



LOVE & NORRIS, ATTORNEYS AT LAW:

Gregory Love and Kimberlee Norris, co-founders and Directors of MinistrySafe, have a nationwide sexual abuse litigation practice representing victims of child sexual abuse. In addition, Love & Norris provide consulting services to ministry and secular organizations providing services to children. Through MinistrySafe, Love and Norris have provided training or other resources to the United States Olympic Committee, AWANA International, Reformed University Fellowship (RUF), Christian Camp and Conference Association, the Church of the Nazarene, Methodist Conferences, Lutheran Districts, Church Multiplication Network (CMN), Anglican Church North America (ACNA), and over 20,000 churches, camps, schools and mission organizations. As well, MinistrySafe provides preventative tools and resources for Baptist state conventions in Texas, Georgia, Arkansas, Oklahoma, Alabama, Kansas/Nebraska, Indiana, Missouri, Nevada, Colorado, South Carolina, Montana, Mississippi, California, Alaska, Kentucky, North Carolina and Mississippi. As Visiting Faculty at Dallas Theological Seminary, Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry.



CHILD SEXUAL ABUSE IN MINISTRY CONTEXTS

Reporting abuse — the Church's blind spot

By Gregory Love & Kimberlee Norris

When in doubt, REPORT.

If every allegation of child sexual abuse was simply reported by church leaders to appropriate authorities, the resulting positive impact would be immeasurable.

Survivors of abuse would feel validated — by itself a significant positive outcome — pathways to healing would open, future victims would be spared, and abusers revealed. Criminal behavior would be investigated and prosecuted, and elements of *real* accountability put in place. When ministry leaders simply report suspicions and allegations of sexual abuse, the Church is perceived as a sanctuary where God's love *and* justice are demonstrated.

Why is reporting such a stumbling block for the Church? Why is it so difficult?

Answer: ministry leaders must gain understanding and take action. Ministry leaders **MUST**:

- Understand mandatory reporting legislation
- Understand the limitations of 'clergy privilege'
- Understand how child sexual abuse manifests in ministry environments
- Have the courage to take action in deeply difficult circumstances

UNDERSTANDING THE LAW

Every state has reporting requirements mandating reports of abuse and neglect of vulnerable populations, specifically children and minors. In addition, as of Feb. 14, 2018, federal legislation makes *every adult* involved in youth sports a mandated reporter of sexual abuse, regardless of state law requirements (Visit <https://ministrysafes.com/> church-executive to learn more). These state and federal laws create reporting requirements related to a variety of risks, including physical abuse, sexual abuse, emotional abuse, neglect and maltreatment, and relate to specific groups of people (children, special needs and vulnerable adults). This article, though hardly comprehensive, will focus on reporting requirements related to child sexual abuse.

For additional information related to state reporting requirements, clergy privilege and addressing allegations from the past, visit <https://ministrysafes.com/church-executive>.

Changes in the law – trends

Reporting laws are changing. It's critical for ministry leaders to understand evolving state law and regularly refresh their understanding of current reporting requirements.

Some common legislative trends:



Every adult is a mandatory reporter

In many states, *every adult* is a mandated reporter of child abuse or neglect. In others, individuals required to report are listed by categories of profession or licensure (i.e., medical professionals, counselors, school personnel). The legislative trend is a removal of lists in favor of requiring *all adults* to report. In coming years, it is likely that every state legislature will adopt the requirement that *every adult is a mandatory reporter*.

Clergy are mandated reporters

In state legislation listing mandatory reporters by profession, the trend is to *add clergy* to that list. Occasionally, a state law listing clergy as mandatory reporters is qualified by removing the reporting requirement related to 'suspicions gained through protected communication.' This exclusion is known as *clergy privilege*.

Clergy privilege — limitations

In the past decade, clergy of all denominations have been deeply criticized for failure to report child sexual abuse. One of the most common reasons given by clergy for failing to report relates to *clergy privilege*. In the United States, most jurisdictions provide that private communications to a clergy member in his or her capacity as spiritual adviser, not intended for further disclosure, are privileged. Some states limit the privilege to 'confessions', while others apply the privilege only if the clergy member has a *duty* to keep the communication secret under the discipline or tenets of the church or denomination. Conversely, some states apply the privilege to any confidential



“In state legislation listing mandatory reporters by profession, the trend is to add clergy to that list.”

have clearly expressed the overriding importance of child protection. Other states have passed legislation narrowing or removing the privilege *entirely* where reports of child abuse are concerned. When equal expression of both interests cannot exist at the same time, child protection overrides because it is the *compelling state interest*.

In states where clergy privilege currently exists, the privilege is often much narrower than ministry leaders believe. Clergy privilege does *not* provide blanket protection over all information received by a minister. Rather, many state legislatures have redefined clergy privilege to significantly limit protected information. Others have simply removed the privilege altogether, and this is the trend.

In coming years, this trend of prioritizing child protection will continue, until clergy privilege *does not exist* when it conflicts with child abuse reporting requirements.

Criminal prosecution for failure to report

Every state has mandatory reporting requirements for mandated reporters, and failure to report a suspicion (or allegation) of abuse is a *crime*. Many state legislatures have increased penalties for failure to report, but the more noteworthy trend relates to *enforcement*.

After the Penn State scandal of 2011, law enforcement officials have significantly increased prosecution of ministry leaders who fail to report child sexual abuse. Our culture is angry and frustrated with repeated accounts of ministry leaders having information that remained unreported to law enforcement. As a direct result, other children were harmed. One outgrowth of this cultural frustration is a commitment on the part of law enforcement to hold ministry leaders accountable for unreported information or allegations brought to their attention. If media headlines are any indication, those being prosecuted for *failure to report* are primarily employed by churches, camps, day care centers and schools.

Adult-to-adult disclosures

Many adults working in child-serving ministries are familiar with reporting requirements related to an outcry from a child. Reporting requirements related to *reports by an adult* of past abuse (*abuse which occurred as a child*) create new legal territory for most ministry leaders.

In some states, legislatures have passed requirements making *adult-to-adult disclosures of past child abuse* subject to mandatory reporting laws. In Texas, Colorado and South Carolina, for example, certain disclosures by an adult to another adult form the basis for a mandatory report to child protective services or law enforcement. In these states, a report is required when *an adult* reports abuse *as a child* and the following criteria is met:

- When ‘disclosure of the abuse is necessary to protect another child’ (Texas);
- If the alleged abuser holds a position of trust or authority related to children (Colorado); or
- If ‘another child has been or may be abused’ (South Carolina).

In the past, it would be up to the reporting adult whether he or she chose to report past abuse, largely based upon an understanding of inherent privacy interests. As state legislatures continue to prioritize child protection over the privacy rights of an adult abuse survivor, this trend will continue.

For more information about changes in the law concerning *adult disclosures of past abuse*, visit <https://ministrysafe.com/church-executive>. ➡

communication made to a clergy member in his or her professional character, expanding the privilege into professional services such as marriage, relationship or grief counseling.

The clash between child protection and clergy privilege is an ongoing issue for state legislatures. Clearly, protecting children from child sexual abuse is a *compelling state interest* — a governmental interest so important it outweighs individual rights. As such, the importance of protecting children outweighs many other rights that might conflict with this *compelling* interest.

The protected nature of clergy communication has been recognized for centuries, and a form of this privilege has been adopted by statute in all 50 states. The clergy-communicant (priest-penitent) privilege traces back to the Catholic Church’s Seal of Confession, entrenched in law prior to the 1066 Norman Conquest. Though diluted after the English Reformation, the U.S. Supreme Court has noted that: “... privileges are rooted in the imperative need for confidence and trust. The priest-penitent privilege recognizes the human need to disclose to a spiritual counselor, in total and absolute confidence, what are believed to be flawed acts or thoughts and to receive priestly consolation and guidance in return.” The Court opined that the privilege is “indelibly ensconced” in American common law. Without doubt, the privileged nature of clergy communication has recognized value. In general, clergy cannot be compelled to disclose privileged information in any governmental legal proceeding or investigation.

Notwithstanding the importance of privileged communication and centuries of historical relevance, the clergy privilege clashes with many child abuse reporting statutes. Various state legislatures

“If media headlines are any indication, those being prosecuted for failure to report are primarily employed by churches, camps, day care centers and schools.”



UNDERSTANDING SEXUAL ABUSE

An understanding of mandatory reporting requirements is critical for ministry leaders. Equally important is an understanding of behaviors commonly indicating abusive behavior; the *grooming process* of the abuser.

In child-serving ministries, the *preferential* sexual offender is the primary risk to children in ministry programs — representing 94% of prosecuted cases. (See our prior article, “Criminal background checks — not a *silver bullet*!” at <https://churchexecutive.com/archives/stop-sexual-abuse-4>). When ministry leaders better understand the *grooming process* of the preferential offender — how an offender gains access to children, grooms a child for sexual touch and subsequently keeps the child silent — that ministry leader is better equipped to recognize risky behavior as it is encountered; *before the offender has molested a child*. With effective training, ministry leaders develop ‘eyes to see and ears to hear’ predatory behavior, which give rise to appropriate reporting. In other words, don’t wait until an individual is caught in a compromising position with a child to suspect a problem *might* exist.

To learn more about the *grooming process* of the preferential offender and behaviors indicative of child sexual abuse, visit <https://ministrysafe.com/church-executive>.

COURAGE TO REPORT

Many ministry leaders struggle with the thought: *what if I’m wrong? What if I make this report, impact this person’s life, and I’m wrong?*

Here’s the reality: by creating very broad reporting obligations and requiring that *reasonable suspicions of abuse* be reported, each state legislature has decided that the safety and welfare of the child outweigh the inconvenience to an adult (or another child, in peer-to-peer sexual abuse scenarios).

In some cases, a ministry leader has experienced significant difficulty in reporting a past allegation. Keep these two realities in mind: the United States has the best child protection and criminal justice system in the world, yet the system is clearly imperfect. Nonetheless, a poor past experience does not change legal reporting requirements related to a *current* circumstance.

Circumstances giving rise to a need to report are rarely convenient, easy or unemotional. Child sexual abuse allegations commonly involve behavior that is *difficult to believe* about an individual who is *difficult to suspect*. In part, this is because preferential abusers *groom the gatekeepers* in ministry environments, working diligently to cause those around them to believe they are helpful, responsible and trustworthy individuals. Keep in mind: false allegations are rare. Studies indicate that only 2%-3% of all sexual abuse allegations are false; the majority of outcries are truthful and factual.

In our current cultural context, two out of three children don’t tell about abuse they have experienced until adulthood, if ever. This is further compounded by the fact that most children don’t tell because “no one will believe me” (which, too often, is true). The church must become more skilled at preventing abuse, recognizing signs and symptoms of abuse, and recognizing predatory behavior and characteristics. A ministry’s willingness to recognize and report *suspicions of abuse* forms a key element in protecting the children it serves.

Legislative code sections define *abuse* very broadly and require a report when a reasonable *suspicion of abuse* is formed. Broad reporting requirements exist because legislatures want criminal and child protection authorities armed with information used to protect children at the earliest possible point in time. If every allegation or suspicion of child sexual abuse is reported by church leaders to appropriate authorities, the church and Christ-based ministries become a true sanctuary for the most vulnerable among us: our children.

When in doubt, REPORT.

Kimberlee Norris and Gregory Love are partners in the Fort Worth, Texas law firm of Love & Norris [<https://www.lovenorris.com>] and founders of MinistrySafe [<https://ministrysafe.com>], providing child sexual abuse expertise to ministries worldwide. After representing victims of child sexual abuse for more than two decades, Love and Norris saw recurring, predictable patterns in predatory behavior. MinistrySafe grew out of their desire to place proactive tools into the hands of ministry professionals. Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry as Visiting Faculty at Dallas Theological Seminary. **CE**

BEST PRACTICES

Keep these ‘best practices’ in mind with respect to your ministry’s reporting requirements.

Learn your state’s reporting process prior to a reporting event.

If you’ve never reported child abuse or neglect, take time to learn (1) what number to call, (2) what information is required, and (3) if a written report is necessary.

Some congregants (or staff members) might not be happy.

In a circumstance requiring a report, it is possible that some will be angry or upset that a report must occur, or even ask or demand that you *not* report. Be prepared for this opposition. When in doubt, report — even when faced with resistance.

Keep a record of the report and inform your insurance carrier in writing.

Legal action (criminal prosecution or civil litigation) might unfold months or years from the time of the report. At the time of the report, document what was reported, when the report was made and to whom. Do not rely on your memory or the hope that the reporting staff member is still associated with your ministry when legal action unfolds months or years later. Inform your insurance carrier in writing the same day the report is made.

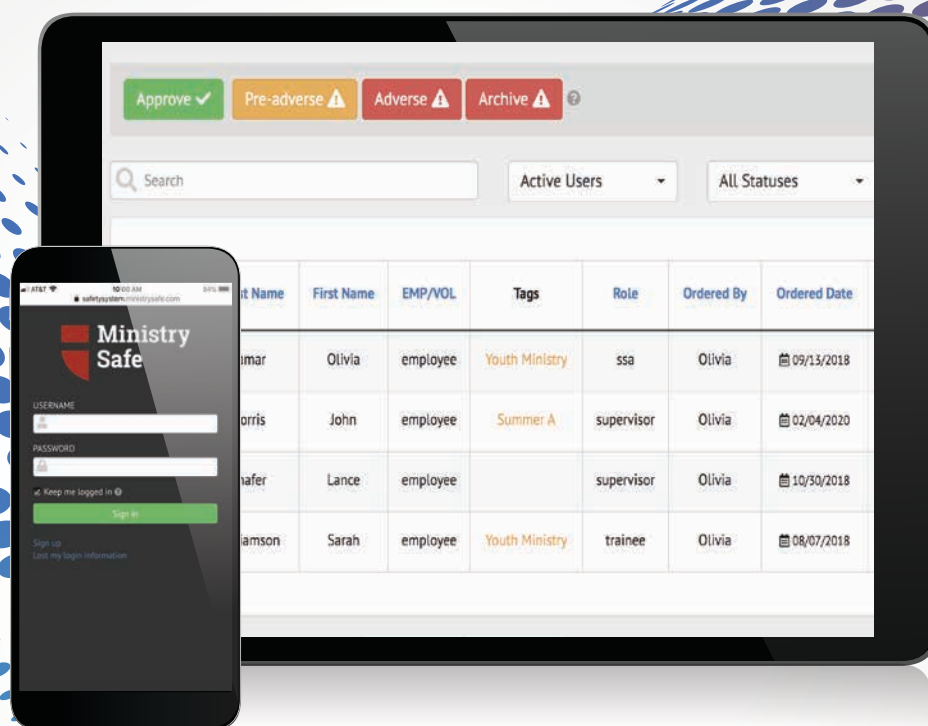
Report historical allegations when brought to your attention.

When an allegation of abuse matter is brought to your attention months, years or even *decades* after the fact, do not fail to report simply because the allegation is old or involves individuals no longer involved or employed at your church. Be prepared to report historical allegations. Unless you are able to verify that someone in your ministry previously reported — make the report.

Again: *when in doubt* — REPORT.

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RESPONDING TO AN ALLEGATION

How to navigate a sexual abuse crisis at your church

By Gregory Love & Kimberlee Norris

The headline stunned the congregation of a large Protestant church: ***Church Rocked by Sexual Abuse Allegations.***

Church leaders took hundreds of phone calls from members, media representatives and advocacy groups. Social media coverage was immediate and savage, assuming the worst possible motives for church leaders' actions.

It was instantly apparent that the church had *no plan* in place to address the risk of sexual abuse, nor did it have an appropriate response to an allegation. Membership suffered. A year later, the church contemplated selling its property and moving to a smaller location to pay ongoing legal fees and litigation costs.

Many ministry leaders do not understand sexual abuse, sexual abusers, or what an appropriate response to an allegation looks like. Consequently, *wrong responses* abound.

YOUR RESPONSE SHOULD BE VICTIM-CENTRIC

In any allegation response, adopting a 'victim-centric' approach is fundamental. The perspective a ministry adopts in handling an allegation will shape its actions and priorities and *might* determine whether subsequent civil litigation ensues.

In our experience — three decades of law practice addressing sexual abuse issues — the majority of litigants bring suit based upon *how they are treated POST-allegation ... AFTER the allegation becomes known to leaders*. Abuse survivors who are treated with dignity and care are far less likely to consider subsequent litigation.

While safety of children in the program is *clearly* the primary concern, the risk of subsequent litigation is real and compelling.

False allegations are rare

False allegations are rare; academic studies indicate 92% to 98% of outcries are real and factual. Your church should assume the allegation received is likely factual, and multiple (unknown) victims *might* exist, whether the alleged victim is *male or female*.

Prioritize a victim-centric response

When receiving an allegation or outcry, a ministry's priority (and therefore what it says and does) should be 'victim-centric'. The priority should be protecting and caring for the alleged victim and his or her family and determining if other victims exist in the ministry program.

Make no mistake: when an allegation is received, there are very few 'neutral' statements or positions. The ministry's response will be either victim-centric or *other-centric* (actions and statements that clearly demonstrate a priority for something or someone other than the victim).



Avoid a ministry-centric response

Too often, a ministry adopts a *ministry-centric* response: communicating and acting in a defensive manner meant to serve the best interests of the ministry, rather than the victim.

This defensive posture tends to appear self-serving, self-protective, self-justifying, blame-shifting, and self-righteous. The message of this defensive posture is that the alleged abuse is unfortunate and inconvenient to the otherwise good work or service provided by the ministry. The expressed (or unexpressed) concern is that ongoing ministry work continues without disruption, including building campaigns and donation drives. The welfare of the alleged victim is secondary. The *service* has become more important than the *served*.

Above all, steer clear of an abuser-centric response

A truly harmful ministry response is abuser-centric: communicating and acting in a manner meant to protect the alleged abuser.

Typically, this includes public statements focusing on the risk to the alleged abuser — his or her marriage, career, reputation or future. This defensive response is common when the alleged abuser is influential or in upper leadership.

FACTS THAT OUGHT TO FRAME ANY RESPONSE

With more than 60 million sexual abuse survivors living in the United States, nearly 1 in 5 Americans have experienced child sexual abuse *personally*, according to the U.S. Department of Justice.



As a result, a significant majority of Americans:

- (1) Have been victimized as a child;
- (2) Are married to someone who was victimized as a child;
- (3) Have a child who was victimized; or
- (4) Have a family member or loved one who was victimized as a child.

For many, issues involving child sexual abuse will have a strongly emotional context. Because 2 out of 3 sexually abused children will not disclose abuse until adulthood (if ever), it is unrealistic to assume ministry leaders know who has — or has not — suffered abuse in the past.

Instead, leaders must assume that congregants, and the public-at-large, are processing information from the standpoint of an abused child, or that of an abused child's parent, spouse, sibling or close friend.

AVOID THESE PITFALLS

Having provided an overview of various responses, several statements or actions virtually *guarantee* a poor result.

'Innocent until proven guilty'

Never remind your congregation that the accused is 'innocent until proven guilty.' Though you might be correctly quoting a maxim of our judicial system, this statement has a negative impact in any abuse situation.

To an abuse victim, 'innocent until proven guilty' is interpreted as, 'You were not abused unless you can prove it.'

Remember: *false allegations are rare.*

Praying for the accused

Recently, a pastor was arrested for a sexual abuse charge related to his employment at two separate churches. The statement released by the second church urged the congregation to pray for 'John' (the alleged abuser) and his family.

This is an example of an *abuser-centric response*. Ministry leaders and others are certainly free to pray for the alleged perpetrator, but **DO NOT** urge the victim's family and the congregation to do so.

Instead, express care for those who have suffered abuse: pray for the victim and his or her family; pray for others who have been abused or marginalized — especially by someone in a ministry position.

Providing a character reference

A staff member of a church was arrested for sexual abuse of a child within the congregation. The parents of the accused abuser were long-time members. The abuser plead guilty and was scheduled for sentencing.

The parents of the abuser asked church leaders to provide character reference letters for him such that he might receive a lighter sentence. The senior pastor, music minister and administrative pastor agreed; each sent a reference letter supporting the accused, requesting leniency and encouraging forgiveness.

The child victim and her family (still members of the church) were in the courtroom when the letters were read. The family felt outraged, betrayed, and believed their spiritual leaders chose the *abuser* over the *abused*. They subsequently vented to media representatives present in the courtroom.

The headline the next day read: *Church Leaders Help Abuser Avoid Punishment*. The family left the church, sought legal counsel, and filed a lawsuit.

A victimized child is harm enough; a child re-victimized by an abuser-centric response is inexcusable.

HOW TO ADDRESS HISTORICAL ALLEGATIONS

Historical allegations — those that relate to alleged abuse occurring years or decades ago — have become common. For reporting purposes, ministries should treat any historical allegation as if the alleged abuse occurred *today*.

If the alleged abuse occurred 'on your watch' or the alleged abuser is a current or former staff member or volunteer, *report* to the appropriate authorities. *Do not* assume that the passage of time makes a report time-barred or irrelevant; from a public perception standpoint, this looks like cover-up.

In general, when in doubt ... *report*.

CREATE A PRE-EXISTING PLAN

Every ministry should have a *pre-existing plan* to address sexual abuse allegations. This plan should:

- Be written, known to church leaders, and periodically reviewed.
- Be followed regardless of the identity of the alleged abuser — senior pastor, VBS face-painter or volunteer. *NO ONE should be outside the scope of the plan.*
- Identify each individual's specific responsibilities, contact information for critical personnel (insurance agent, carrier, attorney), and location of critical documents (relevant state reporting law, insurance policies).
- Include clear instructions concerning reporting requirements: to whom, within what timeframe, and what information to report.
- Require that each individual making a report on behalf of the ministry request a *file number* and name of agency representative to be included in a dated incident report.
- Designate a media or information point person within the ministry, and a communication tree (phone, email and/or text) to inform key staff members, lay leaders and ministry stakeholders. The point person should be someone who can communicate with empathy and care but resist the impulse to 'free-form'. ➡

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- ## STRATEGIES FOR COMMUNICATING WITH THE CONGREGATION, MINISTRY STAKEHOLDERS

It is always wise to seek *competent legal counsel* at the onset.

When an allegation is received, the ministry should put its carrier on notice, *in writing*, of ‘facts that could give rise to a claim.’ Many ministries have jeopardized coverage by failing to notify a carrier who subsequently provides coverage, if at all, under *reservation of rights*, potentially putting the ministry at odds with its insurer at the onset of civil litigation.

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Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry as Visiting Faculty at Dallas Theological Seminary.

Protecting children from sexual abuse.



PART ONE

Awareness
Training



PART TWO

Skillful Screening
Process



PART THREE

Policies and
Procedures



PART FOUR

Background
Checks



PART FIVE

Monitoring and
Oversight

Children Are Safer in MinistrySafe Churches

WHY: Child sexual abuse occurs in all contexts. Increasingly, parents are asking, "What are you doing to protect my child from sexual abuse?" Sexual abuse claims carry massive financial consequences for ministries, and significantly impact public opinion.

WHO: Child sexual abuse is an equal opportunity employer: it crosses all spiritual paradigms and all demographics. Offenders seek access where the barriers to entry are the lowest. Unfortunately, this is often the church.

WHAT: MinistrySafe trains church personnel to effectively address the risk of child sexual abuse by utilizing the Five Part Safety System. From screening forms and tools, sample policies, online training and systems for monitoring and oversight, MinistrySafe provides turnkey resources to reduce the risk of child sexual abuse.

HOW: Churches pay an annual membership fee of \$250 to gain access to state-of-the-art training, sample church policies, screening forms, and the MinistrySafe Control Panel.

WHY MINISTRYSAFE: Created by sexual abuse trial attorneys with 20+ years experience litigating child sexual abuse cases, MinistrySafe provides tools and resources created by industry experts.

Industry Experts. Unabashedly Christ-Based.



LOVE & NORRIS, ATTORNEYS AT LAW:

Gregory Love and Kimberlee Norris, co-founders and Directors of MinistrySafe, have a nationwide sexual abuse litigation practice representing victims of child sexual abuse. In addition, Love & Norris provide consulting services to ministry and secular organizations providing services to children. Through MinistrySafe, Love and Norris have provided training or other resources to the United States Olympic Committee, AWANA International, Reformed University Fellowship (RUF), Christian Camp and Conference Association, the Church of the Nazarene, Methodist Conferences, Lutheran Districts, Church Multiplication Network (CMN), Anglican Church North America (ACNA), and over 20,000 churches, camps, schools and mission organizations. As well, MinistrySafe provides preventative tools and resources for Baptist state conventions in Texas, Georgia, Arkansas, Oklahoma, Alabama, Kansas/Nebraska, Indiana, Missouri, Nevada, Colorado, South Carolina, Montana, Mississippi, California, Alaska, Kentucky, North Carolina and Mississippi. As Visiting Faculty at Dallas Theological Seminary, Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry.



Child Sexual Abuse and Insurance Coverage

Avoiding Common Pitfalls

By Gregory Love & Kimberlee

Every church — whether it's multi-campus or a recent plant — deals with insurance coverage.

Ministry leaders tend to gravitate to the least expensive policy options and often lack knowledge about what they should be looking for when securing coverage related to child sexual abuse risk. Unfortunately, this reality is revealed only when an allegation arises.

Clearly, child sexual abuse is a foreseeable risk causing incalculable harm to children, and a ministry's primary responsibility is to protect children in its care. In addition to implementing an effective safety system (see prior articles in the "Stop Sexual Abuse" Series), simple financial stewardship requires a meaningful evaluation of current insurance relationships, coverages, limits and policy terms.





Sexual abuse fire drill

In classrooms across the country, school administrators lead faculty and students through mock disasters (fires, shootings, bomb threats, tornadoes, and so on) to ensure the existence of sound safety plans, communicate expectations to all involved, and determine any necessary changes or improvements.

A failure to drill a foreseeable disaster can lead to catastrophic results, generally with little or no warning. Amid a crisis, it's too late to *prepare*; the catastrophic event simply reveals whether the ministry took reasonable steps to prepare for the foreseeable event. One of the most common deficiencies revealed in a sexual abuse crisis relates to insurance: incorrect coverages, insufficient limits, failure to notify the carrier, and claims-made versus occurrence terms, among other issues. A *fire drill* related to sexual abuse insurance issues is essential for every ministry.

Insurance fire drill

Assume your church receives a sexual abuse allegation. *For purposes of this exercise*, assume the allegation involves multiple victims and the accused is a trusted staff member or volunteer. As to existing insurance coverage, the drill is designed to answer these questions:

- Does your church have the correct coverages for a multi-victim claim?
- Does your church have sufficient coverage (types and limits) for a multi-victim claim?
- Are there endorsements, riders, limitations or qualifications related to sexual abuse coverage?

The majority of ministries purchase insurance coverage through an insurance agent or broker. During the insurance purchase or renewal process, the primary coverage issue negotiated relates to Property & Casualty (P&C). The P&C portion of the premium will typically account for the bulk of the total insurance premium. Without an explicit Sexual Misconduct endorsement, sexual abuse claims typically fall within the General Liability policy coverage — most general liability coverage will now include a separate sexual misconduct section. Few policyholders are familiar with the terms of the General Liability policy, the limits related to any sexual abuse claim, or terms requiring notice to the carrier when a ministry receives ‘facts that could give rise to a claim.’

Failures revealed in crisis

When a ministry fails to take the opportunity to ‘drill’ a foreseeable risk, deficiencies are revealed when a crisis arises.

Several years ago, our law firm (Love & Norris) was retained by a large church facing sexual abuse allegations related to a trusted staff member, with four female victims from age 7 to 9. The fact patterns related to the abuse were conclusive and horrific, and we advised immediate care and support for the abuse survivors and their families. Initially, the allegations had not been reported to law enforcement, in violation of mandatory state reporting requirements. Some months later, the outcries were reported. Clearly, the church had limited child protection protocols in place, and church leaders had failed to act appropriately and promptly when the allegations first came to light. In addition, leaders had limited understanding of their insurance coverage. When asked, church leaders indicated that the ministry had insurance providing \$1 million / \$3 million in coverage. When asked whether their insurance carrier was notified when the initial ‘facts’ came to light (several months earlier), leaders replied ‘no.’

At this point, it was too late to ‘drill.’

Several significant shortcomings were quickly revealed.

#1: No relationship with a knowledgeable agent

First, church leaders could not recall the name of their insurance agent. As a result, the ministry could not quickly and easily understand what coverages were in place: Commercial General Liability Policy (CGL), Errors & Omissions Policy (E&O), Directors & Officers Policy (D&O), and/or Umbrella Policy. This delay was critical: the crisis unfolded on a Saturday and escalated quickly.

A church must have an agent that is knowledgeable about the risks facing a ministry (including child sexual abuse) and be accessible to navigate issues that arise — *at the time of purchase and when an outcry or allegation occurs*.

#2: Insufficient insurance coverage

Second, the underlying policy did not provide \$1 million / \$3 million in coverage. Upon closer inspection, the policy included a specific ‘Sexual Misconduct’ provision which limited coverage to \$100,000 / \$300,000 for sexual abuse claims. The church had no E&O, D&O or Umbrella coverages.

In the midst of crisis, these leaders learned the church’s insurance coverage was grossly inadequate, and it was too late to supplement or improve coverage amounts. In this case, the ➤

insurance carrier tendered the \$300,000 aggregate, satisfying its obligation under the CGL policy. The church was forced to absorb defense costs and indemnity out-of-pocket, and quickly dwindled from a church with 36 full-time staff members to nine. As of this writing, it is unclear whether the church will survive.

Before crisis hit, ministry leaders should have secured sufficient coverage limits and considered purchasing additional supplemental and umbrella policies. When asked about the church's insurance agent, the executive pastor said the relationship was inherited from a predecessor. In the midst of crisis, *no one knew the identity of the agent or his contact information*. It was later learned that this agent knew very little about sexual abuse risk or related coverage solutions.

#3: No notice to the insurance carrier

Third, leaders indicated they were informed about the allegations early on but failed to notify criminal authorities *or their insurance carrier* because the reports were 'hearsay.' Church leaders were unfamiliar with mandatory reporting requirements in their state and the 'notice' requirement contained in all insurance policies.

The 'notice' provision generally reads something like this:

In the event the insured receives information about facts that could give rise to a claim, the insured is required under this policy to notify the insurance carrier immediately, but not later than 24 hours after receipt of this information.

Church leaders had received an allegation several months earlier but considered the information hearsay — an oral report from a parent about inappropriate touch described by their 7-year-old daughter. This communication should have *immediately* triggered a report to law enforcement, a leave of absence for the staff member for the duration of the criminal investigation (and perhaps indefinitely), an announcement to the congregation and communication to the church's insurance carrier.

Failure to notify the carrier in this circumstance can result in a 'reservation of rights' or a denial of coverage by the carrier. Either scenario places the ministry in an adversarial position with its insurance carrier. In the situation described above, the carrier weighed its options and simply tendered its limits because the aggregate (\$300,000) was insignificant compared to the cost of filing a Federal Court lawsuit seeking a Declaratory Judgment against the church, asking a court to find that the church breached its duty to notify the carrier, thereby relieving the carrier of its obligations to provide indemnity or defense.

Value of the fire drill

The fire drill concept can be helpful in assessing insurance availability and sufficiency. By thinking through a multi-victim allegation, a ministry can evaluate all insurance instruments for potential coverage (CGL, D&O, E&O, Umbrella), confirm limits, and clearly understand limitations, if any, providing an opportunity to secure appropriate coverages and limits. The ministry should include its insurance agent or broker in this evaluation. For some ministries, other creative solutions might be available.

Church leaders should clearly understand state reporting requirements and *when* to notify the carrier, as well as *what information* to include. A timely and proper notification to law enforcement and a ministry's carrier is far more likely to occur when staff members are trained to understand the risk of sexual abuse and the common behaviors of sexual abusers. When leaders fail to report allegations of child sexual abuse to civil or criminal authorities, children are irreparably harmed and leaders open themselves up to the possibility of criminal prosecution for *failure to report*. When leaders receive information related to an allegation and fail to notify their carrier, coverage and representation may be jeopardized. In this realm, training is key; children are better protected when ministry staff members have a practical

understanding of the '***grooming process***' of the sexual abuser, mandatory reporting requirements *and* the specific requirements of each policy concerning notification of the carrier.

Prevention systems — a condition for coverage

In the past two decades, the number of lawsuits, settlements and verdicts involving child sexual abuse have skyrocketed. Within the past 12 years, child sexual abuse cases provided the No. 1 reason churches ended up in the courtroom. This trend shows no sign of slowing — particularly as state legislatures expand civil statutes of limitations and pass *look-back statutes*, which create opportunity for abuse survivors to bring civil claims regardless of their age, or how long ago the abuse occurred. As a result, abuse allegations from decades ago become currently actionable.

Insurance carriers know this better than anyone, given their obligation to defend and resolve legal matters. As a result, insurance underwriters — those responsible for evaluating a ministry's risk-worthiness on behalf of the carrier — are far more careful in approving coverage or providing access to certain limits.

Underwriters for major insurance carriers are now requiring that ministries demonstrate the existence of an effective child abuse prevention plan before providing coverage or approving a renewal.

Ongoing legislative changes do not necessarily push a church to implement effective preventative protocols — *access to insurance coverage can*. In the past, as an example, the decision as to whether a church would allow a Registered Sex Offender (RSO) to participate in ministry services was an internal one; now it might impact the church's ability to get or maintain insurance coverage.

Insurance is designed to cover certain risks. Insurance carriers are now expecting churches to raise the bar to minimize the occurrence of child sexual abuse as a condition for insurance coverage. That trend will continue.

Finding a competent agent / broker

A church's insurance agent / broker fills an important role in the ministry's risk management effort. The agent / broker should have a strong understanding of the ministry's programs, coverage needs, unique risks, and methods to reduce these risks. Too often, an agent can assist a ministry in the purchase of Property & Casualty coverage but remains ill-equipped to address the risk of sexual abuse and secure the necessary coverages and limits. A ministry's "fire drill" should include evaluation of its insurance agent to ensure that he or she is familiar with the unique risks facing the ministry and safety system elements necessary to reduce child sexual abuse risk.

Navigating child sexual abuse issues can be challenging. An effective safety system is crucial, and an appropriate insurance solution is essential. Ministry leaders must better understand the changing environment related to child sexual abuse risk.

Before a crisis arises, intentionally evaluate your existing preventative protocols and insurance coverage, keeping in mind the value of appropriate coverages from the right carrier and the assistance of an informed agent / broker.

Armed with an effective safety system, a competent agent / broker, and good insurance products, church leaders can better protect children and navigate child sexual abuse risk. ➤

Kimberlee Norris & Gregory Love are partners in the Fort Worth, Texas law firm of Love & Norris and founders of MinistrySafe, providing child sexual abuse expertise to ministries worldwide. After representing victims of child sexual abuse for more than two decades, Love and Norris saw recurring, predictable patterns in predatory behavior. MinistrySafe grew out of their desire to place proactive tools into the hands of ministry professionals. Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry as Visiting Faculty at Dallas Theological Seminary.

Advice from insurance professionals

There's a difference between an insurance *carrier* and an insurance *broker*.

In its simplest form: the carrier provides the coverage; the broker works independently to shop for coverages offered by various carriers to meet a client's need. In the current ministry environment, it's imperative to have *both* a knowledgeable agent / broker *and* an insurance carrier accustomed to working with ministries.

Gathered below are thoughts from carriers and brokers who provide competent guidance to ministries of all sizes and complexity.

Guy Russ

AVP of Risk Control

Church Mutual Insurance Company

"As the nation's leading provider of insurance services to ministries, we work with numerous churches in navigating the risk of child sexual abuse and pioneered a specific sexual misconduct coverage to meet their unique needs. After 123 years, Church Mutual continues to be committed to providing guidance and programs to reduce this and many other risks. Having the correct insurance coverage is critically important, but of course, it's far better to prevent sexual misconduct and abuse before it occurs."

Andrew Shockey

AVP of Risk Management Services

Philadelphia Insurance Companies

"When an allegation arises, let your carrier know. We are there to help. Not only is it a requirement of the policy, but we can come alongside and provide critical guidance and resources at the outset. Moving quickly and correctly can be a game-changer."

Steve Case

AVP, Senior Corporate Counsel

Brotherhood Mutual Insurance Company

"I believe having the right insurance coverage in place for claims of sexual abuse is important, but having a risk management strategy in place is even more critical. As a national insurer specializing solely in Christian ministries, we're focused on providing tools and resources to help ministries protect children and reduce other risks."

Peter Persuitti

Managing Director, Religious | Nonprofit Practices

Gallagher

"Every year, Gallagher gathers ministry risk management thought leaders from around the world.

"New proactive ministries, including victim advocacy and prevention training, are proving to be more effective ways to put the vulnerable first. Gallagher is more than just a broker; Gallagher is a valuable, informed partner as it relates to sexual abuse and many other risks. For ministries, we have been designing risk & claims management solutions, as well as risk financing solutions, for 50+ years."

Jerry Sparks

President

AG Financial Insurance

"Many insurance agents focus on the property limits and general liability limits, when the #1 reason churches end up in litigation is Sexual Misconduct with a minor, and agents provide less or no coverage limits for Sexual Misconduct. One claim can devastate a church, its reputation, and even its existence. As an insurance provider, we know what the risk of child sexual abuse looks like and can provide access to content to equip ministry leaders."

Tony McLaughlin

Vice President

The National Catholic Risk Retention Group, Inc.

"At National Catholic, we are dedicated to excellence within the field of risk management. It includes partnering with leaders and their organizations to better equip them in how to protect children and the vulnerable."

Dr. O.S. Hawkins

President

GuideStone Financial Resources

"The headlines regarding abuse and lack of safety in some churches cause us to grieve. At GuideStone, we are committed to helping churches and ministries recognize, prevent and respond well to sexual abuse while protecting those entrusted to their care."

Adam Sammons

Vice President

Marsh & McLennan Agency (MMA)

"Given the shifts in the social and regulatory environments related to child sexual abuse, the risk profile of youth-serving organizations has become increasingly complex. Youth-serving organizations and their boards are being forced to wrestle with the balance of mission and risk. MMA is committed to these organizations to ensure that the brightest minds and biggest hearts continue to bring meaningful change to the communities in which we live and work."

Heath Ritenour

Chairman & CEO

Insurance Office of America (IOA)

"As a national insurance broker that works with churches, we've seen it all. Child sex abuse insurance coverage is being restricted, excluded and eliminated by some insurance companies. At IOA, our ministry industry specialists can help you successfully manage your risk management needs. We make the complex simple."

Brian Gleason

Senior Risk Manager

GuideOne Insurance

"Just one incident of sexual misconduct can destroy the trust, credibility and reputation of an organization for years. In addition to the reputational harm an incident causes, the legal costs of a lawsuit can ruin an organization financially. At GuideOne, we understand that navigating this and other risk issues can be complicated. Our goal is to provide you with tools and guidance that help keep your valuable resources focused on your mission." **CE**



REGISTERED SEX OFFENDERS

Should your church accommodate known offenders?

By Gregory Love & Kimberlee

Our church just completed an RSO Policy. Will you review it and tell us if it's adequate?

We frequently encounter this (seemingly simple) question in our law practice.



In reality, the issue is multi-faceted and complex, and tends to kick off a broader discussion. In the larger conversation, this 'simple' query should be preceded by a half-dozen more pertinent questions *before* putting RSO policies in place. This writing's purpose is to posit the topics a church should evaluate *before* offering ministry services to *known offenders*. We will *not* attempt an exhaustive analysis of the criminal justice system, the sex offender registration system, various *tiers* of offenders or state-by-state analysis of relevant legal issues. Instead, this article will draw upon concepts discussed in prior articles in this series ([visit churchexecutive.com/?s=stop+sexual+abuse](http://churchexecutive.com/?s=stop+sexual+abuse)) in an attempt to provide ministry leaders a better understanding of the challenges inherent in the provision of ministry services to known offenders.

PRINCIPLES AND DEFINITIONS

The following principles and definitions shape the larger conversation.

What is a Registered Sex Offender? A Registered Sex Offender is an individual who has been convicted of a crime involving a sexual act (i.e., sexual assault, child sexual abuse, possession/distribution of child pornography), and an element of the conviction and sentencing process requires that he or she be placed on a Sexual Offender Registry after serving a criminal sentence or when released on parole.

Please note: the majority of sexual offenders will not be arrested, much less convicted of a crime that requires sex offender registration. The RSO population constitutes a very small percentage of the abuser population as a whole, as more than 90% of abusers have never encountered the criminal justice system *in any form*.

A common requirement in the registration process requires the offender to disclose to church leaders his or her past criminal conviction, seeking written permission from church leaders to attend or participate in church activities.

What is a known offender? A *known offender* is an individual who is known to have sexually abused one or more children. He or she might have been criminally convicted, but not required to be placed on the Registry. *Or*, an abuser might have been arrested, but the arrest did not result in a conviction (i.e., deferred adjudication, victim did not wish to testify, and so on). In some circumstances, the abuser admits to past sexual abuse of a child, but no criminal prosecution occurred. In short, a known offender is someone who is known to have sexually abused a child in the past.

In ministry contexts, RSO policies are commonly limited to RSOs — not including other *known offenders*. With respect to civil liability for sexual abuse risk, the standards of care and damages related to the *known offender* are identical to that of an RSO: a ministry *knew or should have known* of the risk from a particular person, and the risk unfolded, harming a child.

What is an unknown offender? The *unknown offender* constitutes the largest group of abusers. Sexual offenders look like you and me, and often have no criminal record or other obvious indicators of risk. In every ministry, there are *unknown offenders*.

What is a sexual abuser? Of the *types* of sexual abusers, the *preferential offender* is the primary risk to children in child-serving programs. Ministry leaders must understand the 'grooming process' of

the preferential offender, that the preferential offender typically targets children within a specific age and gender, and that the preferential offender will *groom the gatekeepers*. Sexual Abuse Awareness Training is the first step in gaining a better understanding of the preferential offender and his/her grooming behaviors. (See our previous article on this subject at churchexecutive.com/archives/stop-sexual-abuse and churchexecutive.com/archives/stop-sexual-abuse-2.)

Ministry involvement is a privilege, not a right. Some church leaders view sex offenders as the ‘leper’ of our current culture, inviting Christians to serve ‘the least of these’: taking the position that all broken people — including sex offenders — are in need of God’s grace and forgiveness and therefore entitled to participate in church ministry. Not true!

Access to God (and His grace and forgiveness) are not interchangeable with access to a specific ministry. A church is a fellowship and community led by a shepherd. It is the shepherd’s responsibility to protect the sheep within the flock — especially the vulnerable — from danger, including danger at the hands of other congregants. *Wolves* do not have an automatic right to fellowship within the sheep pen.

BEFORE OPENING THE GATE...

With these principles and concepts in mind, every church considering ministry to known offenders should address these questions.

“From a liability standpoint, you are responsible for what occurs on your watch, under your roof or in the context of your ministry program – when harm or damage results from a known risk.”

#1: Is your church *called* to minister to sex offenders?

The issue of whether to allow a known offender to attend or participate in church programming might arise when a long-time attendee (or relative of a prominent family) has completed a criminal sentence and desires to reconnect with his or her ‘church family’. After his (or her) return home, the individual or family involved might ask church leaders to create a plan to accommodate attendance.

The better starting point is to make concerted effort to discern whether your church is *called* to this type of ministry program, beginning with an examination of your mission and missional values. What is your mission?

This analysis might generate a long list; *make* the list and assign priority. Some ministry programs might seem like a ‘given’ in American culture: preaching ministry, teaching ministries, music ministry, children’s ministry, student ministry and missions (domestic and/or international). These ministry programs seem to be the foundational elements of the majority of US churches, and tend to constitute what congregants ‘shop for’ in a prospective church.

Other missional values might include programs related to recovery (i.e. Celebrate Recovery), counseling, mentoring, youth sports, neighborhood outreach and social services such as a food/clothing bank, legal or medical clinics.

Each of these programs require ministry resources coming from a finite budget. Ministry resources necessary to appropriately manage a ministry program to known offenders will pull from a budget that would otherwise provide resources to another age, need or program. Is your church prepared to designate *significant* resources to manage a program (and related services) to known offenders? Are your members informed of and included in this analysis? (See Question #5) ➡

COMMON ASSUMPTIONS

Don't assume the criminal record provides the whole story.

Offender studies indicate that the preferential offender commonly has *dozens of victims* prior to criminal prosecution, while a criminal record will likely relate to one victim. Remember: the criminal justice system creates records for the purpose of tracking a particular and distinct criminal prosecution. It is NOT the purpose of the criminal justice system to find evidence concerning *all* criminal behavior of the defendant. Criminal records related to a convicted offender may be a *fraction* of the offender’s abusive history. Do not assume the risk is limited to the criminal records available for review.

Don't assume the offender is giving you the whole story.

Never accept a self-reported explanation of a past criminal offense. Common exculpatory explanations offered by abusers include these: “the child recanted”, “I didn’t want the child to have to testify”, “the child was coached into an accusation by her mother”, “I thought she was older” and so on. Do not assume the offender is giving you the whole truth.

Don't assume every offender is appropriate for ministry services.

Some offenders will approach church leaders and initiate the conversation regarding past behavior and willingness to comply with church restrictions. Not all offenders will initiate this conversation. When church leaders learn an offender is *already* attending and these leaders initiate the conversation, be wary. A successful ministry offering to a known offender requires that the offender be willing to submit to boundaries set by the ministry. If the offender exhibits any signs of deception, attempts to dodge or evade processes or resentment toward boundaries, assume that he or she is not a good candidate.

Don't assume that a parent, spouse or family member should serve as the chaperone or supervisor of the offender.

Parents tend to believe the best about their children, and rarely believe their child has willingly participated in sexually aggressive behavior toward another child. Spouses are subject to the ongoing influence of the offending spouse: sometimes a spouse *knew or should have known* of the offending behavior but is in denial of the resulting implications in the marriage. Chaperones should be trained, screened *unrelated* individuals who are very familiar with offender behaviors, including the common behavior of *grooming the gatekeepers*.

Don't assume your congregation is on board.

Studies indicate that one out of four women and one of six men were sexually abused as children. This means your congregation is *full* of abuse survivors in various stages of recovery from past abuse. Some will simply leave when they learn known offenders are welcome in their church. Understandably, they want to feel SAFE in their church home, and want to feel their children are less at risk *at church* than they would be at the mall. Those who have not admitted (to themselves or others) that what they experienced as a child was, *in fact*, abusive, may be particularly at risk where the offender is concerned. This individual may struggle to properly protect *their own child* from unacknowledged experiences in their own past.

“A church is a fellowship and community led by a shepherd. It is the shepherd’s responsibility to protect the sheep within the flock — especially the vulnerable — from danger, including danger at the hands of other congregants. *Wolves* do not have an automatic right to fellowship within the sheep pen.”

Back to the baseline question: is your church *called* to serve known sex offenders? Never assume so; don’t consider services to known offenders as ‘just another ministry offering.’

This question is fundamental. Do not move past it until you have a definitive response.

#2: Does the church have rock-solid child safety protocols in place?

Using a common analogy: before you create a ministry program for wolves, do you have rock-solid protections in place for your sheep?

For many churches, this query derails the discussion (at least temporarily). Appropriate child protection protocols are meant to protect children in your congregation from the *known risk* of child sexual abuse. In general terms, an effective child safety system is aimed at a *known* risk stemming from an *unknown* source. In other words, you don’t currently KNOW which applicant for employment, volunteer or congregation member poses a risk to children in your program – the unknown offender. As a result, an effective safety system includes training, screening, policy provisions and supervision meant to create an environment where offenders (known and unknown) have limited opportunity to *groom* a child for inappropriate interaction.

Ministry to *known offenders* requires that you take reasonable steps to address a *known* risk from a *known* (past) offender. This is a higher bar. From a liability standpoint, you are responsible for what occurs on your watch, under your roof or in the context of your ministry program — when harm or damage results from a *known risk*.

If your church doesn’t have rock-solid child protections in place and a strong track record of ongoing compliance, your church is not ready to provide a ministry program to known offenders.

(For a description of an effective child protection safety system, see churchexecutive.com/archives/stop-sexual-abuse-2; churchexecutive.com/archives/stop-sexual-abuse-3; and churchexecutive.com/archives/stop-sexual-abuse-4.)

#3: Are we the right kind of church for this type of ministry?

What is the *right kind of church*? Consider the following characteristics:

An established church with an established pastor. Church plants and churches in the process of significant transition in upper leadership (or anticipating change) should avoid stepping into ministry to known offenders. A church experiencing exponential growth — therefore encountering an escalating need for volunteers to serve children — should likewise forbear.

A church with existing programs serving populations dealing with addiction and criminal convictions — Celebrate Recovery, AA, family reunification programs. These churches are usually staffed with program leaders that understand addiction, manipulation, the criminal process, and behavior accountability.

A church with significant and stable resources. Ministry to known offenders will require training, an uncommon depth of knowledge (individuals familiar with the criminal justice system and offender behavior), manpower (designated staff members and volunteers to serve with consistency), and financial resources (modification of physical plant, camera systems, securing manpower, expertise and record retrieval).

#4: Will ministry to offenders impact our insurance coverage?

Some churches have stepped into offender ministry only to learn that their program resulted in loss of insurance coverage. Do some due

diligence in advance of launching programs to serve known offenders. (See churchexecutive.com/archives/stop-sexual-abuse-7.)

#5: Have you clearly and transparently involved your congregation?

Don’t assume all congregants will be excited about ministry to known offenders. Rather, you should assume there are many individuals in your congregation who were victimized as children who will simply leave, *voting with their feet*.

Communicate with your congregation carefully, involving members and lay leaders in the decision-making process. Never assume this decision has no cost to your members, and never require an abuse survivor to worship alongside his or her abuser. The needs and comfort of the victim should *always* take priority.

If church leaders are not prepared to communicate to the congregation with great transparency about this issue, assume your church is not called to this ministry at this time.

#6: Can a church offer limited ministry services, or is it ‘all or nothing’?

Some churches have concluded they are able to offer limited ministry opportunities — from meeting with several deacons or elders *off campus*, allowing supervised attendance at a specified worship service or involvement with a small group with no children present. It is NEVER advisable to allow a known offender to serve in children’s or student ministry.

If you conclude your church is NOT equipped to provide ministry services to known offenders, find other programs, regionally or nationally, that specialize in this area, and be prepared to provide a list to known offenders who approach church leaders or come to your attention. Don’t attempt to recreate the wheel if a ministry in your area is already providing excellent services.


#7: If we believe we are called, what are the next steps?

Undertake significant reconnaissance to determine *which ministries are doing this well*. Get the benefit of their experience, and retain competent legal counsel to understand the common boundaries and liability issues.

With skilled help, create written policies and agreed boundaries for each offender who requests ministry involvement. Where relevant, communicate with each offender’s parole officer, and check the risk assessment created by the state that paroled or released the offender. Do not assume that every offender qualifies for a program designed for known offenders.

Train your staff members and volunteers who will participate in the program, and create and maintain a ZERO TOLERANCE for boundary violations.

CHILD SAFETY SYSTEM

If your church has worked through the questions above and desires competent counsel in this realm, contact the law firm of Love & Norris. For help creating child safety protocols, contact MinistrySafe. 

Kimberlee Norris & Gregory Love are partners in the Fort Worth, Texas law firm of Love & Norris and founders of MinistrySafe, providing child sexual abuse expertise to ministries worldwide.

After representing victims of child sexual abuse for more than two decades, Love and Norris saw recurring, predictable patterns in predatory behavior. MinistrySafe grew out of their desire to place proactive tools into the hands of ministry professionals. Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry as Visiting Faculty at Dallas Theological Seminary.

Protecting children from sexual abuse.



PART ONE

Awareness
Training



PART TWO

Skillful Screening
Process



PART THREE

Policies and
Procedures



PART FOUR

Background
Checks



PART FIVE

Monitoring and
Oversight

Children Are Safer in MinistrySafe Churches

WHY: Child sexual abuse occurs in all contexts. Increasingly, parents are asking, "What are you doing to protect my child from sexual abuse?" Sexual abuse claims carry massive financial consequences for ministries, and significantly impact public opinion.

WHO: Child sexual abuse is an equal opportunity employer: it crosses all spiritual paradigms and all demographics. Offenders seek access where the barriers to entry are the lowest. Unfortunately, this is often the church.

WHAT: MinistrySafe trains church personnel to effectively address the risk of child sexual abuse by utilizing the Five Part Safety System. From screening forms and tools, sample policies, online training and systems for monitoring and oversight, MinistrySafe provides turnkey resources to reduce the risk of child sexual abuse.

HOW: Churches pay an annual membership fee of \$250 to gain access to state-of-the-art training, sample church policies, screening forms, and the MinistrySafe Control Panel.

WHY MINISTRYSAFE: Created by sexual abuse trial attorneys with 20+ years experience litigating child sexual abuse cases, MinistrySafe provides tools and resources created by industry experts.

Industry Experts. Unabashedly Christ-Based.



LOVE & NORRIS, ATTORNEYS AT LAW:

Gregory Love and Kimberlee Norris, co-founders and Directors of MinistrySafe, have a nationwide sexual abuse litigation practice representing victims of child sexual abuse. In addition, Love & Norris provide consulting services to ministry and secular organizations providing services to children. Through MinistrySafe, Love and Norris have provided training or other resources to the United States Olympic Committee, AWANA International, Reformed University Fellowship (RUF), Christian Camp and Conference Association, the Church of the Nazarene, Methodist Conferences, Lutheran Districts, Church Multiplication Network (CMN), Anglican Church North America (ACNA), and over 20,000 churches, camps, schools and mission organizations. As well, MinistrySafe provides preventative tools and resources for Baptist state conventions in Texas, Georgia, Arkansas, Oklahoma, Alabama, Kansas/Nebraska, Indiana, Missouri, Nevada, Colorado, South Carolina, Montana, Mississippi, California, Alaska, Kentucky, North Carolina and Mississippi. As Visiting Faculty at Dallas Theological Seminary, Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry.



PEER-TO-PEER CHILD SEXUAL ABUSE RISK:

Protecting Children from Other Children

By Gregory Love & Kimberlee

Where child sexual abuse is concerned, peer-to-peer abuse provides the curveball of sexual abuse risk.

To recognize and address it properly, a ministry must be watching for it.

Common fact patterns

Peer-to-peer sexual abuse — children molesting or abusing *other children* — unfolds in predictable patterns.

Some years ago, we were asked to assist a church in correctly responding to a child sexual abuse scenario. This ministry served very young children in a horseshoe-shaped building with a fence across the top of the horseshoe, creating a courtyard. The fenced area contained a playground for children surrounded by windows looking into the play area. In the center of the playground was a play structure with panels near the base, creating a box-like cube. One Sunday, while two staff members sat 20 feet away, a 7-year-old boy enticed a 4-year-old girl into the cubed play structure and sexually molested her there.

Later that day, the little girl shared with her parents — in a vague and inarticulate manner — what she had experienced that morning in the play structure. The girl's parents believed her (which doesn't always occur) and contacted a ministry supervisor. Ministry leaders, in turn, contacted our firm.

In assessing the situation, we interviewed the two staff members who supervised the playground, who were present on the day in question.

During the interview, these staff members were courteous and concerned but became defensive when asked about the *possibility* of sexual abuse occurring on the playground several days before, saying, "That's not possible." When asked why they were convinced that sexual abuse couldn't occur on the playground, they replied, "We have a fence." In this circumstance, these conscientious ministry workers believed sexual abuse could only originate from *outside the fence*.

What these ministry workers did not grasp is that the majority of sexual abuse risk arising in a ministry context occurs *inside the fence*. These staff members had received minimal sexual abuse training: from



"US Department of Justice reports indicate that *one out of three* reported cases of child sexual abuse are peer-to-peer abuse allegations."

their standpoint the risk of abuse, to the extent it existed *at all*, came from *outside the church*. They had no training or understanding regarding the preferential offender (see prior article at www.churchexecutive.com/archives/stop-sexual-abuse-2) or peer-to-peer sexual abuse: sexual abuse occurring at the hands of *other children*.

Where child sexual abuse is concerned, *we cannot reduce a risk we do not understand*. This truism is particularly apt in addressing and preventing peer-to-peer sexual abuse. In our experience, peer sexual abuse is the least understood and expected risk likely to be encountered in ministry contexts: the *curveball*.

Peer sexual abuse is not prevented by a background check, child check-in system or six-month member rule.

What about the two-adult rule? In the fact pattern above, two adult staff members supervised the playground — the church was following the two-adult rule. Unfortunately, these two adults had no real understanding of the risk of peer sexual abuse, much less how to prevent it. Peer sexual abuse is shockingly prevalent: offender studies indicate that convicted male abusers begin their predatory behavior, on average, at 13 or 14 years of age. The majority of convicted male abusers admit their first offense occurred *before* reaching 18 years of age. US Department of Justice reports indicate that *one out of three* reported cases of child sexual abuse are peer-to-peer abuse allegations.



Peer Sexual Abuse: Sexually harmful behavior between children involving an aggressor and a child who does not seek or want the sexual interaction.

What's more, peer abusers tend to take opportunities where they find them; where they spend time anyway — school, sports, camp, younger cousins or siblings, and church. Children who have been sexually abused tend to act out in a sexual manner with other children. Even very young children can act out in a sexually harmful context.

So how should a ministry act to reasonably address this known risk? Ministry staff members must be trained to understand and recognize scenarios where this risk is higher: anywhere *clothes come off*, for any reason (e.g. the restroom), any location on your church campus which is *less easily seen* (e.g. play structures) and any activity *less easily supervised* (e.g. *any activity involving swimming or group play*). Effective training must define peer sexual abuse, address where it is more likely to occur and how to correctly respond.

Responding to an allegation

Responding correctly to peer sexual abuse allegations requires an exercise of judgment, and ministry leaders must avoid two common misconceptions.

Error: No sexual behavior between children is harmful — simply indicative of curiosity or *play*.

Error: *All* sexual behavior between children is dangerous and harmful.

Some childish behaviors are predicated upon natural sexual curiosity. In the course of normal human development, children commonly engage in harmless sexual curiosity or play. This behavior, thought innocent, should always be redirected.

What constitutes harmful sexual behavior between children?

Any adult sexual behavior that children should have no knowledge of or experience with should be reported to child protective services. This is because these behaviors are typically learned behaviors resulting from interaction between an adult (or older child) and a child, and the abused child is replicating these learned behaviors with other children. The purpose of a report is to get appropriate resources to the children impacted, redirect the harmful behavior and determine where the sexual conduct *began*: generally at the hands of an *adult* who has abused a child.

Clearly, any coerced or forced sexual behavior is harmful. In most jurisdictions, criminal prosecution of peer sexual abuse requires three elements: an *aggressor*, a *non-aggressor* and an *imbalance of power* favoring the aggressor. The imbalance of power is typically age, but size, mental acuity or the existence of a disability can create the imbalance. In most states in the US, a three-year age gap between children creates a *presumption* of an imbalance of power.

One indication that sexual behavior between children is something other than simple curiosity or play is when the behavior is hidden or accompanied by a sense of shame or culpability. When a child is hiding behavior or enticing another child into a closet or other unseen area, the conduct is problematic.

Peer sexual abuse must be reported

Although peer sexual abuse constitutes *one third* of all reported sexual abuse in the US, peer abuse tends to be underreported. One reason it isn't reported is the belief that mandatory reporting requirements do not apply to children who sexually abuse other children. Untrue: mandatory reporting requirements are driven by the age of the *victim*, not the age of the abuser.

Peer sexual abuse fire drill

Peer abusers are opportunistic — they take opportunities where they find them and where they spend time *anyway*, including church programs. While on church property or participating in church programs, children must be safe and protected — sometimes from other children. Church staff members are responsible for the safety and welfare of *each* child participating until that child is returned to a parent or caregiver.

Like fire, peer sexual abuse is a foreseeable risk. Where this risk is concerned, a church's primary protection is *effective training* coupled with intentional supervision.

Many ministry workers believe that peer sexual abuse won't happen in their church or ministry. This illusion is dangerous to both the ministry and the children it serves. Because peer abusers are opportunistic, greater opportunity exists in church programs staffed by workers who don't understand or acknowledge the reality of this risk.

The first step to a better understanding of this risk is effective training: when staff members learn the facts, they are better equipped to protect children in their care. [CE](#)

Kimberlee Norris & Gregory Love are partners in the Fort Worth, Texas law firm of Love & Norris [www.lovenorris.com] and founders of MinistrySafe, providing child sexual abuse expertise to ministries worldwide. After representing victims of child sexual abuse for more than two decades, Love and Norris saw recurring, predictable patterns in predatory behavior. MinistrySafe grew out of their desire to place proactive tools into the hands of ministry professionals. Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry as Visiting Faculty at Dallas Theological Seminary.