

Church Executive

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STOP SEXUAL ABUSE: RESPONDING TO AN ALLEGATION

Presented by:
Love & Norris & MinistrySafe



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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- Outline immediate care and communication extended to the victim(s), the victim’s family and others directly impacted by the alleged abuse. (See sidebar, at right)

STRATEGIES FOR COMMUNICATING WITH THE CONGREGATION, MINISTRY STAKEHOLDERS

When faced with an abuse allegation, too many ministries succumb to the temptation to say little or nothing, attempting to *keep the toothpaste in the tube*. This course of action seldom works out well for anyone; victims feel abandoned; leaders feel unfairly vilified; members feel minimized and left in the dark; and public perception of the ministry suffers.

Instead, immediate and transparent communication with church members, staff members and ministry supporters is key. Church members — and the public as a whole — tend to extend significant grace to leaders who quickly address allegations, even if the church or its leaders erred in the past.

Some circumstances demand corporate communication or a ‘family meeting’ of members to communicate in a broader context. Member meetings should occur in accord with the ministry’s bylaws or doctrinal statement — specifically stating that the meeting is occurring to undertake church business.

Generally, the communication to members should be factual, non-speculative, victim-centric and brief. The meeting should open and close with prayer. Do not allow for a Q&A session; too often, questions will be asked that cannot be answered appropriately in a large group. Those with additional questions should be directed to one designated staff member, in his or her office during the business week, rather than on the spot or following the member meeting. This staff member should be equipped with relevant information that will not undermine any law enforcement investigation or impinge upon the privacy of the victim(s).

Appropriate action and communication are generally fact-specific and depend heavily on the circumstances — the type of allegation, the role (if any) of the accused, the involvement of law enforcement, and whether any of the behavior is admitted.

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

INSURANCE COVERAGE — NOTIFYING YOUR CARRIER

Every ministry should know its insurance agent and choose an agent who is knowledgeable about sexual abuse risk. Given current litigation costs and settlement amounts, does the ministry carry sufficient insurance to cover this risk?

Does the policy have an exclusion, endorsement, qualification or limitation of coverage for matters related to sexual abuse or sexual misconduct?

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.

HOW TO COMMUNICATE WITH ABUSE SURVIVORS, FAMILIES

A ministry’s allegation response plan should address ongoing support, care and communication with the victim(s) and their families. Some fundamental principles:

- Communication early and often.
- Listen with an empathetic ear.
- Set aside defensiveness or justifications.
- Understand that parents will likely need to VENT.
- Victims and their families might feel angry, bitter or resentful.
- Do not attempt to facilitate superficial *forgiveness*.
- Understand that ministry to abuse survivors and their families will require long-term commitment; *there is no quick fix*.
- Offer to pay for the services of a counselor of the victim’s choice.

EFFECTIVE COMMUNICATION AND CARE NOW IS MORALLY RIGHT, BIBLICALLY SOUND, AND POSITIVELY IMPACTS PUBLIC PERCEPTION.

Not all allegations lead to lawsuits; but if civil litigation does ensue, notifying the carrier at the start is critical.

AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE

Developing a response plan is imperative, but preventative protocols should get first priority. An effective SAFETY SYSTEM is a ministry’s best protection from sexual abuse harm and resulting damages. Analyze *existing* safety protocols by answering these questions:

- Does your ministry screen employees and volunteers for sexual abuse risk?
- How effective is your training?
- Will your workers recognize the *grooming process* of an abuser?
- Will they know to report suspicions, and to whom?
- Do your policies create ‘bright line’ DOs and DON’Ts related to sexual abuse risk?
- Are your child-serving programs adequately monitored and supervised?

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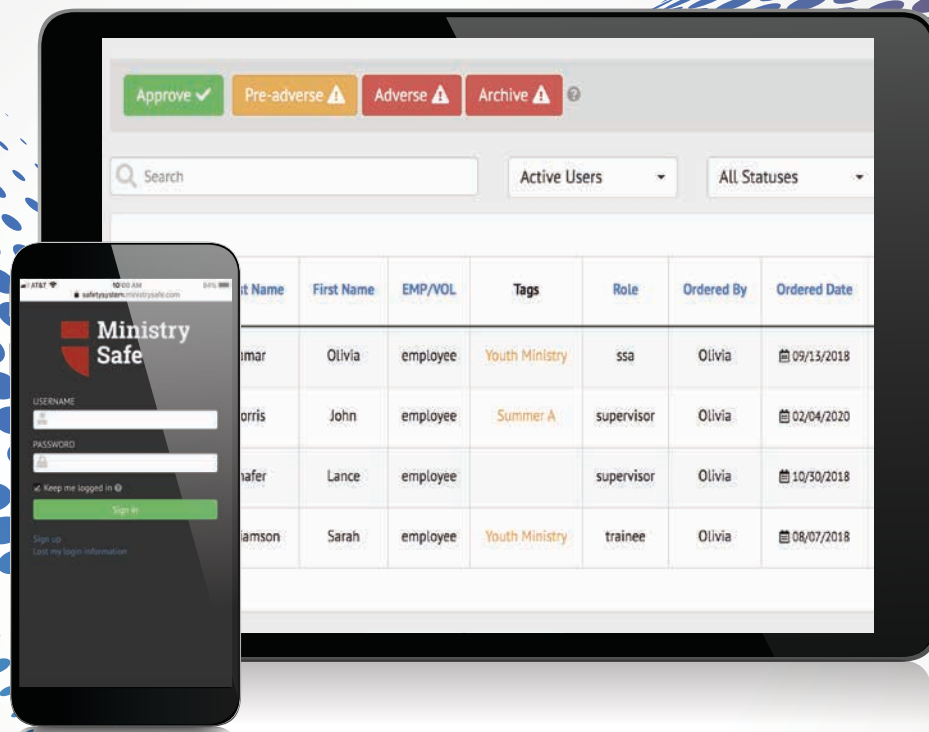
An effective SAFETY SYSTEM will not negate sexual abuse risk, but it will substantially abate that threat by taking *reasonable steps to address a known risk*. With a better understanding of sexual abuse and sexual abusers, ministry leaders are better able to respond to abuse allegations with sensitivity and clarity. **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.

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