




Adventist Risk Management, Inc.



How to Handle Child-on-Child Abuse Cases the Right Way

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Last week, Solutions featured an article on a growing trend in sexual abuse cases: child-on-child sexual abuse cases. In 2014, over half of the sexual abuse claims reported to Adventist Risk Management were of child-on-child sexual abuse. The issue of church responsibility is raised when parents entrust their children over to the care of the local church or school. In legal terms, the organization acts in loco parentis, which means to act "in the place of a parent." Leaders must carefully contemplate the matter of proper supervision. Based on case histories, it is advised to consider how and where children interact in all of their activities.

In this week's article, Solutions discusses the impact such cases have on both the victim and the accused, and what should be done to assist in the healing process.

Impact on the Victim

It is hard to think about the impact of any sexual abuse that your child or grandchild would endure whether the abuser was a peer, an older teen, or an adult. When an allegation of abuse arises in a church or school setting, the response must be timely, positive, and confidential to protect the victim and the alleged perpetrator. Like other acts of abuse, the incident should be reported to the police or designated government organizations. Don't dismiss the incident because the alleged perpetrator is another child or minor. The appropriate civil agency must be notified and allowed to investigate the matter with the full cooperation of the church or school.

Since the victim is not of age to give consent to any sexual act, it is essential to promptly notify the child's parents. While giving the child support and comfort, avoid questioning beyond the basic information needed for reporting the allegation to authorities, especially without the parent present. By cooperating with the investigating civil agency, it is best to work with them and not get ahead of their investigation by making statements that reveal identities of the victim or the perpetrator. Share information on a need-to-know basis only. For example, in a school setting, it may be mandatory the victim's and perpetrator's teacher be informed if a child is still attending classes. The teacher can then appropriately relate to the child under these circumstances. However, announcements of names and details at a staff meeting or more public forums may raise other liability issues for the organization and be detrimental to the children involved. Use legal counsel in these sensitive situations.

Be prepared to assist the alleged victim with counseling and contact your insurance company. If your insurer is Adventist Risk Management, contact your claims counsel, who will arrange for counseling and assist with payments. Keep in mind that parents may be reluctant to involve their child in such counseling. It is ultimately their decision, but be open and supportive to the child and the family. Do everything possible to avoid re-victimization through careful, sensitive handling of all communications and respecting the privacy of the child and family.

Impact on the Perpetrator

The alleged perpetrator may find him or herself (yes they can be of either gender) in a perplexing and frightening situation. While they may or may not realize what they have allegedly done to be wrong, they are suddenly confronted with new circumstances. While the church or school should contact the appropriate authorities, the parents of the minor should also be contacted in coordination with your report to local authorities. Advise the parents of the circumstances. Again, it is best for the church and school to only communicate with minors in the presence of a parent. It is not the role of church or school to be the investigator when potentially criminal conduct is involved. However, based on the obtained information, decisions about suspension pending investigation may be appropriate. Again, legal counsel will be crucial.

Should the church or school become involved in providing counseling for this child? Each situation will vary, and such decisions are, therefore, fact specific. Contact your insurance company. If ARM is your insurer, your ARM Claims Counsel can assist with questions about insurance coverage and propriety of providing counseling for an alleged perpetrator. Remember, while an alleged victim may claim

certain activities occurred, do not leap too quickly to discipline the alleged perpetrator until a thorough investigation by the police or another authority has rendered its conclusion.

Conclusion

To determine appropriate response and discipline with the church or school, consider the specific facts and allegations of wrongdoing in these claims. The best interests of the minor must be considered for both the alleged victim and alleged perpetrator. The long-term outcome is to have all those involved survive this trauma and become well-adjusted young people. Our view must not only be the protection of the child. When an unfortunate circumstance occurs, a fair response to all involved is the most healing. We cannot and should not simply brush such incidents aside as “children will be children.” Instead, we should look for ways to assist in the healing process all parties will need.



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