



## CHILD ABUSE ALLEGATION RESPONSE CHECKLIST

## ABOUT US

### Who is Telios Law?

Telios Law creates legal solutions that can help solve conflicts in ways that heal people and preserve their vision, and protect from liability. People are happier and healthier when they are legally protected, have a good workplace culture, and preserve their core beliefs.

### Why This Document?

Child abuse leaves victims wondering “Why did God let this happen, and where was the church when I was breaking.”

Preventing child abuse and protecting children is part of God’s calling.

Telios Law is collaborating with ECAP to provide your organization the resources you need to protect the innocent and to **become the capable guardian**.

**You are welcome to use this document for free at your organization.**



## ABOUT THIS DOCUMENT



This document provides your organization a checklist of what to do if there is a child abuse claim at your organization.

The document comprises of a high level description of steps you should take, indicated with the icon: 




It contains further descriptions listed in the white transparent boxes.

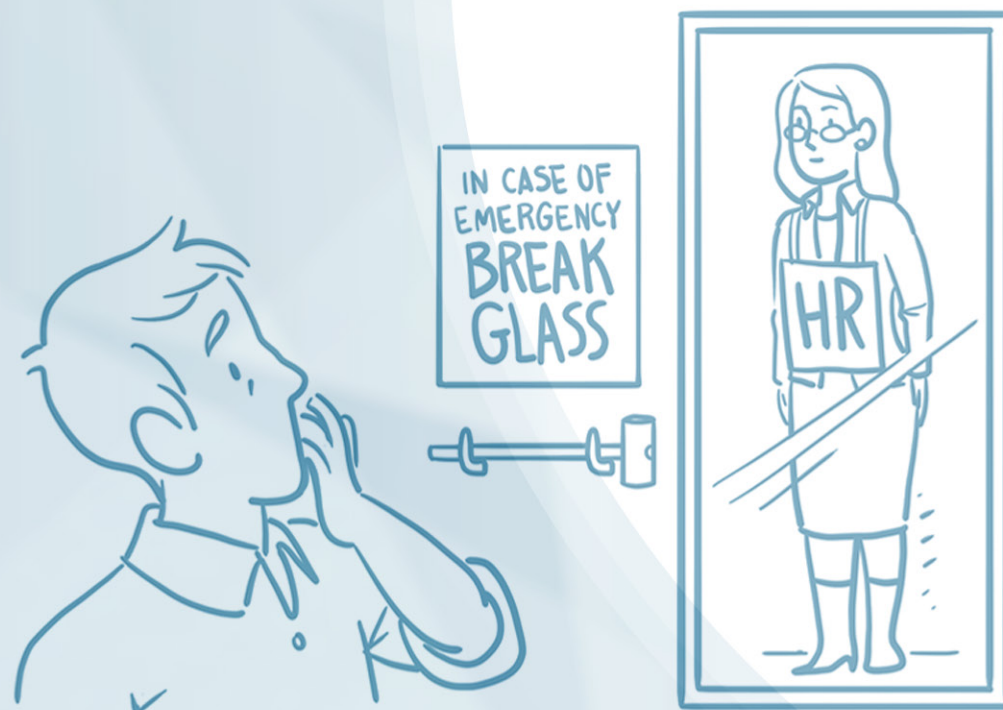
This document cannot, and is not intended to replace legal counsel or your crisis management team, but it should be helpful when planning your policies and responses should an allegation occur.

For more information on how to respond to child abuse allegations, refer to the resource section at the end of this document.




## REPORTING

-  Immediately document all instances of suspected abuse, and document when that abuse was reported.
-  Follow your national, state, and internal response protocols, getting legal guidance if needed.
  - Be particularly aware of mandatory reporting requirements in your state or nation.
  - Deadlines may be very short, and there may be criminal penalties for failure to report or delayed reporting.
-  Report all instances of suspected abuse to the appropriate authorities (organizational, state, or federal).







## NOTIFICATION

-  Your leadership response team and media spokesperson, working with your counsel, will determine whether and when to make notifications to stakeholders. **Stakeholders may include...**
  - The broader public, including media inquiries.
  - The person who may have been harmed and their family.
  - The offender and their family or supporters.
  - Staff of your ministry.
  - Members of your ministry.
-  Notify your insurer of any allegations, discoveries, demands, or threats of litigation.
  - A first report should (at minimum) include an email with a read receipt and delivery confirmation as well as a phone call documenting the date and time of the notification.
  - The insurer should provide a "notice of loss" statement to be kept in a secure location.
  - Do not make settlement offers to claimants without first consulting your insurance carriers—these may not be honored, and may affect coverage.
-  After an investigation is complete:
  - Notify the families of alleged victims as appropriate.
  - Notify the accused as appropriate, based in part on findings of guilt, exoneration, or inability to substantiate.
  - Notify other stakeholders as appropriate.







## LEADERSHIP

-  Inform your leadership response team so it can formulate a response, working with legal counsel and other experts.
  - A leadership response team should have access to a victim assistance coordinator/advocate trained to respond to victims and survivors of abuse.
  - Until any investigation is finished, communication of information about the investigation or the parties involved should be on a need-to-know basis.
-  Inform your crisis management team. The team may have some overlap with the leadership response team, and will typically include the following.
  - An Advocacy Member to work directly with the alleged victim and family.
  - An Executive Member to coordinate internal and external efforts of the team.
  - A Project Manager to support administrative efforts to organize, track, and report information.
  - A Media Spokesperson to work with legal counsel, any Public Relations Consultants and stakeholders.
-  Inform legal counsel and work with counsel to determine legal duties, including reporting and privacy rights, defamation, and ongoing safety of those involved.
-  Define how communications with care teams are protected under clergy confidentiality.






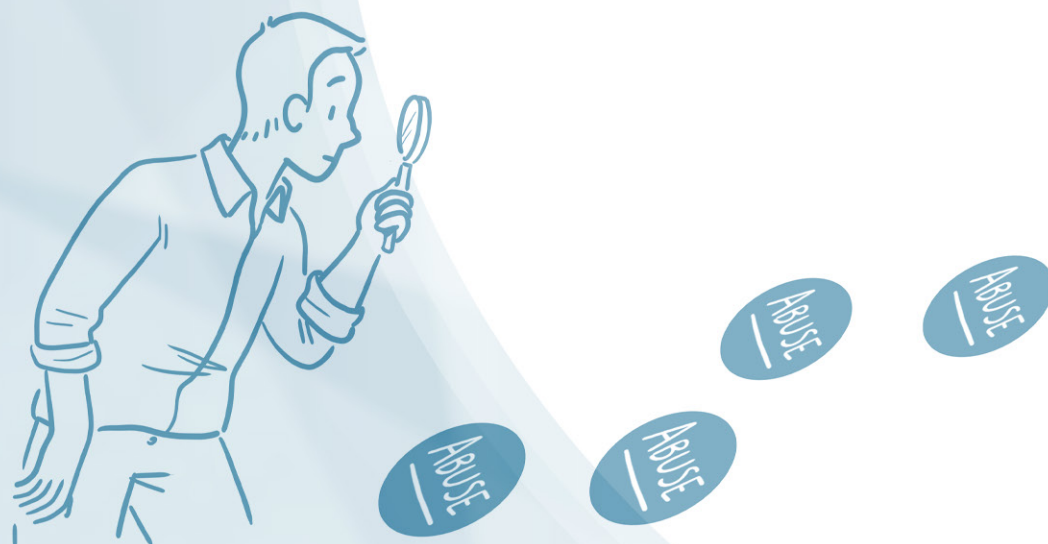
## SAFETY & SUPPORT

-  Implement your safety plan for the child who may have been harmed and other children at risk, the community, and the accused (prioritize supporting and protecting minors). **A safety plan should...**
  - Provide urgent care to a child who may have been harmed.
  - Typically place the accused on (paid) administrative leave.
  - Ensure that the accused does not have continued access to children.
  - Protect other potential victims.
-  Implement a support plan for a child who may have been harmed (and the family), the community, and the accused (prioritize supporting and protecting minors). **A support plan should...**
  - Tend to psychological, spiritual, and physical needs before, during, and after any investigation.
  - Support those who may have been harmed, community members, staff involved, and the accused
  - Include counseling, mentoring, retreats, training, and medical care (among other things).
  - Support staff can be assigned to the different stakeholders. However, all such individuals should be recused from both investigative activity and decision-making.
-  Inform involved parties of counseling options, and of appropriate communications guidelines. If Employee Assistance Programs are available, inform personnel that they may connect with those resources.
-  Provide reasonable leave of absence and support to those affected.



## INVESTIGATION






-  Leaders and staff should work with law enforcement services or social services if needed at any point in the investigative process.
-  Leadership should consider if an internal investigation or disciplinary action will be needed, either because a law enforcement/CPS investigation is not available or to supplement it.
-  Any investigation should be carried out according to best practices, likely by an independent investigator.



## TRAINING

-  Training is beneficial both before an incident and afterwards for improving processes.
-  Make sure staff are knowledgeable about child abuse, including trauma and recovery.
-  Ensure all employees are aware of internal and external reporting mechanisms.
-  Ensure all leadership and all relevant employees are aware of how to comply with criminal and civil investigations.
-  Safety and confidentiality guidelines:
  - Provide urgent care to a child who may have been harmed.
  - Typically place the accused on (paid) administrative leave.
  - Ensure that the accused does not have continued access to children.
  - Protect other potential victims.
  - Keep information confidential, except on a "need-to-know" basis.
-  All staff should understand how to cooperate with criminal and civil investigations.
-  Leadership should understand the principles of an unbiased investigation, and how to avoid biased investigations.

## FOLLOW UP

-  Audit existing policies, procedures, training, and security, with the help of legal review.
-  Provide support and possibly services to the victim/survivor and the family. If invited to do so, be present in their lives to support them.
-  Determine how to provide support if allegations are not substantiated.
-  Determine whether you will allow a sex offender to remain at your organization or participate in, ministry and worship activities. If you will not, notify the offender in person and in writing of your decision.
-  If you allow a sex offender to remain in the organization, you must be able to provide accountability for the sex offender in the context of a well-developed policy.



## RESOURCES



For more information and training about child protection and abuse prevention, go to **TeliosTeaches.com/**.

For more information and resources about investigations, or to seek an independent investigator, go to **TeliosInvestigations.com**.

For legal advice about child abuse allegations, go to **TeliosLaw.com**.

For regular free updates on ministry legal issues, sign up at **TeliosLaw.com/legal-updates-training**