



Prevent Child Abuse
New Jersey

In collaboration with the NJ Partnership to
Prevent Child Sexual Abuse and the Enough
Abuse Campaign

“Sexual Abuse Safe-Child Standards”

In New Jersey



DISCLAIMER

Prevent Child Abuse of New Jersey (“PCANJ”) presents these Sexual Abuse Safe-Child Standards (the “Standards”) as a preventative tool for implementing policies and procedures for organizations working with youth and children. These Standards are based on recent research and studies relating to the prevention of child sexual abuse. There is no guarantee that these Standards prevent the occurrence of child sexual abuse, but by implementing such Standards an organization can minimize the risks of the occurrence of such incidents. PCANJ assumes no liability of any kind resulting from the use or implementation of these Standards.

November 29, 2012

Introduction

Research shows that a significant percentage of all cases of child sexual abuse occur through organizations that serve youth and children, including schools, churches, sports clubs, and others. Perpetrators may seek employment with these organizations because they recognize the opportunity to be with children and to find a place to groom possible victims. Some of the most infamous cases of child sexual abuse have taken place through youth-serving organizations, including those involving the Catholic Church, Penn State University and Jerry Sandusky’s Foundation, Boy Scouts of America, US Swim Clubs, and public schools across the country.

If we hope to end child sexual abuse, we will need to engage youth-serving organizations as leaders in the prevention effort to help them become places where perpetrators can’t find work and where policies and practices at every level better protect children in their care. It is clear that organizations in New Jersey serving children and youth share in the responsibility to take reasonable, necessary and appropriate steps to protect children and youth from the risk of child sexual abuse while they are under the care or supervision of employees or volunteers.

To that end, we have outlined a series of policy and procedural actions for organizations which serve youth should take to protect children from the risk of child sexual abuse.

The framework described below is intended to help organizations develop a comprehensive approach to protecting children from harm and to ensure that proper reporting is done, should a case of abuse occur.

It is critical to recognize that each of the six (6) standards outlined below can and should be tailored to the size and specific characteristics of each organization. Each step described in this document establishes a minimum requirement that organizations must meet to demonstrate that appropriate steps have been taken to establish a safe environment for children.

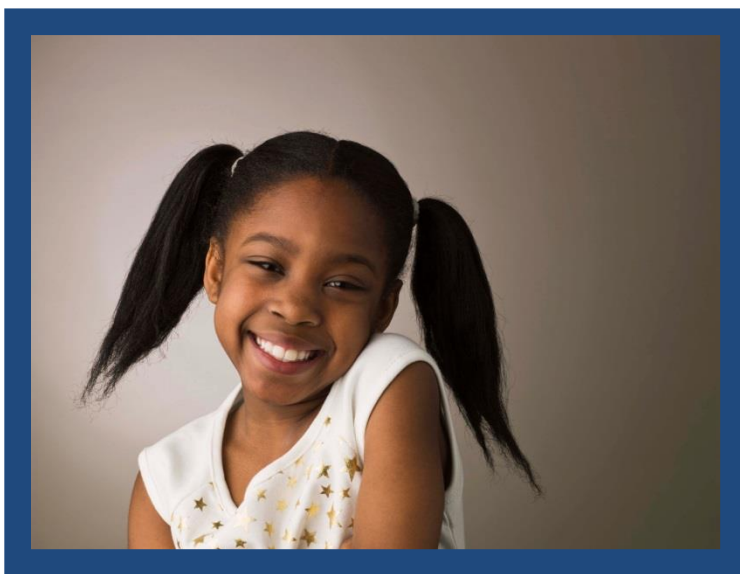
The steps also include suggested “guidelines to achieve compliance” to assist organizations in designing and implementing this set of standards. The guidelines for compliance provide organizations with practical examples of steps they can take to implement the standards. The guidelines for compliance may also be useful to measure and audit the child-safe practices of organizations. They can also assist organizations in reviewing and evaluating current practices and identifying goals for development and also provide a basis for accountability if practices fall below the specified standards.

Although no policy or procedure can guarantee a 100% “child safe environment,” these standards promote child safety and well-being while reducing the risk of child sexual abuse to children and youth. By putting these standards into practice, everyone will have clearer guidelines about their own behavior around children and on what to do if they notice or are told about inappropriate behavior by others. In addition, by establishing child-safe standards, organizations may deter those who would wish to abuse children from joining the organization.

The standards recognize New Jersey’s existing laws related to mandated reporting of child abuse and neglect for every individual in the State: <http://www.state.nj.us/dcf/reporting/how/index.htm>

The standards also recognize the relevant laws and regulations related to the conducting of background checks for YSO’s in New Jersey.

See Background Checks for Youth Serving Nonprofits in New Jersey: An Overview and Considerations, available at www.probonopartnership.org.



NJ “SEXUAL ABUSE SAFE-CHILD STANDARDS”

Purpose: The purpose of the standards is to promote the well-being of children and young people in contact with organizations and protect them from child sexual abuse. In the context of creating a safe environment for children, the standards require organizations to identify, assess and take steps to minimize the risk of sexual abuse to children because of the action or inaction of an employee, volunteer, or another child.

Standard 1 Post a clear and accessible child-safe policy

The organization should develop and post a “child-safe environment policy” that outlines its commitment to protecting children from child sexual abuse.

A policy is a clear statement of intent that demonstrates to a child’s parents and to the broader community an organization’s commitment to safeguard children from child sexual abuse and makes clear to all what is required in relation to the protection of children. It helps to create a safe and positive environment for children to promote children’s well-being and to show that the organization is taking its responsibility of care seriously.

Sample Child-Safe Policy Statement

This organization (insert name) is committed to the safety and well-being of all children and youth accessing our services. We have taken steps to educate our staff about the risks related to child sexual abuse, instituted policies and practices designed to protect children from the risk of child sexual abuse and trained our staff and volunteers about proper reporting requirements.



Standard 1: Guidelines for Compliance

These guidelines provide clear examples of steps that an organization can take to post a clear and accessible child-safe policy.

- The organization should have a policy that indicates the organization’s commitment to protecting children in their care from child sexual abuse;
- The policy should be written in a clear and easily understandable way;
- The policy should be publicized, promoted and distributed widely;
- The policy should be approved and endorsed by the organization’s governing authority;
- All employees and volunteers should be made aware of and have had the opportunity to read the policy and sign it;
- Employees and volunteers should be required to sign a written statement indicating they have read the policy. The signed acknowledgement should be retained in the employee’s or volunteer’s personnel file, and a copy should be retained by the individual.
- Parents, caregivers and children (where appropriate) in the organization should be made aware of the policy and should be able to access a copy.



Standard 2: Analyze risk of harm and minimize that risk

Each organization should develop and implement a “risk management strategy” that analyzes the potential for child sexual abuse within their environment and take steps to minimize the risk of sexual abuse through their programs, staff, volunteers, and facilities. It includes a review of existing child protection policies and practices to determine how child-safe and child-friendly the organization is and the development of new strategies to minimize and prevent the risk of child sexual abuse from ever happening to children.

Standard 2: Guidelines for Compliance

These guidelines for compliance provide clear examples of steps that an organization can take to identify the settings in which children are most at risk of sexual abuse, and to minimize the risk in those settings.

1. Employees and volunteers of the organization should be aware of child development and how child sexual abuse can occur and be detected within an organization.
2. A “child safety review” should identify the organization’s strengths and weaknesses relating to the risk of child sexual abuse. The key programs and services provided to children by the organization should be identified. An assessment should be made of the risk related to child sexual abuse for each program. Issues such as sources of, and reasons for, potential risks of child sexual abuse of children should be examined. Potential consequences and existing controls also should be identified.
3. Once high-risk situations have been identified, the organization should develop a risk-management plan that minimizes the risk of such situations or relationships occurring. This includes situations which might lead to false, malicious or mistaken accusations of child sexual abuse.

Standard 3

Develop codes of conduct for adults and children

The organization should have a code of conduct that specifies standards of conduct and care when dealing and interacting with children who are involved in the organization’s programs, activities or care. The organization should also have a code of conduct to address appropriate behavior between children. These codes of conduct should set out professional boundaries, ethical behavior and unacceptable behavior.

A code of conduct should include a straightforward definition of sexual abuse, and a guide of do’s and don’ts to assist staff and volunteers to conduct their work professionally and effectively. Codes of conduct help prevent child sexual abuse, especially where one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. By setting a clear benchmark of acceptable standards of conduct and care, a code of conduct can promote safe, positive and encouraging environments. A code of conduct can minimize opportunities for sexual abuse and help to prevent unfounded allegations. In this way, codes of conduct help protect children and young people as well as employees and volunteers. The code of conduct is a brief, clear document that covers issues such as: physical contact, confidentiality, toilet and bathing arrangements, favoritism and “special” relationships and training.

Standard 3: Guidelines for Compliance

These guidelines for compliance provide clear examples of steps that an organization can take to develop an adequate code of conduct for adults and children designed to minimize the occurrence of sexual abuse.

- The organization should establish a code of conduct.
- The code of conduct may include a definition of sexual abuse. One commonly-accepted definition, from the APSAC Handbook of Child Maltreatment, is as follows: “Child sexual abuse involves any sexual activity with a child where consent is not or cannot be given. This includes sexual contact that is accomplished by force or threat of force, regardless of the age of the participants, and all sexual contact between an adult and a child, regardless of whether there is deception or the child understands the sexual nature of the activity. Sexual contact between an older and a younger child also can be abusive if there is a significant disparity in age, development, or size, rendering the younger child incapable of giving informed consent. The sexually abusive acts may include sexual penetration, sexual touching, or non-contact sexual acts such as exposure or voyeurism.”
- The code of conduct should include statements about the responsibility of adults and children to treat one another with dignity, respect, sensitivity and fairness.

- The code of conduct should clearly set out acceptable (and unacceptable) behavior for everyone within the organization, including but not limited to:
 1. Existing employees, members or volunteers who are currently occupying or acting in identified positions.
 2. All persons seeking paid employment, membership or voluntary work with the organization in identified positions, regardless of whether they are existing employees, members or volunteers.
 3. Independent contractors, agency staff, consultants, apprentices, trainees and students on placement who will undertake certain prescribed functions.
- The code should identify and address unacceptable behaviors (i.e. high-risk behaviors), for example:
 1. Unwarranted, unwanted and/or inappropriate touching of a child;
 2. Bullying or harassment of a child;
 3. Inappropriate contact or relationships between employees/volunteers and children within the organization;
 4. Management of situations where adults are alone with children.
- Codes of conduct should be made widely available, published and communicated to individuals identified above.
- All procedures should be clear, accessible and transparent.
- All employees and volunteers (where practicable with respect to volunteers) should be required to acknowledge and sign the code of conduct. By signing the code, employees and volunteers confirm their obligation to apply the code to their work conduct within the organization. The signed code of conduct should be included on their staff record or personnel file (where applicable).
- Codes of conduct should reflect the unique values and program activities of the organization.
- A code of conduct should be linked to performance management of employees and volunteers.
- Members of the organization should be made aware of their duty to raise concerns about the behavior of employees, managers, volunteers, children or others that may be harmful to children, without prejudice to their own position.
- Parents and caregivers should be encouraged to raise any concerns about the behavior of employees, managers, volunteers, children or others that may be harmful to children, and expect to be listened to and supported.

Standard 4

Recruit and hire suitable employees and volunteers

The organization should take all reasonable steps to ensure that it engages the most suitable and appropriate people to work and volunteer with children, using a range of screening and hiring measures. Such measures aim to minimize the likelihood of engaging (or retaining) people who are unsuitable to work with children.

A criminal history report should be obtained as part of an organization’s screening process of an applicant. Organizations are required to ensure that the criminal history information is addressed in accordance with federal, state and local laws. Where criminal history assessments are required by law, the organization must ensure that a satisfactory criminal history assessment is conducted for all persons undertaking prescribed functions at agency-defined intervals up to a maximum period of three (3) years.

The organization has a duty of care to take all reasonable steps to protect children from harm. Choosing suitable employees and volunteers is part of fulfilling the duty of an organization to act diligently and prudently to prevent actions and behavior that would be harmful to children. It is important that the organization engages the best possible people to work with children and who are suited to the specific role they are undertaking. Positions subject to careful screening should include:

- Staff or volunteers with regular contact with children or working in close proximity to children on a regular basis.
- Supervisors or managers of persons in positions requiring or involving regular contact with children or working in close proximity to children on a regular basis.
- Staff or volunteers with access to records relating to children.

People who work with children may be either employees or volunteers. Volunteers play a major role in many organizations in New Jersey, providing services and strengthening communities. Most volunteers are genuine, caring, helping people who want to do what is best for children and their communities. A small number of people who seek to work with children in a paid or voluntary capacity pose a risk of harm to children. It is possible to minimize the risks and to prevent harm by putting safeguards in place. These actions will help to deter unsuitable applicants/child abusers from applying for employment or volunteer work with the organization.

Background checking, screening and risk assessment during the recruitment of employees and volunteers are important measures within organizations’ policies and practices for developing child-

safe organizations. The three (3) key terms – *background checking*, *screening* and *risk-assessment* – are often used interchangeably but refer to different concepts and processes.

Screening, in the context of minimizing the risk of harm to children in their dealings with organizations, refers to the combined process of background checking, risk assessment and decision-making concerning acceptance/exclusion of persons in areas of child related employment/volunteering. In order to *screen* and *assess* employees and volunteers, organizations may:

- undertake face-to-face interviews
- confirm educational status
- review reference checks
- conduct criminal history assessments
- undertake other background checks (e.g. psychological testing, on the job observation).

Background Checking involves obtaining information about potential employees and volunteers, on the basis that the information is deemed relevant to working in a child-related area. The information gathered may include details concerning previous employment and relevant experience; verification of qualifications and professional registration; criminal history information; thorough reference checks; and work history reports.

In the area of child protection, *risk assessment* refers to a process of evaluating the information received to reach a decision about the risk of harm a person may pose to children. Some roles present higher levels of risk to children, based on the nature of the work.

Some screening practices may also be used for ongoing monitoring purposes of existing employees and volunteers (e.g., obtaining criminal history reports or on the job observation). Another measure to reduce risk of harm to children is to use probationary periods for new employees and volunteers to assess their suitability for specific positions, roles or duties.

Face-to-face interviews

Interviews may include behavior-based questions and open questions that invite explanations rather than a yes/no response (e.g., *why do you want to work with children?*). It is recommended that one of the interviewers is a designated staff position who has undergone training about child sexual abuse and who is familiar with issues of child protection.

Undertake reference checks

Relevant references can help determine when individuals present a risk of harm to children or are unsuitable to work with children. A structured reference check is to be undertaken as part of any selection process for recommended applicants who are not currently employees or volunteers of the organization. It is recommended that information on the applicant’s suitability to work with

children is sought from a minimum of two (2) references. One reference should be the applicant’s current supervisor, unless acceptable reasons are provided for not contacting that person. If the applicant is not working, the applicant’s most recent supervisor should be listed as the reference. If the applicant has never been employed, the applicant may provide the contact details of persons who are able to provide reliable character references.

A suggested question to ask such references regarding the applicant’s desire to work with children is: “to your knowledge is there any aspect of the applicant’s behavior, actions or activities that would make them unsuitable for working with children?”

In some cases it may be necessary for organizations to undertake follow up with references to establish confidence in the applicant.

Criminal history assessments

A number of New Jersey laws either require or permit criminal history background checks. For example:

- Criminal history background checks are required for:
 - Employees of schools under the supervision of the NJDOE (N.J.S.A. 18A:6-7.1)
 - Staff members of residential child care facilities regulated by the NJDCF (N.J.S.A. 30:4C-27.16 et seq and N.J.S.A. 53:1-20.9d)
 - Employees and volunteers aged 18 and up of childcare centers licensed by the NJDCF (N.J.S.A. 30:5B-6.10 et seq)
 - Staff members of adoption agencies regulated by NJDCF (N.J.S.A. 9:3-40:2 et seq and 53:1-20.9d)
 - Employees employed by an agency under a contract with the NJ Division of Developmental Disabilities (N.J.S.A. 30:6D-63 et seq)
 - Employees of NJ State institutions or facilities for the mentally ill or developmentally disabled (N.J.S.A. 30:4-3.4 et seq. and N.J.S.A. 53:1-20.8)
 - Licensed health care professionals (N.J.S.A. 45:1-28 et seq)
 - Nurses’ aides in long-term care facilities, personal care assistants in assisted living facilities (N.J.S.A. 26:2H-83 et seq., N.J.S.A. 45:11-24:3 et seq.)

- Criminal history background checks are permissible for:
 - Volunteers at schools under the supervision of the NJDOE (N.J.S.A. 18A:6-7.1)
 - Prospective and current employees and volunteers of nonprofit YSO’s that (1) are exempt from federal income taxes, (2) are in good standing with their annual report filings in NJ, and (3) provide recreational, cultural, charitable, social or other activities or services for persons under 18 (N.J.S.A. 15A:3A-1 et seq)
 - Employees of nonpublic schools, K-12 (N.J.S.A. 18A:6 – 4.13)
 - Employees or volunteers of an organization, for purposes of determining a persons qualifications (N.J.S.A. 53:1-20:6 and N.J.A.C. 13:59-1 et seq.)

In addition, a YSO may not knowingly use the services of a Megan’s Law sex offender (N.J.S.A. 2C:7-22 et seq.)

(This list is not intended to be exhaustive, and you should consult an attorney to get up-to-date legal advice.)

In order to prevent unnecessary intrusion, *criminal history reports* should be obtained on new applicants who have been short-listed for a specific position working with children. It is important to first interview applicants and conduct reference checks. This will minimize the costs associated with unnecessary criminal history checks for applicants who are unsuccessful in meeting the selection criteria or who are unsuccessful in completing the early stages of the screening process.

In situations where a criminal history assessment is not required by law and obtaining an assessment is neither practicable nor proportionate to the resources of an organization, it is recommended that the organization requires the applicant/employee/volunteer sign a declaration stating that the individual has no relevant criminal history. While a written declaration cannot replace an official criminal history report, it can go some way towards mitigating risk and may assist in screening as a useful measure of an individual’s integrity.

Other background checks

An organization may decide to undertake other screening measures such as psychological testing and on-the-job observation. The screening measures used by an organization to screen and assess potential and existing employees and volunteers will depend on both:

- the size, nature and resources of the organization; and
- the level of risk attributed to the prescribed position or role.

Basic Screening (involving a formal criminal background check)

Basic screening may be sufficient in cases where:

- A criminal history assessment is not required by law
- The position to be filled is low risk (e.g. constantly supervised by individuals who have been comprehensively screened)

Screening includes:

- a comprehensive application form with a signed statement
- a thorough personal interview
- professional and personal reference checks
- confirmation of education.

Standard 4: Guidelines for Compliance

These guidelines for compliance provide clear examples of steps that an organization can take to minimize the risk that it will recruit or hire unsuitable employees or volunteers.

- The organization should have policies and procedures for recruiting employees/volunteers and for assessing their suitability to work with children.
- Screening should be undertaken by the organization prior to the hiring/selection of new employees/volunteers.
- All current employees, contractors and volunteers in prescribed positions should be screened in accordance with these principles of safe practice.
- The organization should have clearly articulated screening and risk assessment procedures that are transparent and available to all relevant audiences.
- Risk assessment should take into consideration both situational and individual factors.
- If a criminal history report is obtained, criminal history information should be dealt with in accordance with appropriate NJ statutes.
- Where a criminal history assessment is required by law, the organization should ensure that a satisfactory criminal history assessment is conducted at agency-defined intervals.
- The rationale for excluding people should be documented and decision-making should be evidence-based; appropriate staff should consider applications and decisions should be recorded. This staff should include someone who has undergone training or who is familiar with issues of child sexual abuse protection. The organization should give applicants an opportunity to have reasonable input into the decision-making process (e.g., provide a right of reply).



Standard 5

Educate staff and volunteers about the risk of child sexual abuse

The organization should train volunteers and employees who work with children or their records about the risks of child sexual abuse to promote the establishment and maintenance of a child-safe environment.

Training and education is important to ensure that everyone in the organization understands that preventing child sexual abuse and promoting child safety is everyone’s responsibility. Employees and volunteers (in addition to parents/guardians and children) should feel confident and comfortable in discussing child protection issues.

Training and support also promotes an awareness of the appropriate standards of care required to be met by employees and volunteers to ensure that the organization meets its duty of care when providing services to children.

Standard 5: Guidelines for Compliance

These guidelines for compliance provide clear examples of steps that an organization can take to provide appropriate training to employees and volunteers.

- The organization should develop a plan for individual employees/volunteers focusing on developing skills, knowledge and capabilities relating to preventing child sexual abuse and recognizing and responding to suspected abuse and neglect.
- Employees/volunteers undertaking prescribed functions should receive training about the risks related to child sexual abuse and their roles in protecting children in the organization from harm.
- To promote the safety and well-being of children, relevant areas for performance improvement should be identified and targeted in action plans to ensure employees/volunteers meet expected performance outcomes.
- Performance should be measured against standards of conduct and care.
- Employees/volunteers should be aware of the organization’s expectations and appropriate behavior.
- Performance development should be an ongoing process.

Standard 6

Report and respond appropriately to suspected abuse and neglect

Volunteers and employees should be able to identify and respond to children at risk of harm.

The organization should make all volunteers and employees aware of their responsibilities under New Jersey’s mandated reporting requirements: Any person having reasonable cause to believe that a child has been subjected to child abuse, neglect, or acts of child abuse must report that to the New Jersey Department of Children and Families (NJDCF). See NJ Ann. Stat. Sec 9.6 -8.10. A volunteer or employee may discuss his or her suspicions with his or her supervisor or with the organization’s management, but that, by itself, does not discharge the volunteer’s or employee’s obligation to report reasonable suspicions to NJDCF. By making it a legal requirement for more people to act as mandatory notifiers, the safety net against abuse and neglect has expanded for our children. Early identification of abuse and neglect assists families in meeting their responsibility for children’s safety. When a family cannot protect its children, NJDCF has the statutory mandate to assist with the provision of care and protection or to seek alternative care for children.

The organization must take proactive steps to educate all staff and volunteers to recognize, report and respond to allegations of suspected abuse and neglect. Clear procedures, guidance and training can help individuals recognize harm in addition to the particular risks faced by some children and the extra barriers they may face to obtaining help, because of their race, gender, age, religion or disability, sexual orientation, social background and culture.

Keeping children and young people safe involves more than just reporting concerns to NJ DCF or responding once an allegation of abuse or neglect is made. It means minimizing the possibility of child sexual abuse occurring in the first place, working to reduce the impact of child sexual abuse after it has occurred, and doing everything possible to prevent it from occurring again and providing ongoing support and services to children, young people and adults as appropriate. Therefore, the organization should also establish procedures that include clear, step-by-step guidance on what to do in different circumstances, including reporting and reacting to witnessed, suspected or alleged child sexual abuse and/or a breach of the child safe policy. Standard, transparent reporting procedures and response mechanisms clarify roles and responsibilities and lines of communication. They also embody principles of confidentiality and thereby encourage concerns to be raised.

Systems for recording information and for dealing with complaints and compliance should be implemented. Clear, written guidelines for employees and volunteers when a child makes an allegation can promote the following:

- a relationship of trust is established;
- the trauma experienced by the child is minimized in the telling of the abuse;
- the incident is reported with the greatest possible factual accuracy; and
- the child understands that the issue may need to be taken further.

Standard 6: Guidelines for Compliance

These guidelines for compliance provide clear examples of steps that an organization can take to respond to reasonable suspicions of sexual abuse.

- The organization should make employees and volunteers aware of their responsibilities under NJ’s reporting statutes.
- The organization should provide volunteers and employees with adequate information and training to assist them to identify children at risk of harm and to report to the NJ DCF Child Abuse Report Line.
- The organization should have clear procedures providing step-by-step guidance on what action to take if there are concerns about a child’s safety or welfare.
- The organization should have clear procedures that assist employees and volunteers when responding to suspected child sexual abuse or neglect.
- The organization should have a process for recording incidents, concerns and referrals and should store these records securely.
- The organization should have a policy statement that informs employees and volunteers whether or not (and when) it is appropriate to inform the organization that a report has been made to the Child Abuse Report Line.



Prevent Child Abuse-New Jersey is a nonprofit organization working to end child abuse.

Our mission is to **prevent child abuse** in all of its forms, for all of New Jersey's children.

We know that victims of child abuse are far more likely to suffer from depression, alcoholism and drug abuse, lead lives of crime, drop out of school, and have violent relationships in their future. We continue to fight in order to end the vicious cycle of abuse.

Prevent Child Abuse-New Jersey is **the only statewide non-profit** dedicated to preventing child abuse in all of its forms, for all of New Jersey's children. The organization was incorporated in 1979 as the New Jersey chapter of Prevent Child Abuse America, the 9th Chapter to be established among a national network. Today, we exist as one of the largest chapters across the country, and have become a recognized leader for prevention work in New Jersey.



Prevent Child Abuse
New Jersey

For more information visit

www.preventchildabusenj.org

or call 1-800-Children