

Child Sexual Abuse & Molestation Prevention

The issue of the sexual abuse and molestation of children under 18 years of age is ongoing. Barely a week goes by without a news report of another perpetrator being arrested. In many cases the public is shocked that the abuser turns out to be someone well-known and generally held in high regard by their community. As would be expected, public outrage over these instances arose, as high profile court cases drew national attention. During the last decade almost every state legislature in the country passed laws in order to address this problem. Some of these laws are very detailed and far-reaching, while others might be considered somewhat 'thin'. Nevertheless, there are regulations in all fifty states as well as most US territories.

Employer responsibilities - Any entity, public or private, whose employees' and/or volunteers' duties require contact with children under 18 years old, should have policies in place to provide safeguards to the children. The obvious and largest employer groups are schools. Beyond schools, others would include: childcare operations, libraries, parks and recreation departments, medical personnel, police, EMT's, juvenile justice personnel, and private organizations such as the YMCA, school transportation companies, churches and youth athletic organizations, just to name a few.

Employer policies - Policies are necessary to not only to protect children, but also to protect the employer. The employer can be held liable for the actions of its employees under the theory of **Vicarious Liability**, which refers to a situation where someone is held responsible for the actions or omissions of another person. In a workplace context, an employer can be liable for the acts or omissions of its employees, provided it can be shown that they took place in the course of their employment. The two policies are:

- **Employee screening** - All employees and/or volunteers should have their references checked, receive a federal/state criminal background check, and checked against the US Dept of Justice, National Sex Offender Public Website, also known as NSOPW. These should be completed prior to the start of their official duties.
- **Mandated reporters**- Under each state's regulations, certain occupations are designated as mandated reporters. Individuals who hold these positions are required by state law to report any suspected evidence of abuse - sexual or otherwise. The organization employing these positions must have in place a reporting protocol. Most states may impose penalties on mandated reporters who do not report obvious indications of abuse. In all states, mandated reporters, who in *good faith* make such a report, are immune from any criminal and civil prosecution. Conversely, any mandated reporter who makes a false report may be criminally prosecuted, and face a civil lawsuit.

Employers of mandated reporters should develop a written policy, in accordance with their own entity's structure and their state's regulations. Each mandated reporter employed, should sign and date a copy of the policy, acknowledging their understanding of their responsibilities. This copy should be placed in the individual's personnel file.

Most state governments have an Office or Department of Children & Families that can provide guidance and, in some cases, training for employers and staff. Another very good source of information is the US Dept of Health and Human Services 'Child Welfare Information Gateway', which summarizes all state-specific information on this important subject. Their website address is: www.childwelfare.gov/systemwide/laws_policies/state/can/

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