

FINAL DRAFT

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

2018

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

TABLE OF CONTENTS

I. INTRODUCTION	1
II. PURPOSE	1
III. DEFINITIONS	1
IV. PROCEDURES FOR SCHOOL PERSONNEL	3
Report and attend to immediate health and/or safety concerns	3
Determine if the concern constitutes reasonable suspicion of abuse	3
Mandatory reporting of reasonable suspicion of abuse	4
Following up after a report has been made	5
Consider interim measures	5
Determine when and how to initiate a Title IX Investigation	6
Notifications to the school community	6
V. LAW ENFORCEMENT PROCEDURE	8
Initial law enforcement response to a report of student sexual abuse	8
Take statement from reporting party.....	8
Cross report to Child and Family Services (CFS)	9
Notification of parent/guardians of victim(s)	10
Schedule a Keller Center forensic interview	10
Contacting other potential victim(s)/witness(es)	10
Planning screening interviews of potential victims	10
Conduct screening interviews of potential victims	11
Law enforcement notifications	11
Cooperation with Title IX investigations	12
VI. VICTIM SUPPORT AND ADVOCACY	13
Keeping affected families informed	13
Managing expectations	13
Support services offered to school personnel	13
VII. CONCLUSION	14
VIII. APPENDIX	15
Appendix A. San Mateo Law Enforcement Agency Contact List	
Appendix B. Victim Services Provider Contacts	
Appendix C. Sample letter to parent/guardian	
Appendix D. Sample handouts for school community meetings	

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

I. INTRODUCTION

Investigations into child sex abuse allegations are complex, sensitive, and often involve multiple agencies including Law Enforcement, Children and Family Services (CFS), the Health System, and the District Attorney's Office. To coordinate investigative efforts, minimize trauma for the victim and ensure forensic reliability these agencies and county service providers have created the San Mateo County Child's Sexual Abuse Response Protocol.

While the Child's Sexual Abuse Protocol clarifies the process for investigating allegations of child sexual abuse in many circumstances, it does not specifically address a school's independent responsibility to investigate and respond promptly and effectively to suspicions and allegations of sexual violence or misconduct against students. The Student Sexual Abuse Response Guidelines clarifies the process for reporting and investigating student sexual abuse cases in a multidisciplinary context that includes schools.

These Guidelines apply to suspicions and allegations of student-student or school personnel-student sexual abuse and assault. For direction on handling allegations of non-school based sexual assault, school personnel should refer to internal mandated reporter policies. For direction on handling allegations of non-school based sexual assault, law enforcement should refer to the Child's Sexual Abuse Protocol.

II. PURPOSE

The purpose of these Guidelines is to promote cooperation between all agencies responding to allegations of student sexual abuse. The goal is to minimize trauma to an alleged victim while promoting the timely, reliable, and collaborative completion of necessary investigations by multiple agencies, including schools.

Adherence to these Guidelines will allow schools to effectively fulfill their responsibilities, including those set forth in Title IX of the Education Amendments of 1972 (Title IX), while minimizing negative impact to the victim and criminal or child welfare investigations. Adherence to these Guidelines will also foster mutual trust and a productive working relationship between school personnel and law enforcement as they fulfill their respective investigative mandates.

III. DEFINITIONS

For purposes of these Guidelines:

- "Child" means a person under the age of 18 years.
- "Child Abuse" means sexual abuse, willful harming or injuring of a child or the endangering of the person or health of a child, or unlawful corporal injury.
- "Sexual Abuse" means any sexual touching or annoying of a student under age 18 as described in the mandatory reporting law PC § 11165.1 (a), (b), (c), (d).
- "Student Sexual Abuse" includes but is not limited to: (1) sexual abuse of a student while on school grounds, while going to or coming from school, during the lunch period, whether on or off the school campus, during, going to, or coming from a school sponsored activity; (2) off-campus sexual abuse of a student by a school or district staff member; and (3) off-campus sexual abuse of a student by another student where such conduct constitutes discriminatory harassment or bullying pursuant to state law, federal law, or school policy, or where such conduct may have a direct and detrimental effect on or seriously threaten the discipline, educational environment, safety or general welfare of students, faculty, staff, and/or administrators.

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

- This definition is intended to describe those circumstances, and only those circumstances, where a local educational agency is under a legal mandate to investigate and respond to sexual abuse or misconduct. School personnel should contact legal counsel in the event they are unclear whether specific alleged conduct may constitute student sexual abuse as defined in this policy.
- “Reasonable Suspicion” means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on training and experience, to suspect child abuse or neglect.
- “Complainant” means the party who alleges that specific conduct was carried out against him/her. For the purposes of this document, this term may be used interchangeably with the term “victim”.
- “Victim” means one who was injured or subjected to mistreatment. For the purposes of this document, the term victim may be used interchangeably with the term “alleged victim” or “complainant”.

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

IV. PROCEDURES FOR SCHOOL PERSONNEL

There are many reasons why school personnel may become concerned that a student has been or may be subjected to student sexual abuse. School personnel may notice physical, emotional, or behavioral indicators, a third party may report concerns, or a student or staff member may make a concerning statement or disclosure. Whatever the origin of the concern, there are certain steps that school personnel should take in response to a concern, as initial actions can be critically important to the outcome of any investigation and the appropriate resolution of the case. Specifically, delays in reporting to law enforcement could result in the loss or contamination of forensic and biological evidence.

Step 1. Report and attend to immediate health and/or safety concerns.

In all circumstances, school staff should immediately address urgent health and safety concerns. Where warranted, they should call 911, request immediate assistance, interrupt presently occurring inappropriate behavior, and/or take other necessary and reasonable steps.

Step 2. Determine if the concern constitutes reasonable suspicion of abuse

1. School personnel who develop a concern, but not a reasonable suspicion, that a student(s) has been or may be subjected to student sexual abuse, based upon non-specific behavioral indicators from a possible suspect or victim, should address this concern consistent with District policies and practices.
 - Practices may include reporting and discussing the concern with site administrators, executive staff, counsel, and/or assigned school resource officers and documenting the concern and the reasons for it.
 - **School personnel should not discuss the concern with the suspect student or staff member, or otherwise alert them to the existence of the concern,** until it has been determined that no report is required or will be made to law enforcement.
2. School personnel who develop a concern, but not a reasonable suspicion, that a student(s) may have been subjected to student sexual abuse, based upon unclear statements of a possible victim, may ask open ended questions of the possible victim for clarification only if necessary.
 - For example, if a student indicates they felt uncomfortable with an interaction with a staff member, an appropriate follow up question is “What happened?” It is generally **not** appropriate to ask leading questions such as “Did he touch you?” or “You’re not saying he touched you?” or to try to elicit time frames or frequency.
 - A reasonable suspicion does not require certainty or a detailed understanding of the circumstances. Development of these details and the weighing of evidence should be left for the investigative phase of the process, which should be initially conducted exclusively by law enforcement, child protection staff and others who have specialized knowledge, training, and experience in conducting forensically sound inquiries.
3. If at any point in time, whether through discussion with school personnel or through responses to clarifying questions, a mandated reporter develops a reasonable suspicion that student sexual abuse has occurred, all questioning regarding the alleged incident should cease and the matter should be reported as in Step 3.

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

Step 3. Mandatory reporting of reasonable suspicion of abuse

1. School personnel who have a reasonable suspicion of child abuse, including student sexual abuse as defined herein, should immediately report that suspicion per PC § 11165.7.
 - The obligation to report exists regardless of the identity of the suspect. A report must be made whether the suspect is a school staff member, a student, or a 3rd party.
 - While mandatory reporting laws allow for a report to be made to either CFS or law enforcement, **these Guidelines encourage school personnel to report matters of student sexual abuse directly to law enforcement.** The location where the incident occurred will determine the appropriate police agency to contact and contact information for each agency is included in the appendix of this document. When contacting law enforcement, school personnel should indicate that this is a school/student sexual abuse case and should be handled in conformity with these Guidelines. A report to law enforcement should include the information requested on the Suspected Child Abuse Report (SCAR) form to be filled out by the mandatory reporter. This includes name, business address, and telephone number; the capacity that makes the reporter a mandated report; and the information that gave rise to the reasonable suspicion of student sexual abuse and the sources of that information. If known, the report should include the child's name, address, present location, and the name and contact information of the child's parents or guardians; and the name, address, telephone number and other relevant personal information about the person or persons who are suspected of having abused the child. **The report should be made even if some information is unknown or uncertain.**
2. In addition to making a report, school personnel **SHOULD DO** each of the following:
 - Maintain the victim's confidentiality within the school environment;
 - Document the circumstances of the disclosure including the exact words of the child and any questions asked;
 - Secure any physical or documentary evidence provided by the child;
 - Secure the area where student sexual abuse occurred;
 - Keep the child in a confidential and safe location while awaiting law enforcement response;
 - Inform law enforcement of any urgencies and remind them that student sexual abuse matters must receive prompt response per these Guidelines;
 - Inform law enforcement of any information that bears on the suspect's contact with other children (e.g., access to children through other venues); and
 - Inform the Superintendent or his/her designee of the circumstances providing all known facts and evidence as well as the contact information for any law enforcement or CFS investigator handling the matter.
3. School personnel **SHOULD NOT**:
 - Notify parents. Law enforcement will be responsible for notifying the parent/guardians of victims;
 - Interview the victim(s), witnesses, or the suspect regarding the abuse;
 - Inform the suspect or persons who may be aligned with the suspect of a pending investigation into the abuse;
 - Attempt to determine the credibility of a report of student sexual abuse;
 - Conduct outreach to gather physical or documentary evidence;
 - Request that the child or a witness provide written statements; or

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

- Remove or arrange clothing to provide a visual inspection of the underclothing, breast, buttocks, or genitalia of the child victim.

Step 4. Following up after a report has been made

1. School personnel should cooperate with law enforcement, to the extent authorized by law. This may include locating evidence that may implicate or exonerate the suspect or, upon request of and provided to the school by law enforcement, deliver notification letters to parent/guardians of students who were interviewed by law enforcement. School personnel should be aware that student records are afforded protections under state and federal law, but can be accessed by law enforcement through proper channels and procedures.
2. School personnel should keep all proceedings and discussions confidential, to the extent possible. As discussed below, notifications to the school community may be appropriate, but the decision to notify should only be made by the Superintendent or his/her designee after consideration of the impact of the notification on the investigation and the privacy rights of the victim(s) and the suspect. All inquiries by uninvolved parties regarding the circumstances should be referred to the Superintendent's Office unless instructed otherwise. Additional disclosures made by a victim or witness should be treated the same as an initial disclosure and routed to law enforcement.
3. The Superintendent or his/her designee should share information known to them about the suspect-employee's current or past employment history at other schools and child venues. If the Superintendent or his/her designee has knowledge that the suspect-employee is currently employed by another school district/school or other child venue, they will share this information with the investigating law enforcement agency as soon as practically possible.

Step 5. Consider Interim Measures

1. Where an employee is a suspect and could constitute a danger to others or should not be authorized to remain on school grounds, school personnel should contact the Superintendent or his/her designee and District counsel to determine whether the suspect-employee should be placed on paid or unpaid administrative leave and/or subject to disciplinary action or dismissal.
2. Where a student is the suspect and if there is sufficient information available to support a suspension or expulsion, school personnel should contact the Superintendent or his/her designee and District counsel to determine whether the student should be subject to discipline and begin that process.
3. Prior to placing an employee on administrative leave or initiating disciplinary action against a student, school personnel are strongly encouraged to coordinate with law enforcement and the investigating agency to determine what, if any, impact such actions would have on the investigation and whether there are alternatives.
4. Other interim measures should be considered immediately and on an ongoing basis and should consider both the suspect's and the victim's rights and the safety of the student-victim. Appropriate measures to consider include physically separating the victim and suspect, offering medical counseling or supportive services (see section B of the appendix), no contact orders, and any other measures requested by victim, suspect or investigating agencies.
5. San Mateo County has two primary victim service providers (VSP's); Rape Trauma Services (RTS) and the District Attorney's Office Victim Services Division (VSD). Review appendix B of this document to learn more about what services are available.

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

Step 6. Determine when and how to initiate a Title IX Investigation

1. Title IX prohibits any educational program that receives federal funding from discriminating against any person on the basis of sex. Title IX defines sexual discrimination to include sexual misconduct including the forms of sexual violence defined herein as student sexual abuse. Title IX requires that when a school knows or reasonably should know of an incident of sexual misconduct, it must take steps to understand what has occurred and to respond appropriately. Among other requirements, a school's Title IX coordinator must conduct and complete an investigation in a timely fashion. Title IX requires that a school must offer appropriate protective interim measures pending completion of an investigation.
2. Pursuant to previous guidance from the United States Department of Education Office of Civil Rights (OCR), even if a criminal investigation is ongoing, a school must conduct its own Title IX investigation. However, **OCR has previously explicitly recognized that a school may need to temporarily delay the fact-finding portion of a Title IX investigation while law enforcement is gathering evidence.** It is contemplated that this delay would typically be brief, approximately 3-10 calendar days, though OCR has recognized that the evidence gathering process may be longer.
3. Title IX requires that when a school initiates an investigation, it must make initial disclosures to the suspect in writing regarding allegations of sexual misconduct, identifying the parties involved and the precise conduct allegedly involved. It further provides that during the investigation, a school must provide both parties with an equal opportunity to present evidence, and then issue investigative findings. **It is recommended that a school temporarily delay the initiation of its investigation to allow law enforcement to engage in the evidence gathering process of their criminal investigation.** Schools should work closely with legal counsel to determine when to initiate the investigation.
4. The school's Title IX coordinator and legal counsel for the school should collaborate with law enforcement to determine the status of the criminal investigation and to inform law enforcement of the District's need to obtain information to maintain the safety and security of the school site and to fulfill state and federal mandates. In the event law enforcement will be conducting investigative interviews, legal counsel for the school, and/or the school's Title IX coordinator may request authorization to observe the recorded interview and to receive access to reports and other relevant evidence gathered by law enforcement.
5. The school should conduct its Title IX or other investigation in accordance with state and federal law and school policy. Questions regarding the process and requirements for such an investigation should be directed to legal counsel for the school.

Step 7. Notifications to the school community

1. **Determine if a school notification should be made.** It is the responsibility of the Superintendent or his/her designee to decide when and how to notify the school community upon learning that a school employee is suspected of child sexual abuse and/or other inappropriate behavior with a child. Prior to any notifications being made, the Superintendent or his/her designee should confer with the Chief of Police, or their designee, from the investigating law enforcement agency, who will confer with the District Attorney or his/her designee, to minimize the impact on the ongoing criminal investigation. The School District and law enforcement should make all determinations about school and community notifications with the presumption that the case will be covered by the media. **It is critical that any outward communication to the school or greater community be discussed by those within the school district or law enforcement agency with the authority to make such decisions such as a high ranking executive officer or middle manager depending on the organization.**

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

2. The method of notification should be timely and trauma informed. The following are considerations when determining whether notifications should be made:
 - There is a likelihood that the information is going to be disclosed by other means and/or there is potential for misinformation being spread;
 - Potential exists that the suspect is either already contacting or will attempt to contact victims or other students on or off campus;
 - There is a likelihood of other unidentified past or present victims;
 - For a trauma informed approach, the victim(s) should be given the courtesy of an advanced notice prior to a public notification being released. Law enforcement and schools should use VSP's to assist in communicating with the victim(s) and their families throughout the process, especially when information will be released to the public.

3. Types of communications to consider
 - Letter(s): The initial communication to the school community is an important source of information to victims, their families and the community as a whole. To ensure that victims and their families know about Victim Service Providers (VSP's) and where supportive services within San Mateo County are available, information about services of and contact information for Rape Trauma Services (RTS) and the Victim Services Division (VSD) should be included in the letter. A sample letter is located in the appendix of this document.
 - If the Chief of Police, or their designee, from the investigating law enforcement agency believes that a press release or other public statement is advisable for investigatory purposes, they should confer with the Superintendent or his/her designee prior to the release to minimize the disruption to school community.

 - Community town-hall meeting(s): In certain cases, community/town-hall meetings may afford an opportunity to provide case information (if the investigation warrants), dispel myths and assuage fears within an affected community, and to discuss community resources, as appropriate. Suggested parties for such an event include, but are not limited to: school designee, law enforcement, District Attorney's Office and the VSP's. Ideally, the VSP's should be provided a few minutes to discuss supportive services and to offer assistance to victims and their families. Sample handouts for community town-hall meetings are located in the appendix of this document.

STUDENT SEXUAL ABUSE RESPONSE GUIDELINES FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT

V. LAW ENFORCEMENT PROCEDURE

Child Sexual Abuse investigations are unique and complex. The typical roles and responsibilities, particularly of first responders, are different and may even seem counterintuitive. For this reason, every law enforcement agency in San Mateo County has agreed to abide by the San Mateo County Child's Sexual Abuse Protocol and Multidisciplinary Team (MDT) Guidelines (Protocol). The primary purpose of that Protocol is to clarify the ideal process for investigating, within a multidisciplinary framework, allegations of child sexual abuse within San Mateo County. That Protocol assures a cooperative and coordinated effort between county law enforcement agencies and other county partners. The mission statement of the MDT is to reduce the ongoing trauma experienced by victims of sexual abuse and their families, while gathering evidence to bring the perpetrator to justice. **These Student Sexual Abuse Response Guidelines are intended to be utilized in conjunction with that Protocol whenever there is a reasonable suspicion that student sexual abuse has occurred.**

When a case involves allegations of child sexual abuse, an ideal investigation includes a joint initial response conducted by law enforcement and Child and Family Services (CFS). Since school personnel are mandated reporters for child sexual abuse, it is incumbent upon school personnel to report such abuse by telephone *immediately or as soon as practically possible* to law enforcement or CFS. **Although the law permits that the allegations be reported to *either* law enforcement or CFS, this Guideline encourages school personnel to report matters of student sexual abuse directly to law enforcement.** While CFS may determine that non-familial student sexual abuse does not warrant a CFS investigation, Law enforcement should always cross-report to CFS, per PC 11165. Patrol officers and/or social workers are ordinarily the first to respond to reports of child sexual abuse. The first contact with the children, family, and/or reporting parties, and the first steps taken in the investigation are critically important to the outcome of the investigation.

Child sexual abuse cases present unique investigative challenges. Delayed disclosures are common; consequently, the child's statement is often the primary piece of evidence. The manner in which the initial statement is obtained and preserved is paramount. For this reason, **the Protocol states that, whenever possible, first responders should NOT interview alleged victims. Instead, the first responder should gather details from the person to whom the child disclosed, deferring all interviewing of the child to a trained Forensic Interviewer at the Keller Center (San Mateo County's Child Advocacy Center).**

A. Initial law enforcement response to a report of student sexual abuse

The law enforcement first responder's primary responsibilities are to preserve and document any evidence and to assess the immediate safety needs of the victim. **Student sexual abuse cases should be considered exigent; a same-day response is ideal for the child, the school community, and for the expediency of the investigation.**

Step 1. Take statement from the reporting party and/or adult to whom child disclosed. Information to be gathered includes:

- Circumstances of the disclosure
- Response of/steps taken by disclosure recipient
- Other known victims or witnesses
- Location of reported offense/jurisdiction
- Identity or description of the suspect(s)
- Last contact between child and suspect, if known

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

1. If the information listed above can be ascertained from speaking with the reporting party/adult, **do not interview the student**, defer all questioning of the student to a Keller Center interviewer and see Step 4 of this section.

2. If the first responder cannot ascertain the facts needed in Step 1 through interviewing the adult/reporting party and/or to assess the student's immediate safety, conduct a brief Minimal Facts First Responder Field Interview utilizing the **Suggested Outline for Minimal Facts First Responder Field Interviews** (contained in the San Mateo County Child Sexual Abuse Protocol). Note the following:
 - **The field interview should be recorded.**
 - Children under 10 years of age should not be asked about time frames or frequency. However, this information is critical in determining whether an acute medical-legal exam for evidence collection is needed and this exam is time sensitive. Whenever possible, ascertain from an adult source when the last contact may have occurred. If there is uncertainty as to whether the last episode occurred within an acute time frame, consult with the on-call Keller Center forensic medical provider about whether to schedule an acute medical exam.
 - If the last contact occurred within an acute exam window, call the Keller Center/SMMC Emergency Department to schedule an acute forensic medical exam.
 - No effort should be made to establish the child's competence as a witness (e.g. DO NOT ask about truth/lie definitions or comprehension).
 - Pursuant to PC § 11167(d)(1), the identity of the reporting party may not be disclosed.
 - If the field interview establishes a suspicion of student sexual abuse, defer further questioning of the student to a Keller Center interviewer and see Step 4 of this section.

Step 2. Cross-report to Child and Family Services (CFS)

1. Although student sexual abuse will rarely involve a caretaker or family member as the suspected abuser, a cross-report to CFS is still required by law, immediately or as soon as practically possible per PC § 11166(k). Ideally, mandated reporters will report suspicions of student sexual abuse to law enforcement. If law enforcement is the initial recipient of the mandated report, law enforcement agency should **cross report to CFS by telephone immediately**. CFS hotline workers have been trained that student sexual abuse cases are considered an exigency and will make an immediate determination as to whether or not the current report is a matter that CFS will investigate. If there are any questions or concerns regarding CFS's determination, law enforcement may ask to speak with the on-duty screening/hotline supervisor. If CFS will be investigating, a joint investigative response is ideal. While this protocol encourages schools to report Student Sexual Abuse to Law Enforcement, if CFS is the initial recipient of a mandated report, the CFS staff member that receives the report will immediately cross report to the appropriate law enforcement agency by telephone and in writing, regardless of the CFS response determination so that the appropriate law enforcement agency is able to respond with the exigency required by student sexual abuse cases.

2. If the referral meets criteria for a CFS response in addition to law enforcement, a joint response is strongly recommended in order to minimize duplicative interviewing of the victim.

3. Regardless of the CFS disposition, law enforcement will respond to the school on the same day that the abuse is reported.

STUDENT SEXUAL ABUSE RESPONSE GUIDELINES FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT

- If the suspect has children, a separate report to CFS is required. This report is separate and distinct from the initial cross-report.

Step 3. Notification of parent/guardians of the victim(s)

It is the responsibility of the investigating law enforcement agency to separately notify the parent/guardian of the victim(s). Whenever practical, the Chief of Police, or their designee, from the investigating law enforcement agency will confer with the Superintendent or his/her designee prior to making any such notifications to minimize the impact on the orderly educational functioning of the school.

Step 4. Schedule Keller Center forensic interview(s)

All forensic interviews of students who have disclosed, or for whom law enforcement has a strong suspicion that they may have been a victim of student sexual abuse, shall be conducted at the Keller Center by a Forensic Interview Specialist, in accordance with practices established by the San Mateo County Child Sexual Abuse Protocol. **Student sexual abuse is considered an exigency and the forensic interview(s) should be scheduled at the earliest possible date.** Law enforcement officers are responsible for scheduling forensic interviews at the Keller Center and notifying Keller Center personnel that this is a school sexual abuse case.

B. Contacting other potential victim(s) and witness(es)

School sexual abuse cases often involve law enforcement outreach to potential victims and witnesses. For example, reporting victims may provide information about other students who have not made a disclosure but to whom a suspect has had access or interactions, and/or to whom the reporting victim disclosed. Or in response to a press release, families may come forward because a suspect had access to or interactions with their child.

Step 1. Planning screening interviews of witnesses or potential victim(s)

While all disclosing victims shall be interviewed at the Keller Center screening interviews of potential victims, note:

- The primary investigator(s) should inform Keller Center forensic interview personnel about the existence of a case involving Student Sexual Abuse in order to anticipate staffing needs.
- Keller Center Forensic Interviewers will interview any potential victim or witnesses in a student sexual abuse investigation upon law enforcement request.
- If law enforcement opts to conduct initial screening interviews of witnesses or potential victims at a venue outside the Keller Center, the primary investigator should, whenever possible, consult with a Keller Center Forensic Interviewer prior to commencing screening interviews.
 - The physical and psychosocial safety, including the privacy and confidentiality of an environment, impacts a child witness' comfort and completeness. While often private, interviews in a principal's office may connote to the student that he/she is in trouble. Law enforcement officers are encouraged to find an optimal venue for a private and neutral conversation.
 - It is imperative that screening interviews of potential victims be conducted in a developmentally and forensically appropriate manner to minimize concerns about suggestibility. Questions that may be appropriate for adolescents may be inappropriate for use with preschoolers or school-age children. For this reason, it is strongly recommended that standardized forensically appropriate screening interview questions be developed in consultation with the Keller Center Forensic Interviewers.
- If law enforcement needs to conduct screening interviews on school grounds they should coordinate with the School District.

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

Step 2. Conduct screening interview(s)

If, during a screening interview, a witness provides information that indicates that he/she has been a victim of abuse, the law enforcement officer should obtain minimal facts only utilizing the Minimal Facts Field Interview Outline (contained in the Protocol) and should schedule a Keller Center forensic interview for that disclosing victim(s). **All screening interviews should be recorded.**

Similar principles apply if a student/parents report directly to a police station; law enforcement should interview adults and follow the steps outlined above to determine if the child requires a Minimal Facts First Responder Field Interview to address immediate safety and health concerns, or if the child should be directly scheduled for a Keller Center interview.

Step 3. Law enforcement notifications

Law enforcement should make all determinations about school and community notifications with the presumption that the case will be covered by the media.

1. Notification to parent/guardian of potential victim(s)/witness(es)

Law enforcement will provide a notification letter to the parent of any child who participated in a screening interview and was determined not to be a victim. The school will deliver this letter to the appropriate parent/guardian. See Appendix C for a sample of this letter.

2. Notifications to the community

In cooperation with the VSP's, law enforcement should notify affected families before the distribution of any community notification. Law enforcement should coordinate with the school and the VSP before releasing. If law enforcement believes that a press release or other public statement is advisable for investigatory purposes, they should confer with the affected victims/families and the Superintendent or their designee prior to the release to minimize the disruption to school community.

3. Notification of other venues

If the suspect is currently employed at another child venue: The Superintendent or his/her designee should share information known to them about the suspect-employee's employment history at other schools and child venues with the investigating law enforcement agency. If the Superintendent or their designee has knowledge that the suspect-employee is currently employed by another school district/school or other child venue, they will share this information with the investigating law enforcement agency as soon as practically possible.

It is the responsibility of the Chief of Police, or their designee, from the investigating law enforcement agency to notify other law enforcement agencies with jurisdiction over the other school districts/schools where the suspect-employee is currently or was previously employed as soon as reasonably possible. This notification should be made prior to the investigating agency contacting the respective institution as part of their investigation. The Chief of Police, or their designee, should make necessary notifications to the respective law enforcement agencies with jurisdiction over the respective institutions. The affected law enforcement agencies will coordinate with the institution on when and how to notify the suspect-employee as to minimize the impact on the ongoing investigation.

Upon completion of the investigation and/or post-conviction if case was filed criminally, the Superintendent or their designee will confer with County Counsel to advise the California Commission on Teacher Credentialing of the findings pertaining to the suspect-employee if they serve in a teaching capacity.

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

If the suspect is known to have previous employment in a child venue: If it is determined the suspect-employee has worked in other child venues in the past, it is appropriate for the investigating law enforcement agency to notify the law enforcement agency where the suspect-employee was formerly employed. The Chief of Police, or their designee, from the investigating law enforcement agency will coordinate with the affected jurisdictions prior to contacting the institutions in question. The investigating law enforcement agency will coordinate with the affected law enforcement agencies on when, how, and if further investigation related to the child venues where the suspect worked in the past is appropriate and whom shall be responsible.

C. Cooperation with Title IX investigation

In the interest of trauma-informed practice and to minimize duplicative interviewing, if a Title IX investigation commences, the investigating law enforcement agency will share relevant products of the investigations including the results of the Keller Center forensic interview upon approval of legal counsel.

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

VI. VICTIM SUPPORT AND ADVOCACY

As identified in this Protocol, a victim service provider (VSP) is a victim advocacy agency that provides support and services to victims of crime. For the purpose of this policy, a victim service provider may either be a Sexual Assault Counselor (SAC) from Rape Trauma Services or a Victim Advocate from the District Attorney's Victim Services Division. Both agencies provide many of the same services, but there are important distinctions. Rape Trauma Services (RTS) provides confidential services to victims of sexual abuse, including clinical services. The Victim Services Division (VSD) is not a confidential service agency but provides supportive services throughout the criminal justice process and can assist victims of crime with a California Victim Compensation Application. In addition to supportive and clinical services, victim service providers can assist victims and their families with regular updates, expectation management and long term supportive services. In accordance with the Child Sexual Abuse Protocol and PC 679.04, all law enforcement interviews¹ and Medical-Legal exams will be attended by a victim services provider (regardless of their location).

1. Keeping affected family(ies) informed

As the investigations are occurring and throughout the criminal justice process, keeping the victims and families informed of the status of the investigation and case is essential. Affected victims and families may feel left out or frustrated by a perceived lack of information coming from multi-disciplinary partners. Victims/families who are accompanied and continue a relationship with a victim services provider are more likely to participate in law enforcement investigations and the criminal court process.

Alongside school designee(s) and law enforcement, the victim service providers will keep victims and families updated on the progress of the case to the extent possible. Some common concerns that can be addressed by a victim service provider include:

- Who is assigned to the case (name(s) of patrol officer/1st responder, name of Detective)
- Status of investigation (have any investigative steps been taken)
- Filing decision by the District Attorney
- Contact information for the assigned Deputy District Attorney
- Information about the criminal justice process and victim's rights
- Upcoming court dates

2. Managing Expectations

An important role of the victim service provider is to help manage a family's expectations from the investigation through the criminal justice process. A victim service provider can educate victims and families about the pace and length of an investigation and support the victim and family as they process their feelings about the experience by providing crisis intervention and clinical services as necessary. All investigative parties will collaborate with a VSP to provide a consistent point of contact and services.

3. Support services offered to school personnel

Staff debriefs can be an important avenue for school personnel to access support and services. A victim services provider can offer debriefs to staff as needed.

¹ An initial investigation by law enforcement to determine whether a crime has been committed and the identity of any suspects shall not constitute a law enforcement interview for purposes of this section.

**STUDENT SEXUAL ABUSE RESPONSE GUIDELINES
FOR SAN MATEO COUNTY SCHOOLS AND LAW ENFORCEMENT**

VII. CONCLUSION

The discovery of student sexual abuse within a school community is a disturbing event that occurs all too frequently. Student sexual abuse can be distressing for the victim(s), the involved families, school personnel, and the community at large. The discovery and subsequent investigation can be disruptive to the school community. It is critical that law enforcement, schools and victim service providers work together to reveal evidence of student sexual abuse and, when appropriate, remove suspicion from innocent parties. The ultimate goal is that by working together, the students will be protected, the offender will be brought to justice, and the sanctity of the school environment will be preserved.

Contact Phone Numbers

Victim Service Providers

Rape Trauma Services

1860 El Camino Real #406

Burlingame, CA 94010

Main: 650.652.0598

Request Program Director or Executive Director

Hotline: 650.692.7273

info@rapetraumaservices.org

Victim Services Division

San Mateo County District Attorney's Office

400 County Center, 3rd Fl.

Redwood City, CA 94063

Main: 650.599.7479

Request Program Manager

victimservices@smcgov.org

County Agencies

Keller Center

San Mateo Medical Center

222 West 39th Ave

San Mateo, CA 94403

650.573.2623

San Mateo County District Attorney's Office

400 County Center, 3rd Fl.

Redwood City, CA 94063

650.363.4636

Law Enforcement

Atherton Police Department

83 Ashfield Road

Atherton, CA 94027

Main: 650.688.6500

Emergency: 650.323.6131

Non-Emergency (8am - 5pm): 650.363.8471

Belmont Police Department

1 Twin Pines Ln. Ste. 160

Belmont, CA 94002

Emergency: 650.593.2122 (Dispatch)

Request a watch commander

Brisbane Police Department

50 Park Place

Brisbane, CA 94005

Emergency: 415.467.1212

Non-Emergency (7am – 7pm): 415-508-2180

Request a Sergeant

Broadmoor Police Department

388 88th St.

Broadmoor, CA 94015

Emergency (Dispatch): 650.755.3838

Non-Emergency (8am – 5pm): 650.755.3840

Burlingame Police Department

1111 Trousdale Avenue

Burlingame, CA 94010

Main: 650.777.4100

Non-Emergency (8am – 5pm): 650.692.8440

Colma Police Department

1199 El Camino Real

Colma, CA 94014

Emergency: 650.997.8320

Non-Emergency (8am – 5pm): 650.997.8321

Daly City Police Department

333 90th Street

Daly City, CA 94015

Emergency/Dispatch: 650.992.1225

Non-Emergency (8am – 5pm): 650.991.8119

East Palo Alto Police Department

141 Demeter Street

East Palo Alto, CA 94303

Emergency: 650.321.1112

Non-Emergency (8am – 5pm): 650.853.3160

Foster City Police Department

1030 E. Hillsdale Blvd.

Foster City, CA 94404

Emergency: 650.573.3333

Non-Emergency (8am – 5pm): 650.286.3300

Hillsborough Police Department

1600 Floribunda Avenue

Hillsborough, CA 94010

Non-Emergency (8am – 5pm): 650.375.7470

Menlo Park Police Department

701 Laurel Street

Menlo Park, CA 94025

Main: 650.858.3328

Emergency: 650.858.3317

Non-Emergency (8am – 5pm): 650.858.3300

Pacifica Police Department

2075 Coast Hwy.

Pacifica, CA 94044

Emergency: 650.738.7314

Redwood City Police Department

1301 Maple Street

Redwood City, CA 94063

Emergency: 650.780.7100

San Bruno Police Department

1177 Huntington Ave.
San Bruno, CA 94066
Emergency: 650.877.8965
Non-Emergency (8am – 5pm): 650.616.7107

San Mateo Police Department

200 Franklin Parkway
San Mateo, CA 94403
Emergency: 650.522.7700
Non-Emergency (8am – 5pm): 650.522.7650

South San Francisco Police Department

33 Arroyo Drive, Ste. C
So. San Francisco, CA 94080
Emergency: 650.873.3333
Non-Emergency: 650.877.8900, Investigations

San Mateo County Children & Family Services (CFS)

1 Davis Drive
Belmont, CA 94002
Hotline: 800.632.4615

San Mateo County Sheriff

400 County Center, 3rd Fl.
Redwood City, CA 94063
Emergency: 650.363.4911

Areas covered: Half Moon Bay, Millbrae, San Carlos, Eichler Highlands, Portola Valley, Woodside, and Unincorporated San Mateo County.

Unincorporated San Mateo County includes: North Fair Oaks, Belmont/Harbor Industrial Area, Redwood City, Menlo Oaks, West Menlo, Stanford Lands, Ladera Oaks, Los Trancos Woods, South San Francisco, San Bruno Mountain, Burlingame Hill, Colma/Broadmoor Area, North Coast, Mid-Coast, South Coast, and Skyline/La Honda Area



Overview: Rape Trauma Services (RTS) is a non-profit, volunteer-based organization founded in 1995. RTS is the only Rape Crisis Center serving all of San Mateo County.

Mission Statement: Rape Trauma Services of San Mateo County strives to eliminate all forms of violence, with a special focus on sexual assault and abuse. Informed by our understanding of traumatic experiences and cycles of violence, we facilitate healing and the prevention of violence through the provision of counseling, advocacy, and education. We promote and adopt policies, practices, and social values rooted in fairness, equity, and inclusiveness.

Philosophy: RTS was founded on the belief that there is a relationship between all forms of violence, cruelty, exploitation and institutional oppression (e.g. sexism, racism, heterosexism, among others). We believe that healing from trauma resulting from violence, cruelty or abuse inflicted by persons (individual or collective) is a life-long process, key to individual well-being, effective relationships and, thus, meaningful social and political change.

Programs:

- **24-Hour Crisis Line:** (650) 692-RAPE (7273) – RTS provides a free, 24-hour, confidential hotline for anyone who has been hurt directly or indirectly by sexual violence.
- **Accompaniment and Advocacy** – Counselors are available to support and accompany survivors through dealing with hospital medical legal exams, law enforcement, and the judicial system. Anyone in San Mateo County who seeks medical care related to a sexual assault, reports an assault to law enforcement, or has to go to court is entitled to an advocate from Rape Trauma Services. Advocates are available to provide emotional support and answer questions. If a survivor decides to have a medical exam following a sexual assault, advocates can meet her or him at the hospital and stay throughout the procedure. Advocates will also meet with survivors at any law enforcement agency.
- **Counseling Services** – RTS aims to help survivors learn the skills they need to heal from sexual trauma and develop the tools to be supportive of their own healing and the healing of others. Our sexual assault counselors are trained in dealing with all aspects of sexual abuse, its impact and the healing process. RTS provides individual, family and group counseling.
- **Prevention & Education Programs** – RTS addresses prevention at several socio-cultural levels; by engaging members of the community in dialogue and activism. RTS hopes to strengthen social norms that reject violence and foster a community that challenges belief systems that condone it. RTS works in schools and in the community to interrupt the cycle of violence and engage community members in the work of RTS. Educators focus on preventing violence throughout San Mateo County through educational workshops in schools and community settings. Services include: (a) Prevention Education; (b) Assertiveness Training; (c) Community Education & Outreach; (d) Professional Training.
- **Veteran Services** – Funding provided by *Swords to Plowshares* has given RTS the opportunity to provide trauma-informed sexual assault services to women veterans living in San Mateo County. Our goal at RTS is to successfully address the unique healing needs of female veterans.
- **Programa para Latinos** – RTS provides services with an emphasis on sensitivity to the unique experiences of Latinos in the United States and in our San Mateo County community. Staff and Volunteers strive to provide counseling; advocacy and education services that are linguistically and culturally appropriate for Latinos in our community.



San Mateo County Victim Services Division

Main: 650-599-7479 email: victimservices@smcgov.org

Since 1975, the San Mateo County Victim Services Division has been assisting victims of crime with addressing their immediate emotional, physical and financial needs in the aftermath of crime. With three locations to serve you, our Victim Advocates provide comprehensive, trauma-informed and compassionate services to victims of violence and their families.

How do Victim Advocates assist surviving victims of a crime?

- Crisis counseling/intervention and ongoing peer counseling
- Criminal justice assistance
 - Criminal justice education and case status updates
 - Information about Marsy's Law and Victim's Rights
 - Court accompaniment and support during testimony
 - Assistance requesting restitution
- Emergency assistance (relocation, gift cards, etc.)
- Linkage to community resources (for assistance with restraining orders, food, shelter, clothing, rental assistance)

With funds available through the California Victim Compensation Board (CalVCB), our Victim Advocates can offer financial assistance to aid victims in paying for crime-related expenses such as medical, counseling, funeral/burial, housing and relocation.

What can CalVCB cover?

- Medical/dental related costs
- Mental health counseling
- Income loss
- Support loss
- Relocation
- Funeral/burial costs
- Crime scene cleanup

Who can qualify for CalVCB?

- Direct victim of crime
- Parents, siblings and children of the victim
- A person living in the same household of the victim at the time of the crime

The Victim Services Division serves all victims of violence and their families, regardless of age, socioeconomic or immigration status. All services are free and walk-ins are welcome.

Hall of Justice
400 County Center, 3rd Floor
Redwood City, CA 94063

Municipal Court
1050 Mission Road
South San Francisco, CA 94080

Juvenile Branch
222 Paul Scannell Drive, 2nd Floor
San Mateo, CA 94402

DEPARTMENT INFORMATION HERE

Date: _____

Dear Parent(s)/Legal Guardian(s),

A member of our agency was at your child's school today as part of a law enforcement investigation. During this time, a police officer spoke with your child to determine if he/she had any information related to the matter being investigated.

_____ Your child did not have information related to the matter.

_____ Your child disclosed that he/she may be a witness to the matter.

We want to assure you that your child is NOT in trouble or the subject of our investigation. Should any further contact with your child be required, we will notify you. We very much appreciate your child's assistance. Should you have any questions or concerns, please contact the individual below.

Thank you,

Name: _____ Rank: _____ Badge #: _____

Email: _____

Phone: _____

INSERT SCHOOL NAME
COMMUNITY INFORMATIONAL MEETING
DATE

In response to a number of phone calls from concerned parents, we have created this information sheet to address some of the common questions we have been asked about the investigation.

My child (or siblings) has heard bits and pieces of information about the investigation and is asking me questions. How can I best respond?

While we do not recommend that you initiate direct questioning of your child, we do want to help parents respond to the inquiries of their children. In fact, we believe this circumstance presents parents with organic opportunities and “teachable moments” to educate children about sexual abuse, digital safety, and what children can do if they experience something that makes them uncomfortable or that they don’t understand. _____ School personnel has worked closely with the _____ Police Department to develop language to explain the situation in an age-appropriate manner. Mirror the language that has been utilized in communications from the school. Encourage children to come to you with questions, rather than to discuss the situation with other children. This also respects the privacy of affected families and children by reducing conversation in the school community.

We have also attached a tip sheet from Darkness to Light, a national child sexual abuse prevention program about responding to information that may appear in the media, which also has applicability to information children may hear about at school.

How can I support affected families?

In a close-knit community, people want to support and help the affected children and families. Because this is an ongoing investigation, the affected families have been asked not to talk about the case or to identify their children in an effort to maintain the integrity of the investigation. In addition, affected families may wish for privacy. For these reasons, the best way to support the families is to respect their privacy and remind others in the school community that speculation and inquiry is not helpful to the investigation or the individuals. Please be assured that part of the response by both the school and the professionals involved in the investigation is to provide resources and referrals to affected families.

Should I directly ask my child about whether he/she may have been involved?

NO. Best practice guidelines in child abuse investigations and child forensic interviewing caution against having adults directly question children with a focus on specific individuals or acts. Yes/No questions such as “Did (name of an individual) ever do or ask you to do (a specific act) are particularly problematic in a forensic (criminal/legal) context. Instead, we encourage parents (and other adults) to be careful listeners to children. If your child reports something that you think may be of relevance to this case, remain calm. Limit your questioning to “Tell me more about what happened” or “How did you feel when that happened?” Let your child know that it was important that your child told you. Contact Detective _____ at _____.

HOWEVER... This situation provides an important opportunity to educate children about sexual abuse and the importance of talking with trusted adults when they experience something that makes them uncomfortable or that they don’t understand. Here are a few resources which can help parents begin these important conversations.

Resources:

- **Rape Trauma Services:** (650) 692-RAPE (7273) – RTS provides a free, 24-hour, confidential hotline for anyone who has been hurt directly or indirectly by sexual violence.
- **Victim Services Division:** provides free support and information for victims of violent crime. Open Monday through Friday, 8am to 5pm. (650) 599-7479, victimservices@dao.sccgov.org
- Darkness to Light: A national child sexual abuse prevention organization. Contains many fact sheets and information for parents and educators <http://www.d2l.org/>
- Sexual Development and Behavior in Children: A fact sheet that includes information about educating children about sexual issues at different ages and stages: http://nctsn.org/nctsn_assets/pdfs/caring/sexualdevelopmentandbehavior.pdf
- What Parents Need to Know about Sexual Abuse: A fact sheet about sexual abuse and tips for prevention http://www.nctsn.org/sites/default/files/assets/pdfs/caring_for_kids.pdf

TALKING TO YOUNG CHILDREN ABOUT EVENTS IN THE NEWS

News coverage of a high-profile child sexual abuse case can open the door for parents and caregivers to talk with children about sexual abuse.

The reality is that our children are exposed to headlines every day, whether on the TV or in the classroom. It's important for parents and caregivers to know the questions to ask to help their children interpret current events. Here are some tips that can help guide the conversation.

TALKING TIPS: AT A GLANCE

TIP ONE

Ask open-ended questions to discover children's knowledge about the event, and any opinions that may have already been formed. It will also give you an opportunity to clear up any misinformation.

TIP TWO

Let children lead the discussion. Listen more than you talk and let them know you value their beliefs and opinions. Ask follow-up questions ("And then?") to keep the conversation going.

TIP THREE

Keep your tone light and conversational to ensure children feel safe to open up.

TALKING TO CHILDREN AGE FIVE AND UNDER

Very young children may overhear something about the event and have questions.

They simply need to know that the action is bad and is never the fault of the abused child.

Then, tell them that if anyone ever touches them in a private place or makes them uncomfortable, to tell mommy and daddy immediately.

Have more questions?

You can reach out to the Darkness to Light Helpline 24 hours a day, 7 days a week at 866-FOR-LIGHT.

ALLOW THE CHILD TO DIRECT THE CONVERSATION

Start by asking one of the following questions. Choose one that feels right to you, and then let your child be your guide:

- *What have you heard about this case?*
- *What do you know about child sexual abuse?*

These questions will help you determine your child's depth of knowledge on the subject, as well as clear up any misinformation or gaps in understanding.

- *What would you do if anyone made you uncomfortable or asked you to keep a secret from me?*
- *What would you do if a friend tells you someone touched him or her in a way that felt uncomfortable?*
- *How can kids help other kids who are being bullied or abused?*

RECOGNIZING TRUSTED ADULTS

Encourage your child to tell a trusted adult and provide them with some examples, such as yourself or the school counselor.

- *Do you know of anything like this happening at your school, or anywhere else?*
- *Is there anything else you want to talk with me about?*

Be prepared in case your child discloses knowledge of abuse. If this does happen, remain calm and report immediately. Visit www.D2L.org/reporting for information and resources.

Remember to listen more than talk, and keep your tone conversational. This promotes mutual learning and create open dialogue that can continue in the future. One or two questions may be all you need for a robust conversation!



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1064 Gardner Road, Ste. 210 | Charleston, SC 29407 | 1-843-965-5444 | www.D2L.org

This information is intended only as a supplement to Darkness to Light's Stewards of Children® training, which provides in-depth learning, tools, and practical guidelines to help adults prevent, recognize, and react responsibly to child sexual abuse. For more information on Stewards of Children®, visit www.D2L.org/Stewards.

TALKING TO OLDER CHILDREN ABOUT EVENTS IN THE NEWS

News coverage of a high-profile child sexual abuse case can open the door for parents and caregivers to talk with preteens and teens about sexual abuse.

The reality is that our children are exposed to headlines every day, whether on the TV or in the classroom. It's important for parents and caregivers to know the questions to ask to help their children interpret current events. Here are some tips that can help guide the conversation.

TALKING TIPS: AT A GLANCE

TIP ONE

Ask open-ended questions to discover children's knowledge about the event, and any opinions that may have already been formed. It will also give you an opportunity to clear up any misinformation.

TIP TWO

Let children lead the discussion. Listen more than you talk and let them know you value their beliefs and opinions. Ask follow-up questions ("And then?") to keep the conversation going.

TIP THREE

Keep your tone light and conversational to ensure children feel safe to open up.

A successful conversation promotes mutual learning and future conversation.

Have more questions?

You can reach out to the Darkness to Light Helpline 24 hours a day, 7 days a week at 866-FOR-LIGHT.

ALLOW THE YOUTH TO DIRECT THE CONVERSATION

Start by asking one of the following questions. Choose one that feels right to you, and then let your child be your guide:

- *What have you heard about this case?*
- *What do you know about child sexual abuse?*

These questions will help you determine your child's depth of knowledge on the subject, as well as clear up any misinformation.

- *How do you feel on behalf of the kids who were abused?*
- *How do you feel about the adults who covered it up?*

RECOGNIZING TRUSTED ADULTS

Show affirmation for the answers you receive. This will help the child open up and feel comfortable asking questions.

- *What do you think could have been done to prevent it?*
- *What do you think should have been done to protect the abused kids?*

The preteen and teenage years are a great time to start furthering the conversation from protection to prevention.

- *Do you know of anything like this happening at your school, or anywhere else?*
- *Is there anything else you want to talk with me about?*

Be prepared in case your child discloses knowledge of abuse. If this does happen, remain calm and report immediately. Visit www.D2L.org/reporting for information and resources.

Remember to listen more than you talk and to keep your tone conversational. This will promote mutual learning and create open dialogue that can continue in the future. One or two questions may be all you need for a robust conversation!



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