

“REDUCING THE RISK II”

MAKING YOUR CHURCH SAFE FROM CHILD SEXUAL ABUSE

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The Goal For This Session

- **To provide you with practical steps to minimize the risk of allegations of sexual abuse or misconduct at your church.**

3 Motivators...

...for Addressing Sexual Misconduct

- **Concern about legal liability**
- **Meeting denominational or others' requirements**
- **Pastoral motivation**

Pastoral Motivation

- Part of being a **shepherd** of the people to whom we are ministering
- Part of being a good **steward** of the people and property God has entrusted to our care
- Part of expressing our **love to one another**

You'll Leave Today with a Plan...

- To make your church a safe place for children
- To lower your church's legal risk by establishing a program that meets the test of "reasonable care"
- To protect the workers of your church from false allegations of abuse
- To design a program that meets the above goals while maintaining the integrity of church programs and staffing needs

An Important note...

- **Don't confuse:**
 - **Sexual abuse or molestation**
with
 - **Sexual harassment**

Sexual Misconduct Data

Basic Statistics...

- **According to the National Committee to Prevent Child Abuse:**
 - In 1995, approximately 109,230 new cases of child sexual abuse were reported
 - The most common abusers of children are acquaintances
 - Sexual abuse occurs among ALL groups of society, rural and metro, regardless of religion, race, education or socioeconomic status

Basic Statistics...

- 1 in 4 females and 1 in 7 males are sexually molested before their 18th birthday
- In recent years the Catholic Church has paid more than \$500 M in child abuse claims (*Washington Post*)
- In a 1997 Texas lawsuit, victims were awarded \$120 M for abuse inflicted by a priest (*Washington Post*)

Kos guilty of abusing altar boys

Catholic diocese, victims aim to heal after verdict

By **BETSY BLANEY**
Star-Telegram Staff Writer

DALLAS — Rudolph "Rudy" Kos repeatedly molested four altar boys, plying and luring his young victims with drugs, alcohol and a lair of entertainment while serving as their priest, a Dallas County jury decided yesterday.



Kos

"This man has haunted us for a decade now, and now he's going to be put away in jail forever, I hope," said Richard Pawlik, the father of one of the victims. "You can't imagine the courage it has taken each and every one of them [the victims]. They are very,

very brave people."

Kos, 52, was found guilty on all but one charge, including convictions on three first-degree felonies that could send him to prison for life. Before testimony began Tuesday, he pleaded guilty to three of the eight charges he faced.

The trial's punishment phase is scheduled to begin at 9 a.m. tomorrow and is expected to last about four days. Prosecutors said they will seek a life sentence for Kos. Because the former nurse and Milwaukee native has no previous felony convictions, he is eligible for probation.

The jury of five women and seven men deliberated for 7½ hours over two days before reaching its decision about 11:30 a.m. yesterday.

(More on KOS on Page 28)

The Atlanta Journal-Constitution

Youth worker accused of molestation

16 felony counts: Police say church's ex-staffer spent numerous nights alone with 12-year-old boy.

By Joshua B. Good
STAFF WRITER

A 28-year-old church youth group worker who spent nights alone with a 12-year-old boy persuaded the youngster to have oral sex by showing him pornographic pictures and reading what he said was



Gilliam

parents to go with Gilliam, Sligar said.

After the games, according to police, Gilliam brought the boy home with him.

The child told police that during the sleepovers Gilliam crawled into bed with him and

molested him, Sligar said. The molestation happened approximately 10 times, the boy told police. He spent the night with Gilliam on numerous occasions

History of Misconduct Claims

- **Church child abuse lawsuits began: 1984-1985**
- **Church child abuse scandal in Boston: 2002**
- **Spike in church child abuse claims began around 2002**

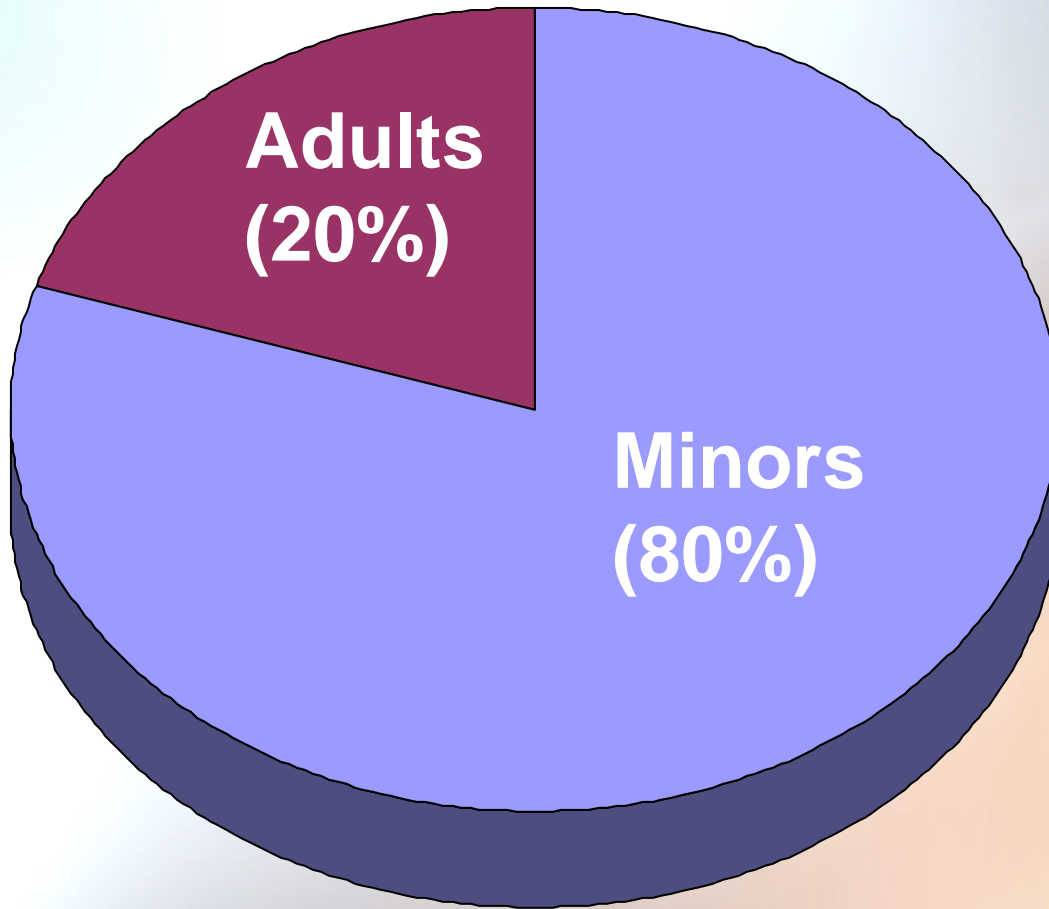
History of Misconduct Claims

- **Sustained spike continued from 2002-2006**
- **Slight retreat in number of new church child abuse claims seen starting in late 2006-2007**
- **But claims increased again in 2008**

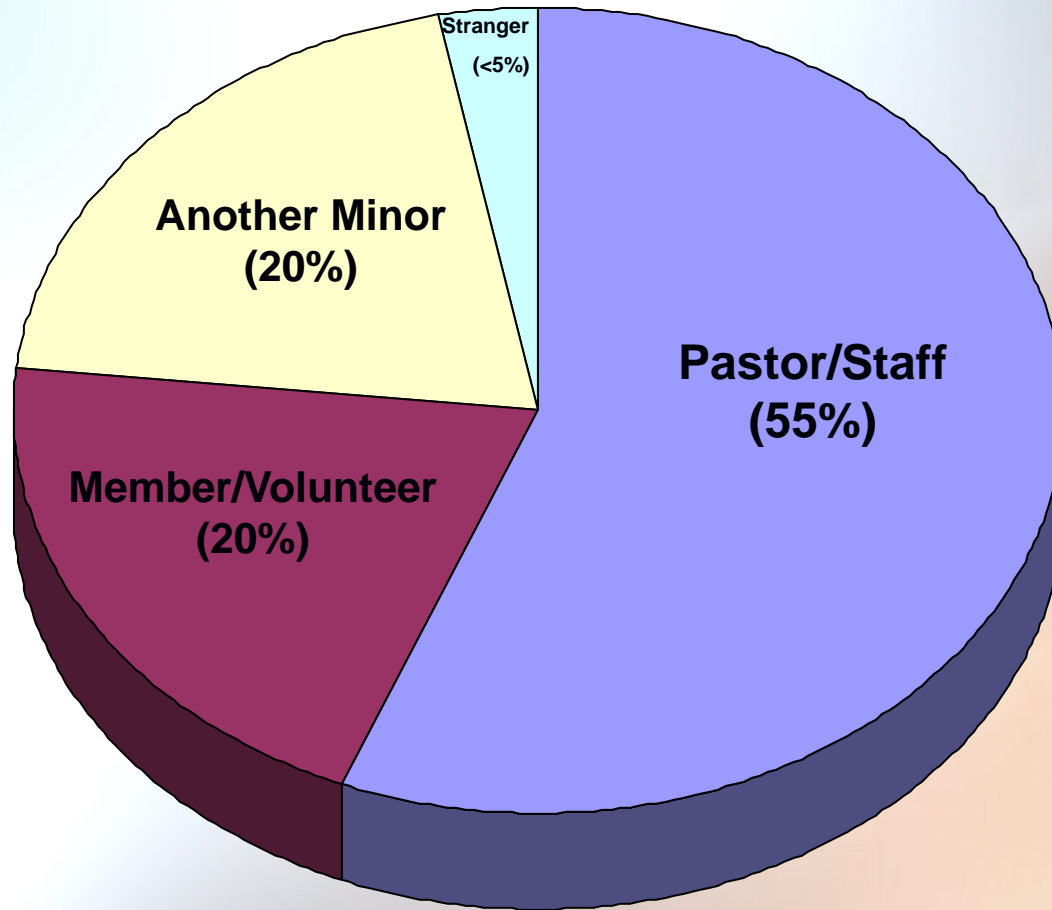
GuideOne Experience

- **15-20 new claims per month**
- **150 pending at any one time**
- **97+% from Protestant Churches**
- **Cost is at all-time high**

Sexual Misconduct Victims



Alleged Church Offenders



The Church's Legal Vulnerability...

- **Why Churches Are Susceptible**
 - **TRUST**
 - **LACK OF SCREENING**
 - **OPPORTUNITY**
 - **ACCESS**
 - **NEED**

Why Churches Are Vulnerable

- Attitude of “**it can’t happen here**”
- Response of other charities
- Lack of volunteer workers

The Problem is Very Real...

- *Child molestation is a serious problem. Molesters want to put themselves in pivotal positions where they access children. The church needs to address this societal issue. **Gene Abel, M.D., The Cardinal's Commission on Clerical Sexual Misconduct With Minors (Chicago: Archdiocese of Chicago, June 1992)***

The Problem is Very Real...

- *The stakes are very high on all sides. The credibility of the church rests on the church's ability to face the problem of child molesters among the clergy and remove them. For the child who is raised in the church and taught to respect and trust the authority of the clergy, the betrayal of trust that occurs when the clergy person molests him or her is a profound violation. The child quickly realizes that the church is not a safe place. Marie Fortune, "A Millstone 'Round the Neck," Round Table, Spring 1990*

The Problem is Very Real...

- *No single pastoral problem is more painful to us as bishops than the situation of sexual abuse where the offender is a member of the clergy or is a person in the employ of the church and the offended is a child. Archbishop Daniel Pilarczyk, Roman Catholic Church, Cincinnati, Ohio*

The Problem is Very Real...

- *Children have neither power nor property. Voices other than their own must speak for them. If those voices are silent then children who have been abused may lean their heads against window panes and taste the bitter emptiness of violated childhoods.*

Justice Francis T. Murphy, 1985

Sexual Abuse Defined...

- In general...

“any form of sexual contact or exploitation in which a minor is being used for the sexual stimulation of the perpetrator”

Sexual Abuse Defined...

According to the National Resource Center on Child Sexual Abuse, 1992 –

“Any sexual activity with a child – whether in the home by a caretaker, in a daycare situation, a foster/residential setting, or in any other setting, including on the street by a person unknown to the child. The abuser may be an adult, an adolescent, or another child, provided the child is four years older than the victim.”

Needs Assessment Checklist

- We currently screen all employees, including clergy, who work with youth or children.
- We currently screen all volunteer workers for any position involving work with youth or children.
- We do a reference check on all paid employees working with youth or children.
- We train all of our staff who work with children or youth, both paid and volunteer, to understand the nature of child sexual abuse.

Needs Assessment Checklist

- We train all of our staff who work with children or youth , both paid and volunteer, how to carry out our policies to prevent sexual abuse.
- We take our policies to prevent sexual abuse seriously and see that they are enforced.
- Our workers understand state law concerning child abuse obligations.
- We have a clearly defined reporting procedure for a suspected incident of abuse.

Needs Assessment Checklist

- **We have a specific response strategy to use if an allegation of sexual abuse is made at our church.**
- **We have insurance coverage if a claim should occur.**
- **We are prepared to respond to media inquiries if an incident occurs.**

How many of you can answer **YES** to **each and every one** of these questions??

Types of Abuse...

- **Involving touching:**
 - **Fondling**
 - **Oral, genital, and anal penetration**
 - **Intercourse**
 - **Forcible rape**

Types of Abuse....

- **NOT Involving touching:**
 - **Verbal Comment**
 - **Pornographic material**
 - **Obscene phone calls**
 - **Exhibitionism**
 - **Allowing children to witness sexual activity**

The OCA's Historic Response...

- **“Doing the Right Thing” pamphlet**
- **Guidelines (non-mandatory)**
- **“Policies, Standards and Procedures of the OCA on Sexual Misconduct” (mandatory)**
- **Zero Tolerance Policy**

Each Parish has Legal Vulnerability...

- **Why Churches and Church Leaders are Sued**
 - **NEGLIGENT HIRING**
 - **NEGLIGENT SUPERVISION**
 - **PERSONAL LIABILITY OF “Ds & Os”**
 - **PUNITIVE DAMAGES**

Expanded litigation...a reality...

- **National religious denominations recently have been drawn into litigation due to claims made at the parish levels concerning matters over which the national denominations had no control and about which they knew nothing**

The Hierarchical Structure of the Church

Diocesan Bishop

- **Ordains**
- **Appoints**
- **Disciplines**
- **Removes**

Holy Synod

- **Consecrates**
- **Appoints**
- **Disciplines**
- **Removes**

OCA Guidelines require...

- all its parishes to provide the Church with **Additional Insured endorsements** naming the Orthodox Church in America, the respective diocese, the diocesan hierarch (the ruling diocesan bishop or archbishop) and the local respective dean.

Why name an “additional insured”...

- **Signifies those insureds that generally are not automatically included as insureds under the liability policy of another but for whom the named insured (the parish) desires or is required to provide a certain degree of protection under its liability policies**
- **Makes the party with the most control over the risk (the parish) responsible for suffering the financial loss should it fail to prevent losses from occurring**

Child Abuse Prevention

Prevention Steps

- 1. Written Plan**
- 2. Worker Selection**
- 3. Supervision**
- 4. Responding to Allegations/
Reporting Obligations**

Written Plan

Let's get to work!

Written Plan Should Address:

- **Who will be able to work with children**
- **How will they be screened**
- **Safe practices to follow**
- **How to respond to allegations**

Sample Written Plan



SafeChurch®

Child/Youth Protection Policy Sample Form

General Purpose Statement

<CHURCH/TEMPLE NAME> seeks to provide a safe and secure environment for the children and youth who participate in our programs and activities. By implementing the below practices our goal is to protect the children and youth of <CHURCH/TEMPLE NAME> from incidents of misconduct or inappropriate behavior while also protecting our staff and volunteers from false accusations.

Definitions

For purposes of this policy, the terms “child” or “children” include all persons under the age of eighteen (18) years.

Selection of Workers

All employees and all persons who desire to work with the children participating in our programs and activities will be screened. This screening includes the following:

a) Six Month Rule

No volunteer will be considered for any position involving contact with minors until s/he has been involved with <CHURCH/TEMPLE NAME> for a minimum of six (6)

Written Plan

- **Have the plan reviewed by a local attorney...**

Workers Selection

Workers Selection

- **Six month rule**
- **Application form**
- **Personal interview**
- **Check & document references**
- **Criminal background check**

Background Checks

- **Criminal “hit” rate:**
 - **6% across all industries**
 - **5.2% for GuideOne policyholders during 2006**

Background Checks

- **Examples of crimes found during 2006 background checks by GuideOne policyholders:**
 - **Murder**
 - **Rape**

Background Checks

- **Burglary**
- **Prostitution**
- **Drug Dealing**
- **Sexual assault on a child**
- **Unlawful intercourse with a minor**

Background Checks

- More than **half** of the records found were from **outside the applicant's state of residence.**

Supervision

Supervision

- **Maximize visibility** (glass, open doors)
- **“Two adult rule”**
- **Special considerations when child will be alone with adult** (counseling, mentoring situations)

Special Consideration

- **Especially for One-on-One situations:**
 - **Parental Permission**
 - **Invite parent(s) to remain in the area**
 - **Have others in the area**
 - **Consider a team approach**
 - **Maintain visibility**

Supervision

- **Use check-in/check-out system for younger children**
- **Address restroom and diapering situations**
- **Provide adequate supervision for all activities, especially overnights**

Touching Guidelines

- **Never** in isolated settings
- **Never** on personal parts of the body
- Only **age-appropriate** and based on the needs of the child
- Avoid the **appearance of impropriety**

Supervision

- **Principle of Supervision:**

As risk increases, supervision should also increase.

-Source: *Dr. James Cobble*

Supervision

- Risk increases when ...
 - isolation increases
 - frequency of contact increases
 - accountability decreases
 - power and control increase
 - special activities provide
 - opportunities

-Source: *Dr. James Cobble*

Reporting Obligations

What to do...

Did you know Priests have a duty...

- **To report child abuse or neglect -
According to the Ohio Revised Code
(ORC) Section 2151.421**
- **(b) Division (A)(1)(a) of this section
applies to any person who is...a
person rendering spiritual treatment
through prayer in accordance with the
tenets of a well-recognized religion**

Ohio Senate Bill 100 states...

...a member of the clergy, rabbi, priest, minister, or any person or layperson acting as a leader, official, delegate, or other designated function on behalf of any church, religious society, or faith is required to report the abuse or neglect of a child...

Reporting Obligations

4 Questions for the Church to Ask:

1. What is “child abuse”?
2. Who are mandatory reporters?
3. What if abuse is discovered in conversation protected by clergy-penitent privilege?
4. How do you report abuse?

Reporting Obligations

- **What is “child abuse”?**
 - Defined by state statute
 - Typically includes physical abuse, emotional abuse, sexual abuse, and neglect
 - Sexual abuse usually includes both touching and non-touching behaviors (exhibitionism, allowing minor to view sexual acts or pornography)

Reporting Obligations

- **Who are “mandatory reporters”?**
 - Defined by state statute
 - Usually criminal liability if a mandatory reporter fails to report abuse
 - Some states allow civil liability if mandatory reporter fails to report abuse

Reporting Obligations

- **What if abuse is discovered in conversation protected by clergy-penitent privilege?**
 - Governed by state statute
 - Some states exempt privileged conversations from mandatory reporting statute requirements; others do not
 - Consult a local attorney

Reporting Obligations

- **How do you report abuse?**
 - Varies by state
 - Many states have child abuse hotline
 - Others direct reports to county child/family social services agency or, in certain instances, local police
 - National Child Abuse Hotline:
1-800-4-A-CHILD

Responding to Allegations of Abuse



PASTOR JAILED IN CHILD SEXUAL-ABUSE CASE!

**Church leader is accused of failing to report
allegations that a man sexually abused three girls.**

Responding to Allegations

- **What if you learn of allegations of abuse:**
 - Told by child
 - Suggested or witnessed by another person
 - Suggested by behavior or appearance of child

Responding to Allegations

- **Plan A Response Should Allegations Arise**
 - Report the allegations to your insurance company
 - Remove alleged offender from service
 - Obtain legal counsel
 - Keep communication open with victim and family

Responding to Allegations

- **Plan A Response Should Allegations Arise (cont.)**
 - Don't blame, deny, or minimize the situation
 - Follow the reporting procedure including state's mandatory reporting law
 - Designate a media spokesperson
 - Cooperate with law enforcement

The Positive Results of Your Work...

On February 28, 1992, a 7-woman, 5-man jury found the Catholic Diocese of Sacramento **NOT LIABLE** in an abuse case.

Although the defendant, who was a church employee, was found guilty, the church was **RELEASED FROM ALL LIABILITY** because it took every **REASONABLE CAUTION**.

TAKE ACTION...

- **Formally adopt OCA's procedures**
- **Get signed release forms on-file for ALL employees and volunteers**
- **Request national criminal background checks**
 - **ScreenNow (www.screennow.com)**
 - **Private Companies**
 - **Local Police**

TAKE ACTION...

- **Open door rule**
 - If no window
- **6 month rule**
- **Two Adult Rule**
- **Implement a risk-management program**
(use what you created today!!)
- **Continuous Training**
- **NEVER, EVER allow someone who has a history get near the children**

TAKE ACTION...

- **Line of Reporting (pg. 53)**
- **Handling the media**
- **Review your insurance program**
 - **www.orthodoxinsurance.com**

Criminal Background Checks...

- **Website resources**
 - **www.criminalsupersearch.com**
 - **www.USSearch.com**
 - **www.criminalbackgroundchecks.com**
 - **www.avert.com**
 - **www.tracingamerica.com**
 - **www.searchinfo.com**
 - **www.acheckamerica.com**
 - **www.omniagroup.com**

Resources for Abuse Prevention

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Make your church safer today

We'll help you discover how your church operations can be safer. Our inspection and assessment tools will give you:

- Safety improvement recommendations
- Project plans for safety improvements
- A variety of resources that help make your entire ministry safer
- Access to proven (but difficult to find) safety resources
- Access to an outstanding, affordable background checks service
- A secure way to meet with others in your church online and in real time
- Access to online training that's designed specifically for churches

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WHAT ARE YOUR QUESTIONS?

Are you comfortable with your understanding of the
OCA **mandatory** Guidelines? **Let's talk.**