

Municipal Responsibility

Local government's role in protecting children from abuse

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In recent years, child abuse has rocked many institutions including churches, sports programs, youth organizations and medical facilities. Municipalities are exposed because they operate youth programs, summer activities and day care centers. Under recent legislation, you, a local official, can be held personally responsible if you fail to enact a robust program to prevent abuse.

In the case of child sexual abuse, the legislature extended the statute of limitations to age 55, or later under some circumstances. This means that officials who fail to implement reasonable controls can be sued personally years or decades after they leave office. Your town probably has arrangements for your defense and indemnification. However, talk with your municipal attorney to understand exactly how these procedures work.

Here in New Jersey, abuse reports involving 80,000 children are filed each year with child protective services—37% of all children have been subjected to abuse by their 18th birthday, 75% of the cases involve neglect, and 18% of victims are physically abused. Psychological mistreatment accounts for 7%.

Child sexual abuse is a particularly troubling. Peer-to-Peer is by far the most common, where a child sexually abuses or inappropriately touches another. Legally, the abuser must be at least four years older to trigger the statute.

Adult-to-child abuse is thought out and planned, demanding access, privacy and control. 90% of juvenile sexual abuse victims know their abuser. By age 18, 1 in 4 girls and 1 in 6 boys have experienced sexual abuse.

Child sexual abusers are not always easy to spot. Though 7 out of 8 molesters are male, they match the general population in ethnicity, religion, education, and marital status. There is no



stereotype, especially since abusers go to great lengths to blend in.

While most abuse occurs within the family, molesters also gain access to children through employment or volunteer work with an organization that works primarily with children. This allows them both time alone with potential victims and the opportunity to build trust. Child abusers are often known and respected in their communities for dedication to children.

Though there are characteristics that make some children more at risk, every child is in danger.

Molesters themselves have behavioral patterns designed to groom their victims. Their goal is to build a manipulative relationship, often started by showing favoritism to build trust.

What can you do?

What can local governments do to help an abused or neglected child? As a governmental official, employee or volunteer, you are legally required to report suspected child abuse. The Department of Children and Families maintains a hotline to report child abuse, 877-NJ ABUSE (652-2873)

Failure to report is a misdemeanor and can also expose you

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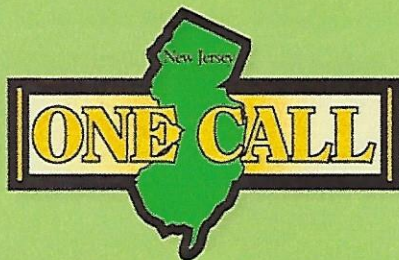
to a lawsuit for damages. However, any person who, in good faith, reports suspected abuse or testifies in a child abuse hearing is immune to any criminal or civil liability that may result. And you need to know that you can choose anonymous reporting as well.

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Procedures to protect children from abuse

A model policy and procedure is available on the MEL website (www.NJMEL.org)

1. Implement background checks of all prospective employees and volunteers including:

- Fingerprint identification
- Reference checks in both personal and professional capacities.
- The Megan's Law directory for New Jersey and any other state in which the applicant has lived.

Written documentation of these checks should be kept permanently. Any negative or questionable results must be dealt with before the individual is hired or begins to work with minors, and no provisional hiring should be permitted.

After hiring, an annual re-check of Megan's Law directories should be done to ensure no current employees have been added to the list. If there is an arrest or conviction, employees should be required to notify the appropriate Human Resources representative within 72 hours.

2. Everyone must be trained, beginning with elected officials, managers, employees and volunteers. The MEL is launching an expanded training program that includes both classroom sessions and online training.

3. Adopt a written protocol for notifying the parents or guardian in case of an emergency, whether medical or behavioral, natural disaster, or any other disruption.

4. Require medical treatment authorization forms.

5. No child should be released to anyone other than the parent, guardian, or other authorized adult.

6. Prohibit staff or volunteers from transporting children in their own vehicles without written authorization. Police agencies also must adopt specific procedures for the transportation of minors.

7. Prohibit staff and volunteers from meeting with a child alone and in private.

8. Adopt guidelines that restrict images taken of children as part of an activity from being shared on social media or

Types of Abuse

Who is considered an abused or neglected child? Anyone under the age of 18 who is caused harm by a parent, guardian, or other person having custody or control of that minor.

There are four types of abuse:

- **Neglect:** The failure to meet a child's basic needs: physically, medically, or emotionally.
- **Physical abuse:** The intentional use of physical force.
- **Emotional abuse:** Behaviors that harm a child's self-worth or emotional well-being.
- **Sexual Abuse:** Engaging in sexual acts with a child, including pornography.

any other platform without expressed consent from parents and guardians.

9. Adopt anti-hazing and bullying policies that also cover cyber bullying.

10. Adopt procedures for the monitoring of bathroom facilities.

Personal liability

In conclusion, let me again reiterate that you as an elected official can be held personally liable for child abuse or neglect if you fail to implement safeguards to protect children under the care of your municipality. This also means that under penalty of law you must report suspected child abuse. This requirement includes all governmental officials, employees AND volunteers.

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