

Act 1/Act 60

Improving Vermont's sexual abuse response system

Colchester School District training
Updated July 2015

WHAT IS “ACT 1”?

Act 1 is a “34-point comprehensive plan for improving Vermont’s sexual abuse response system.”

The legislation includes significant new protections for students against sexual exploitation and sexual violence.

WHAT IS “ACT 60”?

Act 60 is the 2015 update of the child abuse and neglect protection laws intended to address gaps in Vermont’s Child Protection system.

This new legislation went into effect on July 1, 2015.

Requirements of Act 1

- ⦿ Annual Training and Orientation for all employees
 - What is sexual abuse?
 - How does it occur in schools?
 - What is your responsibility to report suspected abuse?
 - What is the procedure for reporting?
- ⦿ Background checks for all new hires and volunteers in schools
 - Checking adult abuse, sex offender, criminal and child protection registries
- ⦿ Comprehensive education for students
 - Health education
 - School-side prevention programming
 - Developmentally appropriate materials for all age levels
- ⦿ Education for the community – prevention and identification

What is sexual abuse?

How often does it occur?

- ⦿ Contact sexual abuse includes:
 - Touching genital area, breasts over or under clothing, penetration
- ⦿ Non-contact sexual abuse includes:
 - Invitation to touch another in a sexual way, voyeurism, masturbation, indecent exposure, involving children in the viewing of pornographic or sexually explicit material, encouraging children to act out sexual activities on other children
- ⦿ Experts estimate that one in four girls and one in six boys are sexually abused before their 18th birthday.

Who sexually abuses children?

- ⦿ Typically people known to the child and family
 - Family members
 - People in a family's circle of trust
- ⦿ Most abusers are male
- ⦿ Over a third of abusers are under the age of 20

How does it happen?

- ⦿ Abusers have access to the child
- ⦿ Access is unsupervised
- ⦿ Typically happens after a period of “grooming” that builds up the trust of the child with the abuser.

Notice and question any adult behaviors that include

- ⦿ Being overly interested in child and creating opportunities to be alone with him or her outside given role (coach, teacher, mentor, etc.)
- ⦿ Displays of favoritism, special privileges, gifts
- ⦿ Questionable “play” – wrestling, roughhousing, tickling
- ⦿ Clearly inappropriate behavior - accidental touching of genitalia, telling child sexually explicit jokes, taking pictures of child in underwear or bathing suit, sharing stories of sexual activity with a child

Disclosure

- ⦿ Disclosure is rarely clear and direct
- ⦿ A child is more likely to disclose abuse by giving adults a little information at a time
- ⦿ Pay attention to abrupt changes in behavior
 - Suddenly afraid to go certain places or be with a certain person
 - Displays of extreme aggression or taking unusual risks
 - Sexual knowledge or behavior beyond the child's typical developmental stage
 - Excessive masturbation
 - Self-harming behaviors – refusing to eat, cutting, attempted suicide, promiscuity, running away, self-medicating with alcohol and/or drugs
 - Starts to have trouble in school – lower grades, behavior problems

How to respond to a disclosure

- Stay calm. A strong emotional reaction can cause a child to shut down.
- Listen. Reassure the child that he/she is doing the right thing by telling you. Tell them that they are courageous and that he/she is not in trouble. It is not their fault.
- Do not ask the child if they are telling the truth. Children rarely lie about sexual abuse.
- Let the student know that you need to share this information with other adults in the building who can help. Do not promise to do something you cannot control (“I’ll make sure ____ goes to jail.”)
- Document what the child said using his/her words in as much detail as possible. This record goes to the building administrator, who will convene a Child Protection Team meeting to follow up on the student’s disclosure.

Act 60 broadens who reports and when to report

- Act 60 broadens the definition of mandated reporters:
 - “A mandated reporter is any individual who is employed by a school district, or who is contracted and paid by a school district.:
- Act 60 says that “any mandated reporter who reasonably suspects abuse or neglect of a child shall report.” This is different from previous language that said to report if you had a “reasonable cause to believe” that abuse or neglect was taking place.
- Act 60 requires anyone with knowledge of the suspected abuse, neglect, or risk of harm to make a report, not “cause a report to be made” as in the previous version of the law.
- Reports must be filed with DCF “...within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed.”
- A person who files a report in good faith has immunity from any criminal or civil liability.
- Failing to report and failing to report with intent to conceal abuse or neglect will result in fines (\$500 to \$1,000) and up to six months in prison. Violators may be subject to further prosecution and loss of professional licensure.

Act 60: What is now reportable?

- ⦿ Suspected abuse and/or neglect due to:
 - Harm to physical health, psychological growth, and development, or welfare by acts of omission or abuse, including sexual abuse
- ⦿ Suspected “risk of harm” due to:
 - A single act that significantly affects a child’s safety
 - Failure to provide supervision or care appropriate to a child’s age or development
 - Lack of supervision or appropriate care due to illegal substance, alcohol, and/or prescription drug use
 - Producing methamphetamines while a child is present
 - Allowing access to drugs, alcohol, and/or drug paraphernalia
 - Living with or unsupervised exposure to a registered sex offender
 - Viewing, possessing, or transmitting child pornography

Procedure for reporting

- Report the information about suspected child abuse or neglect to administration immediately.
- Administration will call a Child Protection Team (CPT) meeting to review the information. The team decides how to proceed with the report, which agency to involve, and who will make the official report.
- All school personnel who know this information are now required to report. There are two options to make sure you meet your legal obligation under this statute:
 - **Option 1:** Have everyone with direct knowledge of the information in the room together while the report is being phoned in to DCF. Give all names to DCF.
 - **Option 2:** Create a written report and have everyone with direct knowledge of the information sign it.
- If the CPT determines that a report is not warranted and you believe there is “reasonable cause” that abuse has occurred, you are mandated to make a report to DCF as an individual listed in Section 4913(a) of the VT Statutes. You cannot be subjected to disciplinary action by your employer for making a report (S. 4913 (d)(2)).

Following a report

- ⦿ Remember that disclosure is only the beginning for the child.
 - Children will need more emotional support following a disclosure.
 - Difficult or inappropriate behaviors may increase as the child and family process what has happened.
 - A child may recant the story or be angry at you following a report.
- ⦿ Validate the child's feelings, remind them that you care about them and that you must follow the law about how to keep them safe.
- ⦿ School administration should know about any restraining orders related to abuse, maintaining a list of who may not have contact with students that is up-to-date and shared with appropriate personnel.

School-wide support for student safety

- ⦿ New K-5 Guidance curriculum will directly address personal safety with students in developmentally appropriate terms.
 - K-5 Guidance will notify staff when this is being taught in class as educating students on personal safety increases student disclosure.
- ⦿ Our focus on “healthy relationships” last year and the focus on character education this year support respectful interactions between peers. This is a foundation of personal safety in Act 1.
- ⦿ Schools are obligated under Act 1 to provide community education on preventing and identifying sexual abuse.
 - K-5 Guidance will use the school website and newsletters to inform parents about what is being taught and how to talk to their children about personal safety.

Resources

- ⦿ Vermont Department of Children and Families:
 - 24-hour Child Protection Line: 1-800-649-5285
- ⦿ Stop It Now online help center:
www.stopitnow.org/results/start