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## APRIL IS ABUSE PREVENTION MONTH:

Avoiding mistakes — especially related to reporting — plays a major role

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Avoiding mistakes — especially related to reporting — plays a major role

## FALSE ALLEGATIONS: an uncommon occurrence

By Gregory Love & Kimberlee Norris

**A**s sexual abuse attorneys working in the realm of sexual abuse and assault for more than three decades, we provide guidance to organizations and individuals who are navigating sexual abuse issues. In the majority of scenarios, an underlying allegation has come to light which must be reported to law enforcement or a child protection agency. Too frequently, an allegation has *not* been reported, often revealing the mindset of those who failed to report.

Failure to report an abuse allegation occurs for a multitude of reasons. One of the most unfortunate is the fear of making a *false allegation*, thereby creating hardship for the individual accused. This writing is an attempt to correct the common misconception that false allegations of child sexual abuse are common, or, conversely, that abuse allegations should be investigated and *proven* before reporting occurs.

### FAILURE TO REPORT CHILD ABUSE OR NEGLECT

Every state in the United States has mandatory reporting requirements promulgated by state law: when a mandatory reporter gains knowledge of or suspects abuse or neglect of a child, that individual is required to report that knowledge or suspicion to designated authorities. State by state, the list of those required to report continues to expand. The trend in state reporting requirements is this: *every adult is a mandatory reporter of child abuse and neglect*.

As of February of 2018, for example, federal law created a mandatory reporting requirement for all adults involved in youth sport as an employee or volunteer (learn more [here](#)). The consistent message from state and federal lawmakers, child advocacy organizations, insurance organizations and risk managers is this: *when in doubt, REPORT*.

Notwithstanding this trend and messaging — and the reality that *failure* to report can bring about criminal charges — organizational leaders continue to fail to report. Why?

**Question:** Why is this a problem for leaders of child-serving organizations?

**One Answer:** Fear of making a false allegation.

### FEAR OF FALSE ALLEGATIONS

What forms the basis for a reluctance to report abuse?

One common barrier is the fear of making a *false allegation*. This fear is pervasive, notwithstanding mandatory reporting requirements, and has great likelihood of causing further damage to an abuse victim.

Hesitation in reporting child sexual abuse is common, particularly



in circumstances where child-serving staff members or leaders lack an understanding of sexual abuse, sexual abusers, broader legal requirements and ramifications to the victim. When sexual abuse is alleged or reasonably suspected, child-serving leaders know the next step has significant consequences — for the organization, for the child impacted and for the individual accused.

At this juncture, too often the focus of the leader is on the alleged bad actor:

- “If I call authorities, it can ruin this employee’s career, marriage, reputation...”
- “This child is accusing someone I know ... I cannot imagine him doing this.”
- “When I asked her about it, she denied touching the child in any inappropriate manner.”
- “This is simply what the child said... and I have no proof.”
- “This child may be making this up — should I believe a trusted staff member or this child?”

### False Allegations — Statistically Improbable

Statistically, false allegations of child sexual abuse are rare. The Center for Disease Control (CDC) and other academic studies indicate false allegations are *less than 3%*.

The majority of allegations determined to be false are *made by adults* on a child’s behalf in the context of divorce and custody disputes. When an allegation is communicated by the child — even if subsequently recanted — more than 98% of the allegations are factual. In the majority of circumstances, a child’s outcry provides only a fraction of information relative to the abusive experience. In the majority of circumstances, *children don’t fabricate an allegation*.

The point is this: *the great majority of abuse allegations are factual and should be taken as such*. Not only should the child be believed, it can generally be assumed that the child has endured *more* abusive behavior than that which has been communicated. Further, state and federal reporting requirements do not require *proof or corroboration*; the reporting requirement is triggered by receiving an allegation or simply *reasonably suspecting* abuse or neglect.

Clearly, reporting requirements were intentionally crafted to initiate communication with a low threshold of information — even if an alleged bad actor is inconvenienced by the report. This is intentional on the part of state and federal legislative bodies: the safety of the child outweighs inconvenience to the alleged bad actor. Legislative bodies have balanced the possible inconvenience and injury to an accused adult (or older child) and found it to be insufficient to overcome the compelling interest of protecting vulnerable children.

### Due Process

When an adult or older child is the subject of a report to authorities, the alleged bad actor has significant due process and legal rights in an investigative process and criminal investigation.

In the alternative, when *no* report is made, the child victim receives *no due process*.

Worse, the child joins thousands of abuse survivors who draw damaging conclusions from the experience, including:

- “No one believes me.”
- “They believe my abuser instead of me.”
- “There is no point in speaking out; I will never be believed.”
- “Somehow, it was my fault.”
- “I was powerless to stop what happened. I will be powerless to stop it in the future.”
- “There is no justice here for me, or others.”

Here, child-serving leaders are at a crossroad: *make a report or not*. When a report is made, the accused adult (or older child) may engage in the process to prevent injustice. When the report is *not* made, the child may continue to experience abuse ... *as well as additional trauma from the silence of those who failed to report*.

### GROOMING THE GATEKEEPERS

In some circumstances, child-serving leaders fail to report due to a lack of understanding of the *preferential offender*. Preferential offenders, those who *prefer* a child as a sexual partner, generally have an *age and gender of preference* (e.g. *pre-pubescent females or adolescent males*). These offenders groom children for sexual abuse, and, in addition, *groom the gatekeepers* surrounding the targeted child, striving to cause parents, supervisors and co-workers to believe the offender to be a trustworthy and responsible individual.

When supervisors have been *groomed* as a gatekeeper, he or she rarely remains objective, and this is intentional on the part of the offender. Almost without exception, offenders create opportunities for *trusted time alone* with the targeted child, and because he or she is now ‘known’ and trusted, an allegation or suspicion is more likely to be discounted by co-workers and supervisors.

### SHADES OF INJUSTICE

Standing at the threshold of determining whether to make a report, some child-serving leaders experience an overwhelming fear of initiating some form of injustice: *What if I ruin his life; that would be unfair and unjust*. This pervasive fear warrants a closer look.

An allegation of child sexual abuse *may* negatively impact the career and reputation of the individual accused. If the allegation or suspicion is warranted or factual, this negative impact is justified and deserved: simple justice. If the allegation is false (while statistically improbable) — the impact can be negative — *some* level or degree of injustice.

This second scenario — though statistically improbable — forms a difficult circumstance for child-serving leaders. At this juncture, two *competing injustices* must be evaluated.

### Two Types of Injustice

Child-serving leaders must balance two possible types of injustice relative to reporting an allegation or suspicion of abuse:

(1): *the risk to an innocent adult (or older child) who is the alleged bad actor;*

(2): *the risk to a child being groomed for or actually experiencing abuse.*

A report of an allegation or suspicion of abuse could, in limited circumstances, lead to injustice. Failing to report, for fear of making a false allegation, could — and regularly does — lead to injustice. The greater injustice harms *children*.

### Err on the Side of Protecting Children

Few right-thinking individuals want injustice — of any kind. Clearly, this issue presents a clash of interests: preventing the *potential* risk of injustice (1) *to adults (or older children) accused of abuse*; or, preventing the *actual and confirmed* risk of injustice (2) *to vulnerable children*.

There is no perfect balance, but a simple understanding of the prevalence of child sexual abuse indicates it is past time to fixate on a *potential* risk to *alleged abusers*. If error occurs, we should err on the side of protecting children, where past and present forms of injustice are epidemic.

### EFFECTIVE TRAINING

Risk of both forms of injustice is reduced when child-serving leaders and staff members are trained to understand the sexual offender’s *grooming process* — the process used by the offender to gain access to a child within the offender’s age and gender of preference, groom that child for sexual interaction, then keep the child silent. Sexual abusers have no visual profile — but can be recognized by their *behavior*.

Sexual Abuse Awareness Training provides child-serving leaders factual data concerning the abuser’s *grooming process* — giving each trainee *eyes to see* the grooming process and common grooming behaviors — *before* a child is victimized. When staff members understand problematic behaviors, they are better equipped to understand *and report* suspicious behaviors: an informed staff increases the likelihood of an informed report to authorities. As well, when *blameless* adults understand behaviors to avoid (i.e. inappropriate physical interaction and communication), they are less likely to engage in inappropriate behaviors with children in their care, which may give rise to an allegation.

Abuse Prevention Systems (APS) and MinistrySafe provide online resources meant to protect children and those who serve them. **Click here** to request a link to APS Sexual Abuse Awareness Training. **Click here** to request a link for MinistrySafe’s Sexual Abuse Awareness Training. To learn more about reporting requirements, **click here** to access additional resources.

### SUMMARY

Child-serving ministries exist to serve and enrich the lives of children — our most vulnerable congregants. *Failing to report* due to fear of spreading a false allegation is unsupported by factual data and contrary to state and federal law.

The priority of the church must be to safeguard the children in our care; *when in doubt: REPORT.* **CE**

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**Kimberlee Norris and Gregory Love** are partners in the Fort Worth, Texas law firm of **Love & Norris** and founders of **Abuse Prevention Systems** and **MinistrySafe**, providing child sexual abuse expertise to organizations worldwide. After representing victims of child sexual abuse for more than three decades, Love and Norris saw recurring, predictable patterns in predatory behavior. Abuse Prevention Systems (APS) and MinistrySafe grew out of their desire to place proactive tools into the hands of child-serving professionals. Together, Gregory Love and Kimberlee Norris teach the only graduate-level course dedicated to sexual abuse prevention as Visiting Faculty at Dallas Theological Seminary.