

Resolution on Allegations of Child Sexual Abuse Against Educators

Approved by
The 216th General Assembly (2004)
Presbyterian Church (U.S.A.)



RESOLUTION ON ALLEGATIONS OF CHILD SEXUAL ABUSE AGAINST EDUCATORS

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Presbyterian Church (U.S.A.)

Developed By
The Advisory Committee on Social Witness Policy
of the General Assembly Council

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November 2004

To: Pastors of Churches and Clerks of Sessions Where There Is No Installed Pastor, Stated Clerks and Executives of Presbyteries and Synods, and the Libraries of the Theological Seminaries

Dear Friends:

The 216th General Assembly (2004) of the Presbyterian Church (U.S.A.), in reliance upon God under the guidance of the Holy Spirit and in exercise of its responsibility to witness to the Lordship of Jesus Christ in every dimension of life, has approved this resolution on “Allegations of Child Sexual Abuse Against Educators.” It is presented for the guidance and edification of the whole Christian Church and the society to which it ministers; and will determine procedures and program for the ministry divisions and staff of the General Assembly and its Council. This resolution is recommended for consideration and study by other governing bodies (sessions, presbyteries, and synods) and is commended to the free Christian conscience of all congregations and the members of the Presbyterian Church (U.S.A.) for prayerful study, dialogue, and action.

This resolution is the result of a development process that addressed issues in the church in its internal community life and in its role as advocate within the social systems such as public and private, state and local educational institutions. It draws upon biblical sources and insights and presents a theological understanding for the challenges presented by this complex issue. The report affirms procedures for mandating reporting of child sexual abuse and the importance of handling complaints of child sexual abuse according to standards of fair process. By doing so, it seeks to balance the rights and duties of those accused of alleged child sexual abuse with the inherent needs and rights of the protection of children from abuse.

There will be a study and action guide linked to the electronic version of this paper on our Web site (www.pcusa.org/oga/publications/child-abuse-resolution.pdf). It is designed for personal and class use in the hope that we may all become more aware of our call to be God’s people in our daily lives and work.

Yours in Christ,

Clifton Kirkpatrick
Stated Clerk of the General Assembly

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Resolution on Allegations of Child Sexual Abuse Against Educators

INTRODUCTION

These recommendations and report are in response to the following referral: *2001 Referral: Commissioners' Resolution 01-13. On False Allegations Against Educators in Schools (Minutes, 2001, Part I, pp. 62, 492–93).*

This report represents the response of the Resolution Team on “Allegations of Child Sexual Abuse in Education” (Resolution Team on Allegations), formed by the Advisory Committee on Social Witness Policy. The 213th General Assembly (2001) requested this study in response to *Commissioners' Resolution 01-13* (CR 01-13) from the Presbytery of Pittsburgh (*Minutes, Part I, pp. 62, 492–93*). A summary of the instructions from that assembly and the CR 01-13 can be found in the rationale below with the response of the resolution team. The resolution team commends the entire report for study in the church.

THE MANDATE FROM GENERAL ASSEMBLY

The Resolution Team on Allegations received the following instructions from the commissioners of 213th General Assembly (2001)

That the 213th General Assembly (2001) refers *Commissioners' Resolution 01-13* to the Advisory Committee on Social Witness Policy for further study, with the following instructions:

1. evaluate the potential risk to children if their rights are not fully protected;
2. evaluate the complex legal and political issues in regard to potential violation of civil mandatory reporting statu[t]es, implementation of state administrative provisions, and our church's role in ecumenical work with educational and other child advocacy groups;
3. determine whether the scope of this study should be expanded to include other professions as well; and
4. assess the need to balance the rights and duties of those involved in incidents of alleged abuse or violence.¹

Commissioners' Resolution 01-13 advocated attention to the increasing numbers of allegations of sexual misconduct against educators and mandatory reporting laws, which potentially contribute to the destruction of the reputations and careers of educators when the charges are not substantiated. In addition, schools and teachers are distracted from their focus on the instruction of students, and potential teachers are inhibited from joining the teaching profession. These concerns undermine the public trust in education and Presbyterians' historic commitment to education for all children.

In its several meetings, the Resolution Team on Allegations studied the commissioners' resolution along with the guidelines of the General Assembly referral and agreed to adopt as its working title, “Allegations of Child Sexual Abuse in Education,” thus limiting its focus to education and child sexual abuse. It decided the task would be overly complex if it expanded into other professions beyond education, even though there was some overlap in the issues. It grounded its theological reflection in scriptural interpretations of texts of welcoming the children to the Kingdom of God and texts against false witness. It engaged in reflection on the social context of our contemporary situation. For example, it accepted the international emphasis on the rights of children as initiated in the United Nations' “Convention on the Rights of the Child,” which has been approved by previous General Assemblies and many nations of the world. It noted the complex issues of society around family, gender, sexuality, and education in which sexual abuse of children had arisen. It focused on the challenge of balancing the rights and duties of those accused of alleged child sexual abuse with the inherent needs and rights of the protection of children from abuse. The study moves proactively to affirm procedures for mandating reporting of child sexual abuse and the importance of handling complaints of child sexual abuse according to standards of fair

process. The study concerns the church's role in ministering to abusers and victims in cases of child sexual abuse. In its report, the Resolution Team on Allegations addresses the church in its internal community life and in its role as advocate within social systems such as public and private, state and local educational institutions.

THEOLOGICAL INTRODUCTION

The Presbyterian Church (U.S.A.) is already present in public education through students, educators, and staff. Historically, the church has been a pioneer in the development and support of public education. In recent decades the Presbyterian Church (U.S.A.) has been especially concerned about child sexual abuse. "Turn Mourning into Dancing! A Policy Statement on Healing Domestic Violence," approved by the 213th General Assembly (2001), defines child sexual abuse and determines that it "violates God's commandments to love God and love our neighbor."² This policy calls for ministering first to victims of abuse and then to the violators.³ It directs "the Child Advocacy Office to work for the eradication of the sexual and immoral exploitation of children."⁴ The principles of "restorative justice" affirmed by the 214th General Assembly (2002) recognize that "safety is the first consideration of the community. The first step toward restoration must be to protect those who have suffered and those who are at risk to suffer at the hands of others."⁵

The restorative justice principles recognize the following:

Offenders must be held accountable for their actions, expected to take responsibility for their behavior, and called upon to change. Offenders should be expected to make restitution whenever possible not as a matter of punishment but as an obligation and a means of helping to achieve restoration.⁶

The church teaches that abuse must stop, that offenders must be appropriately disciplined, and that individuals and communities must be given resources for healing. The church's statement, *Sexual Misconduct Policy and Its Procedures*, defines the detailed regulations required to protect the rights of the accused and accuser in cases of alleged sexual misconduct. Likewise, *The Standards of Ethical Conduct*, rigorously insist upon high moral standards for officers including requirements to avoid gossip and abusive speech.

The teachings of the church are morally rigorous in both directions, namely, shielding the vulnerable from sexual abuse and insisting on fair procedures for adjudicating allegations of sexual misconduct. This theology is grounded in the moral principles deduced from the Bible in guarding against sexual offenses or exploitation, in its protection of children, and in its insistence upon truthful procedures in matters of legal proceedings.

When Jesus taught about the protection of the little ones and said that children and the humble go first into the Kingdom of Heaven, it became a classical summary of the church's recognition of protection for children.

People were bringing little children to him in order that he might touch them, and the disciples spoke sternly to them. But when Jesus saw this, he was indignant and said to them, 'Let the little children come to me; do not stop them; for it is to such as these that the Kingdom of God belongs. Truly I tell you, whoever does not receive the kingdom of God as little child will never enter it.' And He took them up in his arms, laid His hands on them, and blessed them." (Mark 10:13-16)

The gospel calls us to care for our children, to protect them in their vulnerability, to empower them in their growing, and to be a sanctuary for them in a beautiful and yet dangerous world. A further text also applies:

It would be better for you if a millstone were hung around your neck and you were thrown into the sea than for you to cause one of these little ones to stumble. (Luke 17:2)

Yet we know that millions of children are violated in our country every year. Tragically, most of these violations are domestic abuse but some are in the streets and at schools. However, we also know that hysteria, dislike of teachers, misunderstanding, and malice occasionally lead to false allegations of sexual misconduct within the school. In its study, the Resolution Team on Allegations heard stories from educators and listened carefully to witnesses from the Presbytery of Pittsburgh who testified to such allegations against members who teach. Nearly every public and private school has established policies and procedures of fair process to adjudicate allegations, whether true or false. In these policies, a fair process usually includes the following: published rules of conduct, knowledge of charges, right of response, right to confront one's accusers, adequate time to prepare response, impartial fact-finding panel, adequate defense, the right of review, and finality of decision.

In our biblical and theological traditions, the care to avoid false allegations is based on the Ten Commandments, especially the ninth commandment: “You shall not bear false witness against your neighbor” (Ex. 20:16). In Matthew 15:19, Jesus lists “false witness” as an evil proceeding from a false heart. False witness is condemned repeatedly in the Bible, and it is central to the passion narratives of Christ who was convicted by “false witnesses” (Mark 14:56–57). Theologically we must respond to the evil of sexual abuse in schools with restorative justice by protecting children and guarding against false allegations.

In past centuries, Americans became aware of the damage of false allegations during the trials of so-called witches in Salem, the case of the “The Scottsboro Boys,” and the McCarthy charges of unfounded lists of communists in the State Department. Because of attention by the contemporary mass media, the sexual abuse of school children sometimes seems to be associated with Roman Catholic priests or church schools for children of the First Nations in Canada. Presbyterians are especially aware of the problems at the Presbyterian School in the Congo. However, child sexual abuse exists in all communities, and congregations must pay special attention to the public schools where the majority of children in the United States are taught. In its internal life, the church and all of its institutions must protect children in its programs, and also shield its members from malicious gossip. As a part of this effort, all churches must establish procedures to guard against false witness to protect teachers, administrators, and staff from falsehoods.

THE SOCIAL CONTEXT

The "Rights of the Child" (United Nations) and the Potential Dangers if These Rights Are Not Protected

When we consider the problem of sexual abuse of children, we remember our commitment to the principle of paying special attention to the needs of persons who are most vulnerable, in this case, the children. In addition to the mandates from Scripture and PC(USA) policies, we look to the international debates about the rights of children. The PC(USA) General Assembly has repeatedly reaffirmed the “Convention on the Rights of the Child”⁷ passed by the United Nations in 1959 and endorsed by many nations since then. Sadly, the United States has not endorsed this declaration that leads to one of our recommendations above. Among the principles important to our report are the following statements from this declaration:

The [United Nations] General Assembly proclaims this Declaration of the Rights of the Child to the end that he (sic.) may have a happy childhood and enjoy for his (sic.) own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles.

Among the principles that support our conclusions in this paper are the following:

Principle 2: The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration. ...

Principle 9: The child shall be protected against all forms of neglect, cruelty and exploitation.

While we acknowledge the justice claims of teachers who are falsely accused of child sexual abuse, we recognize that the vast majority of allegations are true and thus endanger the lives and health of children and families. Nothing in our report should be construed as a limitation on the priority of protecting children “against all forms of neglect, cruelty and exploitation.” We agree with the United Nations that children need and have a right to “special protection” so that the image of God will be nurtured and they can develop into mature adults.

Social Issues

In an ideal world, society would carefully provide for the physical, emotional, and intellectual nurturance and education of children as a primary task of all members of the community. The goal of raising healthy children to adulthood is paramount to a healthy and sustainable society. Unfortunately, we live in a society in which poverty, racism, abuse, and neglect often accompany a child in his or her journey to adulthood. We are also a society of adults who struggle with complex physical, emotional, and intellectual challenges that come directly from childhood traumas. This cycle presents enormous challenges to those who work towards the goal of nurturing and

educating children. Educators are forced to work towards a goal of preparing children for adulthood while they continue to live and work within the broken community that presents so many hurdles for the physical and emotional nurturing of everyone.

One of the threats to children in today's society is sexual abuse. In environments where children are devalued, where adults lack accountability for their behavior, where sexuality is commercialized, and where promiscuous behavior is too often presented as normal to children, educators and parents are faced with the challenge to teach and model behaviors that may be contradictory to behavior learned from media images, advertising, and peer influence.

Schools face the dilemma of providing safe and creative spaces for children to learn, while also ensuring protection for educators against false allegations of sexual abuse. Some children face a high risk of sexual abuse because of prior abuse, neglect, and psychiatric problems such as attention deficit disorder, depression, violent tendencies, and posttraumatic stress disorder. Unfortunately, the risk of false allegations of sexual abuse also increases in such a fragmented social order.

When allegations of sexual abuse of children are made, educators and parents face the challenge of balancing the rights and duties of all persons involved, including the accuser, the accused, family members, peers, and community members. Allegations that are eventually found to be true require courage to act and compassion for all concerned. Allegations that are false need the same compassion and care for all persons in the process of seeking God's justice and mercy.

DISCUSSION REGARDING CHILD ABUSE IN EDUCATION

Balancing the Rights and Duties of Those Involved in Incidents of Alleged Child Sexual Abuse

In the immediate aftermath of an accusation of sexual misconduct, abuse, or molestation, third parties to whom a report (however formal or informal) is made should remind themselves of the ongoing need of both accused and accuser and their families for sensitivity and support.

If the accusation is in a societal context but involves members of the church, pastoral care and the local church's support remain a priority and another role accrues to the local church: advocate for the rights of the accused and the accuser. Both have the right to a fair investigation, protection of their privacy, and legal representation until charges have been adjudicated.

Society's beliefs and laws reflect the inherent right of children to be protected from sexual exploitation. A child's accusation of sexual misconduct must be treated as seriously as any other charge of criminal misconduct. Even though various entities estimate some accusations are false, most school systems, in fact, experience relatively few false charges.

It is the right of both educators and students to have preventive practices and policies in place, and educators should have frequent staff development training. Educators, particularly, have the responsibility to know these policies and to practice preventive measures, but, above all, to never take advantage of a child's vulnerability or to abuse their authority. Both educators and students should be trained about their rights and duties and should have neutral investigations when there is an accusation. School systems, all too often, do not turn to persons outside of the system who are trained in the area of sexual misconduct investigation.

Students have the responsibility to tell the truth and not use a charge as retribution against an educator who has spurned them, has not given them the grade they wanted, is disliked, or to win favor with their peers. At the same time, they also have the responsibility to report to an adult when they have been sexually molested, abused, or exploited.

Sometimes accused educators and their families, because of the culture of the school system and inadequate procedures, are left without emotional or financial help. They have the right to support and counseling, salary continuation until the charges are substantiated, and protective reassignment if exonerated.

Without these it would be more difficult for an educator to reclaim his or her dignity, self-worth, and professional ability.

Accused educators have the responsibility not to give false testimony, to respect their accuser, and to refuse to criticize the character and motives of any child who has accused a teacher of sexual misconduct.

School systems have dual responsibilities to their employers and to their students. They must be encouraged to remember to act humanely for both. Congregations are urged to take this same position in individual cases, and also to advocate for appropriate policies and procedures in their local school system.

Having Fair Policies and Administrative Procedures for Handling Complaints in School Systems

Estimates vary as to the frequency of allegations that are proven to be false, but school administrators tend to believe that the number of charges of child sexual abuse that are unfounded is relatively small. Regardless of the prevalence, due process requires that the procedures utilized in handling charges provide for reliability, fairness, and accountability.

The “Sexual Misconduct Policy and Its Procedures,” approved by the Presbyterian Church (U.S.A.) in 1993, provides principles that are applicable for school systems. This statement recognizes the duty imposed upon all persons to report incidents of sexual misconduct, the due process rights of all persons, the need for documentation of all action taken by persons responsible for investigating or resolving charges, and the need for educating and training a wide variety of persons. The policy is directed towards church members, church officers, nonmember employees, and volunteers. It asserts “Sexual misconduct is not only a violation of the principles set forth in Scripture, but also of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable.”⁸

These principles can be applied to educational systems. A comprehensive policy for handling complaints against educators must recognize that school districts and other educational entities have not always acted effectively, and may not be equipped, to provide the education and training necessary to identify child sexual abuse when it occurs. School districts must follow the proper steps in reporting such abuse and processing complaints in a fair manner. Persons responsible for investigations of child sexual abuse must have adequate training to protect vulnerable children and also take into account the possibility of false allegations and the complex environment underlying charges of abuse.

State statutes vary with regard to the form and content of reports of suspected child sexual abuse. Certain professionals, such as teachers, administrators, counselors, and other educational staff, are mandated reporters who are required by law to report child sexual abuse to state agencies. Any person can report, in good faith, orally or in writing, an alleged child sexual abuse. When an oral report and written report are both required, the written report needs to be submitted within twenty-four to forty-eight hours. Some state statutes will specify what information is to be submitted in a report of suspected child sexual abuse. Usually this includes:

- Child’s name, age, and address.
- Parents’ names and address.
- Nature and extent of the injury or condition observed.
- Prior injuries and when observed.
- Reporter’s name and location (not always required, but valuable to child protective staff).

To assist persons making oral reports of suspected child sexual abuse, many states maintain a toll-free, twenty-four hour telephone line just for receipt of suspected abuse. Educators and administrators should have ready access to this phone number.

The following principles of fair process apply to authorized investigators from state agencies as well as school administrators who may be involved in a preliminary investigation. The report should be submitted to

a person responsible for implementing fair process on matters involving child sexual abuse, who is in a position to ensure that all appropriate parties are notified and the necessary investigation is conducted promptly and completely. The investigation must be promptly held, conducted in a manner that respects the privacy of all parties to the extent permitted by law and to the extent practical, and appropriate under the circumstances. The accused educator has a right to receive promptly, in writing, all charges against the accused that are being investigated along with the accused's right to be represented by an attorney or other person of the accused's choosing.

In cases where the investigation is completed and the responsible entity concludes that the charge is unfounded, the decision should be communicated promptly to the alleged victim, the accused, and to all other persons previously made aware of the pending charges. The accused is entitled to a written statement from the entity conducting the investigation declaring that the specific charge made against the accused was false and without foundation.

When the person(s) conducting the investigation concludes that there is substance to the charge, a hearing should be scheduled at which time the child victim or his/her representative presents the facts supporting the charge and the accused has the opportunity to both confront the accusers and offer any evidence in the accused's own defense. In all such cases, the vulnerability of children in such hearings must be respected. Where the testimony of children would be damaging to a child, their narratives might be given through recorded testimony or reports of interviewers. Any hearing is always subject to the right of the accused to be represented at the recording of testimony and to cross-examine the interviewers as to their reports. It will be held only after reasonable notice to the accused and only upon written charges provided to the accused prior to the hearing.

Due process normally requires that the accused retains a right to have the entire matter reviewed, by way of appeal, in those circumstances where investigators have determined that the accused has committed the alleged act of abuse. Fairness dictates that both the original hearing tribunal and the appellate body involve persons who are neutral in the matter and capable of rendering an impartial decision.

In those situations where it is determined, at any point in the process, that the allegation of child sexual abuse is false and was instituted by a person knowing the charge to be false, sanctions might be imposed in order to preserve accountability. The sanction should take into account the actual harm suffered by the accused and by the community as a result of the false accusation.

Mandatory Reporting of Child Sexual Abuse

Any consideration of mandated reporting must begin by recognizing the PC(USA)'s commitment to making the world a place where all children are treated with dignity and respect and have the opportunity to experience the fullness of life, which we believe was intended by God. As Presbyterians, we believe that the best interests of the child should prevail in all legal and administrative decisions and that the safety of the child has the highest priority. Thus, the state has an obligation to protect children from all forms of abuse, neglect, and exploitation, including sexual abuse, and to undertake preventive programs in this regard. The existence of mandatory reporting statutes is consistent with this belief. Every state has statutes requiring reporting of child abuse and neglect.

Under the U.S. Child Abuse Prevention and Treatment Act (CAPTA),⁹ child sexual abuse is minimally defined as any recent act or failure to act, resulting in imminent risk of sexual abuse of a child under the age of eighteen by a parent or caretaker who is responsible for the child's welfare. All states require certain professionals and institutions to report suspected child abuse. Teachers and other school personnel are regularly included in the groups listed as being bound by mandatory reporting requirements.

The first issue arising under the mandatory reporting statutes is the extent of the knowledge that leads to a duty to report. Some statutes call for reporting upon a "reasonable cause to believe" or upon a "reasonable suspicion." This requires that the facts be judged against an objective standard: would the facts available to the person reporting the abuse justify the conclusion that the facts observed or reported were abusive? To

establish grounds for reasonable suspicion, the reporter whose impressions formed the basis for a report of child sexual abuse must articulate specific facts and observations that, in conjunction with reasonable inferences derived from those facts and observations, led the reporter to believe that sexual abuse had occurred and that the alleged offender, if named, is the person responsible for the abuse.

Other statutes require the reporter to “know or suspect,” which might be seen as a different degree of knowledge. None of the statutes set forth, within the reporting statute, a definition or explanation of what is meant by the term(s) “reasonable cause to believe,” “reasonable suspicion,” or “knows or suspect.” Because the mandatory reporting statutes are not always clear to every person, teachers and other school officials need to be trained on how to make appropriate reports of suspected child sexual abuse.

The failure to report suspected child abuse can result in both civil and criminal liability. Most statutes typically call for a misdemeanor punishable by a fine. By way of example, Pennsylvania permits a person who willfully fails to report a case of suspected child abuse to be fined \$300 for a first violation and to be fined not more than \$2,500 and undergo imprisonment for a period not to exceed one year for a second or subsequent violation.¹⁰ As in most criminal prosecutions, the action of the defendant must be shown to have been intentional to support the conviction. On the civil side, the failure to report an incident of actual or suspected child sexual abuse potentially will give rise to a legal negligence action claiming that the child suffered injury as a direct result of the defendant’s failure to exercise a duty owed to the child.

Because of the real possibility that persons accused of sexual misconduct will react by bringing an action against the reporter, CAPTA requires states to enact legislation providing for immunity from prosecution under state and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse. In most states, this immunity is absolute, where it can be shown that the reporting was done in “good faith.”¹¹ Providing absolute immunity may encourage the making of unreliable or false reports, but this must be balanced against the state’s obligation to respond to child abuse and protect the safety of the child. This is best advanced by ensuring that persons with knowledge of abuse are not inhibited in coming forward through fear of retribution.

The 1993 CAPTA amendments require states to enact legislation providing for prosecution in false reporting cases. This would occur where the reporter lacked a “reasonable belief” or did not have “reasonable suspicion” that the report was true. States that already have perjury and falsification provisions in their criminal codes did not move to enact parallel legislation within their child protective services statutes. Nevertheless, the existence of false reporting sanctions should operate to discourage unsubstantiated charges against educators.

Where a school administrator or another teacher both knows that the law requires a person to report suspected child abuse and knows that there exists real penalties for failing to report, it is more likely than not that a report will be generated, even on weak grounds. Opposed to these policies encouraging reporting are those features providing criminal sanctions for false reporting and the risk of civil suit for either negligent reporting or defamation. Here, there is a risk that a reporter will “think twice” before making a report, since the penalties for a mistake are not merely superficial, and thus may neglect to make a report when child sexual abuse is occurring.

The mandatory reporting statutes have developed through an honest desire to put in place procedures that operate to enhance the government’s obligation, and desire, to protect the well-being and safety of its children. The remedy for alleviating any problem of false allegations does not lie in eliminating the requirement for mandatory reporting. Rather, available resources might be directed more properly towards training modalities aimed at providing teachers, administrators, and others working in an educational setting with a clearer understanding of what is intended when the law speaks of “reasonable cause to believe,” “reasonable suspicion,” “know or suspect,” and, indeed, what observable conduct actually rises to the level of reportable child sexual abuse. The Presbyterian church should support mandatory reporting because of the priority of protecting children.

THE CHURCH'S ROLE

The Church's Role in Addressing Child Sexual Abuse

The church should be a primary source of care, nurture, and support for all persons, especially children who are dependent on adults for their nurture and survival.

Children are valuable members of the community, and because of their vulnerability, it is the responsibility of the adult members of the community to see that they grow up and thrive to be the human beings God created them to be.

The church provides ministry to the victims of sexual abuse when it proclaims the gospel of salvation, nurtures the children of God, maintains worship, teaches truth, promotes social righteousness, and embodies the Kingdom of God in the world. In countering the brokenness of the sin of the world, the witness of the church reduces the number of children of God that fall prey to the sin of sexual abuse. The gospel of forgiveness of sin frees humanity from the social injustice and the costs of human brokenness that contribute to the cycle of sexual abuse. Even as Jesus excised the demonic forces, so the everyday ministry of the church combats them. The church's preaching, education, nurture, and worship can benefit by more explicit reference to the ministry of saving children from abuse.

The Presbyterian Church (U.S.A) has developed several studies and resources addressing child abuse, which include the following resources from our denomination: *Surely Heed Their Cry, A Presbyterian Guide to Child Abuse Prevention, Intervention and Healing* (1993, PDS #257-93-010); *Striking Terror No More, The Church Responds to Domestic Violence*, Bridge Resources (1997, PDS #095516); *The Whole World in Gods Hands?, Church & Society* (2000); *Turn Mourning Into Dancing! A Policy Statement On Healing Domestic Violence*, (2001, PDS #OGA-01-018); *We Won't Let it Happen Here: Preventing Child Abuse in the Church*, (Second Edition, 2002, PDS #72-651-02-002); and *Anguished Hearts: A Study Guide to Accompany Turn Mourning Into Dancing!* (2003, PDS #70-270-03-025).

Prevention of Child Sexual Abuse

There are many ways the church can work to prevent children from being abused. One way is through programs aimed at prevention of child sexual abuse. These prevention resources include policies that identify the behaviors that decrease the risk of child sexual abuse as well as decrease the risk of false allegations within the church communities. It is the church's responsibility to do all it can to ensure that children are safe from offenders by screening all paid and volunteer staff, those who have access to children and youth programs at church, and leaders in camps or other church-related activities. The church demonstrates its unwavering commitment to the physical safety and spiritual nurture of children and youth when sound child abuse prevention policies and procedures are in place. The burden of prevention is the responsibility of adults who are leaders in the church community.

We must use the resources of the church to ensure that sexual offenders do not have access to children in our church programs. Supervision of all church leaders helps to ensure that potential offenders are identified and removed from leadership positions. Additional prevention practices include the recommendation that two or more adults be available whenever children are around. In addition, doors should be left open, windows into rooms where children are engaged in programs should be unobstructed when individual adults must be with individual children, and transportation and supervision provided only with parental knowledge and consent.

The church has a role to play in teaching and nurturing our children. It is important that the home, the school, and the church present a consistent message to children about safety and the danger of child sexual abuse. The church can prepare our children to deal with a potential encounter with a sexual offender. This includes basic safety and survival information for children through educational awareness training. The churches should teach prevention in the context of biblical and theological foundations. The church should teach sex education and prevention from a sound theological perspective that includes mutual respect for all Gods' children regardless of race, ethnicity, gender, and culture.

We call for our church and our educational communities to provide education that goes beyond giving information to modeling appropriate and non-harmful behaviors and ways of relating to one another. Education should be conducted within the context of understanding the needs of different communities and creating culturally relevant strategies including language differences and cultural norms of sexuality. Educational programs may include:

- Age-appropriate educational materials about human behavior and touching such as “Good Touch/Bad Touch,” “Safe Kid Academy,” etc.
- Quality sex education: healthy sexuality with integrity.
- Instruction to help children and youth protect themselves from abuse.
- Instruction on pastoral care with families suffering from abuse including both the survivors’ and abusers’ families.
- Instruction on the consequences of child sexual abuse and the possibilities for healing.
- Local community resources for victims and survivors and their families.

The church should encourage and support parental education on healthy boundaries and healthy positive sexuality. Parents should be encouraged and trained to talk with their children using appropriate language about sex and sexuality.

Incidents of child sexual abuse are devastating to all who are involved: the child, the family, the child’s peers, the peers of the child’s parents, the local congregation, the community at large, the accused offender, and the family of the accused offender. Each person affected must be included in a ministry of pastoral care after an abusive incident. The desired outcome of a pastoral ministry to victims and the abusers is justice and healing for all as much as possible. There are no shortcuts or quick formulas to attain this outcome.

Abusers must be held accountable for their actions. The church can help foster accountability by advocating creative treatment options beyond incarceration. The church must also create opportunities for repentance, restitution, and change in behavior through abusers’ programs such as “Men Stopping Violence.”

The good news is that child sexual abuse is preventable. However, child sexual abuse occurs at an alarming rate in all segments of society regardless of religion, economic status, race, ethnicity, or educational level. The church is called to bring the message of wholeness and fullness of life in the face of human frailty. The grace of God is present with all in our brokenness and our goodness.

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ENDNOTES

1. *Minutes*, 2001, Part I, p. 62.
2. *Minutes*, 2001, Part I, p. 234.
3. *Minutes*, 2001, Part I, p. 237.
4. *Minutes*, 2001, Part I, p. 239.

5. *Minutes*, 2002, Part I, p. 576.
6. *Minutes*, 2002, Part I, p. 577.
7. Office of the United Nations High Commissioner for Human Rights, Geneva, Switzerland, Declaration of the Rights of the Child, Proclaimed by General Assembly resolution 1386(XIV) of 20 November 1959, <http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm>, accessed on March 16, 2004.
8. *Minutes*, 1993, Part I, p. 570
9. Title 42, United States Code, § 5101, *et seq.*
10. (3rd degree misdemeanor), Title 23 Pa.Consolidated Statutes, § 6319; 18 Pa.C.S. §§ 1101, 1104.
11. See, e.g. 23 Pa.C.S. § 6318, establishing a presumption of good faith and affording absolute immunity in making of a report, cooperating with an investigation, testifying in a proceeding, taking photographs, the removal or keeping of a child in protective custody, and referring reports of suspected abuse to law enforcement authorities.

RECOMMENDATIONS

Item 10-12

The Advisory Committee on Social Witness Policy (ACSWP) recommends that the 216th General Assembly (2004) of the Presbyterian Church (U.S.A.) approve the following recommendations:

1. Approve the Resolution on Allegations of Child Sexual Abuse Against Educators, receive the full rationale, and encourage their churchwide study.
2. Urge individual Presbyterians and the sessions of local congregations to become actively involved in their local school districts and private schools to ensure both public and private schools have
 - a. adequate policies on child sexual abuse that set forth the responsibilities and rights of both students when they are abused and educators when they are falsely accused;
 - b. mandated staff development and student education about sexual harassment, misconduct, and abuse; and
 - c. effective procedures that ensure due process that will protect both students and educators.
3. Urge sessions and middle governing bodies to approve and implement strong sexual misconduct policies, procedures, and training programs for prevention of and protection from sexual misconduct.
4. Urge the General Assembly Council (GAC) to
 - a. plan, develop, and implement national training programs on child sexual abuse prevention for clergy, church educators, and professionals who have access to children and youth;
 - b. support and expand the work of the Child Advocacy Office, the Presbyterian Child Advocacy Network (PCAN), Presbyterians Against Domestic Violence Network (PADVN), and Presbyterians for Disabilities Concerns (PDC) in their programs that encourage safety for children in church and society;
 - c. urge sessions and middle governing bodies to continue to plan and develop child advocacy programs during the Decade of the Child (2001–2011) and beyond; and
 - d. instruct the Presbyterian Washington Office to advocate speedy ratification of the United Nations' Convention on the Rights of the Child by the United States government.
5. Direct the Stated Clerk to write to the president of the United States and members of the Senate requesting the speedy ratification of the United Nations' Convention on the Rights of the Child.
6. Urge the Office of the General Assembly (OGA) and the General Assembly Council to advocate with government, universities, and seminaries for increased research into effective treatment for survivors of child sexual abuse and to better address prevention strategies.
7. Direct the Office of the General Assembly to publish the entire report in the *Minutes* and place the document as a whole on the PC(USA) Web site, distributing a copy to the presbytery and synod resource centers and the libraries of the theological seminaries, and making available a copy for each requesting session or middle governing body; and direct the Stated Clerk to notify the church that it is available on the Web site.

