



DCF Family Services Division

Response to Child Sexual Abuse Allegations
Involving Educators

Brenda Gooley, MSW
DCF Family Services Director of Operations
Brenda.gooley@Vermont.gov

Vermont's Approach

33 V.S.A. § 4912

- "Person responsible for a child's welfare" includes the child's parent, guardian, foster parent, any other adult residing in the child's home who serves in a parental role, an employee of a public or private residential home, institution, or agency, or other person responsible for the child's welfare while in a residential, educational, or child care setting, including any staff person.
- "Sexual abuse" consists of any act or acts by any person involving sexual molestation or exploitation of a child.
- In 2015, "luring" was added to the sexual abuse definition.

Because of these definitions, mandated reporters are required to report a broader universe of cases involving suspected sexual abuse to DCF than is the norm in other states

Vermont's Approach

33 V.S.A. § 4911

- Changed in 2015
- New language - “Any mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with provisions of section 4914 of this title within 24 hours of the time information regarding suspected abuse or neglect was first received or observed”
- “Reasonably suspects” replaced “reasonable cause to believe”
- Removed language that would allow mandated reporters to “cause a report to be made” by telling another mandated reporter about the abuse and expect that person to report on their behalf
- These changes adjusted the threshold for reporting in a way that encouraged reporting

DCF Child Sexual Abuse Definitions

<http://dcf.vermont.gov/sites/dcf/files/FSD/Policies/50.pdf>

Sexual Abuse: Consists of any act or acts by any person involving sexual molestation or exploitation of a child, including but not limited to:

- (A) incest;
- (B) prostitution;
- (C) rape;
- (D) sodomy;
- **(E) or any lewd and lascivious conduct involving a child;**
- **(F) aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a child;**
- **(G) viewing, possessing, or transmitting child pornography, with the exclusion of the exchange of images between mutually consenting minors, including the minor whose image is exchanged;**
- (H) human trafficking;
- **(I) sexual assault;**
- **(J) voyeurism;**
- **(K) luring a child; or**
- **(L) obscenity (33 VSA § 4912(17)).**

DCF Child Sexual Abuse Definitions

<http://dcf.vermont.gov/sites/dcf/files/FSD/Policies/50.pdf>

- Luring (a child) – To solicit, lure, or entice, or to attempt to solicit, lure, or entice, a child under the age of 16 or another person believed by the person to be a child under the age of 16, to engage in a sexual act or engage in lewd and lascivious conduct. Luring includes solicitation, luring, or enticement by any means, including in person, through written or telephonic correspondence or electronic communication. This definition only applies when there is:
 - (1) a significant difference in age, size or development and
 - (2) the behavior would not be considered developmentally normal during childhood or adolescence.; or
- Obscenity – To sell, lend, distribute, give away, or show to a child or cause a child to be shown, any visual representation of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to children. Obscenity does not include conduct that would be considered developmentally normal during childhood or adolescence or to the exchange of images between mutually consenting minors, including the minor whose image is being exchanged.

§4913 Reporting child abuse and neglect

- (a) A mandated reporter is any:
 - (2) individual who is employed by a school district or an approved or recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services, **including** any:
 - (A) school superintendent;
 - (B) headmaster of an approved or recognized independent school as defined in 16 V.S.A. § 11;
 - (C) school teacher;
 - (D) student teacher;
 - (E) school librarian;
 - (F) school principal; and
 - (G) school guidance counselor;
- (c) Any mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of section 4914 of this title within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed.
- Simply put: call in the concern before action taken at personnel level
- <http://legislature.vermont.gov/statutes/fullchapter/33/049>

Protecting Vermont's Children: Reporting Abuse & Neglect

- <http://dcf.vermont.gov/protection/reporting/mandated>

Vermont's Approach

- All allegations that meet the definition of sexual abuse that are perpetrated by an adult are assigned to an investigation
- All of these allegations are reported to law enforcement and jointly investigated
- Allegations involving school personnel are also routinely shared with Agency of Education so that concurrent licensing and/or regulatory response(s) can occur

Vermont's Approach

- DCF Family Services has a specialized unit that responds to allegations of abuse by teachers (as well as foster parents, residential treatment program staff and others entrusted to care for a child)
- This creates distances from local relationships that may impact the quality/consistency of investigations
- Creates opportunity for more controlled, consistent information sharing with Agency of Education

Vermont's Approach

- DCF Family Services responds to allegations of abuse specific to children under the age of 18
- However, DCF Family Services will respond to allegations even if a youth is over 18 if there is information to suggest that other children may be at risk based on the alleged perpetrator's prior conduct
- Example – 30 year old woman discloses sexual abuse by senior high school math teach. DCF Family Services would accept this case if the teacher was still employed and working with children. Case would be referred to law enforcement and Agency of Education.

Vermont's Approach

- Outcome of a DCF child sexual abuse investigation may be a substantiation of the allegation
- If substantiated and following due process, the perpetrator's name would be entered on the Child Protection Registry
- Employers who are hiring staff to work with vulnerable populations can, with permission from the applicant, query the registry to determine if they have prior substantiated cases of child abuse

Prevention Resources

Protecting Vermont's Children: Reporting Abuse & Neglect

- <http://dcf.vermont.gov/protection/reporting/mandated>

Prevent Child Abuse Vermont

- <http://www.pcavt.org/index.php?id=135>

protectkids.vt.gov

- <http://humanservices.vermont.gov/center-for-prevention-and-treatment-of-sexual-abuse>

Canadian Centre for Child Protection Commit to Kids program

- http://www.commit2kids.ca/app/en/be_committed_to_kids