

Respond carefully and sensitively!

A child who has experienced abuse is likely to feel scared, guilty, and ashamed. How a disclosure is handled can make the difference between healing or experiencing further trauma. Victims often believe that they are at fault for what happened, as the abuser often uses manipulation tactics such as bribery and threats to maintain secrecy. The abuser may have told the child that if he or she tells anyone, he will hurt the child or someone the child loves, or that the child will be arrested and go to jail. Therefore, if a child has had the courage to speak up, it is **very important to try your utmost to remain calm and focused, and be there for them**. An emotional reaction may make the child feel even more afraid and guilty, and withdrawal. Don't freak out, panic, investigate or try to solve the problem on your own. Remember the child is scared, so **be caring, compassionate and respectful**. Specifically,

- Validate
 - "I believe you"
 - "I am so sorry this happened to you"
 - "I can really see how painful it is"
 - "What happened to you is very serious"
 - "I am so proud of you for speaking up. I know it couldn't have been easy"
 - "You are so good and have such a pure *neshama*. You deserve to be treated well and kept safe"
 - "I will do everything I can to make sure you are safe"
 - "I am glad you spoke up. Speaking up is the right thing"
 - "It's okay to feel afraid/sad/angry/upset."
- Reassure
 - The abuser may have threatened that something bad will happen to the victim if they speak up. Therefore, **reassure the child that you will protect them** –
 - "I will do everything I can do keep you safe and get you the help you need"
 - Children have a tendency to blame themselves when bad things happen to them. The abuser often perpetuates this myth, causing the child to believe it was his fault and using the guilt and blame to keep him from telling. Therefore, make sure the child understands that **what happened was absolutely not their fault**.
 - Don't blame or implicate them in any way for the abuse ("Why didn't you say 'no'?" "I told you not to dress like that."). Reassure them that no matter what they did or said, or how they acted or reacted, none of this is their fault. **Abuse, BY ITS VERY DEFINITION, is never the fault of the victim. It is always the fault of the abuser.**
- Involve

- A child who has been abused their sense of control over what happens to them, therefore, involve them and help them feel that they are making the decision and have some input in what goes on
 - Ask them what they need and want
 - Try to make a plan with their input in mind and ask them their opinion
 - Make sure they don't feel like something is being done to them (like the abuse was).
 - Reassure them that nothing will be done behind their back
- Be clear
 - **Clearly explain the next steps.** Let them know what to expect. This is a good way to help him regain her feeling of control.
 - “Because I need to make sure you are safe, I will speak to the social worker **at 5pm tomorrow** so we can come up with the best plan for you. I will then come and tell you what was discussed.”
 - Don’t do anything behind the child’s back. This can cause a breach in the little sliver of trust they have remaining
- Be honest
 - Don’t make false assurances or promise anything you cannot deliver just to reassure them (e.g. that no one will find out, that the perpetrator will be sent to jail). You may be subject to legal limits of what you can or cannot do.
 - False promises can further hurt the child’s sense of control and deepen their distrust of adults (which is often the result of abuse).
 - Children may ask you to promise not to tell anyone. This is obviously something you cannot promise. Alternatively, you can say: I know you are telling me something very private. I will do everything I can to keep what you are saying private. Some issues might require me to speak to others to get you the help you need, but I will be by your side and we will work together.
- **Don’t pressure** the child to speak about the abuse. Acquiring a child’s testimony is a complex and delicate process that should only be attempted by a qualified professional.
 - **Asking leading questions may actually invalidate future testimony** because it may distort the child’s memory of the events.
 - Your questions should be more general: “So then what happened?” as opposed to “Did he do X, Y or Z?”
- **Don’t confront the abuser directly.** Confronting the abuser without proper knowledge and support may only increase the danger to the child and to you.
- Don’t spew hatred toward the offender, as the child may be confused and have feelings of affection towards the offender, especially if it is a relative or trusted adult authority
- Be **discreet**. Respect the privacy and don’t feed the rumor mill.
- Consult with **certified professionals** who have expertise on abuse. They can help you figure out the next steps and support you in the process.
- **Report** the abuse to the proper authorities

Molestation is messy, complicated, and scary for everyone involved, and figuring out if, when, and how to report can be complicated for us and the relationship we have with the victim or abuser (e.g. our neighbor or friend or family member). Many strong, compassionate, committed and well-meaning people, people who take abuse seriously, try to handle and address cases of abuse **on their own**. This is done from a desire to help the victim, and from an important understanding of the uniqueness of our community and the feeling that we will be able to handle it better than someone who doesn't know the victim, abuser or community.

This '**handle it on our own**' mentality is often a result of genuine care and concern for the victim, but also a result of **misunderstanding** (about what happens when a report is made – police, handcuffs, front page news) **misinformation** (e.g. assumptions that with therapy, an abuser can be healed and stop abusing), and **fear**. Some are scared of misreporting, believing that we don't have the right to speak up. Some are scared that they are overreacting and that that child doesn't really know what they are talking about. Some are scared about what will happen to the child and family in the short and long term (police, *shidduchim*, and finances). Some are scared of outsiders learning about our community's "dirty laundry". Some are scared of being judged. Some are scared that of speaking *loshon hara* or *rechilus*. Some are scared that they might get in trouble or lose their jobs. Some are scared about their own families. And some are scared that their community will turn against them.

However, because molestation is such a complex and sensitive type of abuse that has a severe impact on the child, a proper professional intervention is required. Even though it is painful and complicated, and may have real personal consequences, a child suffering from molestation is in a situation of *pikuach nefesh*, and for that we have to do everything we can. It is our obligation and legal responsibility to stand up for victims and get them the proper professional care that they need.

Therefore, if you **know or suspect** that anyone under the age of 18 is being or has been abused by an adult or another child, it is critical to intervene immediately for the following critical reasons:

- Without intervening the abuse will continue
- Intervening in cases of suspected abuse can mean that the abuse of a child will end or will be prevented before the child is harmed further.
- Intervening can mean preventing future abuse from happening to this child and other children (an abuser can harm 300 kids and harm multiple generations).
- Intervening can mean that the victim will get the proper help he/she and will be able to continue on living a healthy successful life.
- Intervening can mean that the person who offended or was at risk of offending can get the intervention he/she needs
- It is our responsibility to make our community a safe place for all children
- It is the law, and breaking the law can lead to serious consequences

What do we mean by 'intervening'?

Intervening means responding immediately in a sensitive, responsible and accountable manner. However, figuring out what this means practically can be very difficult. There are so many factors at play (emotional, technical, financial) and so many considerations (victim, family, abuser, community) that all need to be considered carefully before any action is taken. Therefore, get some guidance before you intervene in and report an incident.

Immediately contact a **reputable professional** who can guide you on the right thing to do and the best and safest way to do it. The choice of consultant is extremely important. It is not enough to speak to someone who is in a position of power, has specific academic degrees, or has an important standing in the community. Most people are not trained or qualified to address these sensitive matters. There are people who have specific expertise in child abuse and the great complexities of intervention, and these are the people you need to consult with.

For guidance, you can call:

- The Safe Horizon Child Advocacy Center (1-800-342-3720). They can help you evaluate your suspicions and decide whether to report. **They have *frum* people on staff.**
- A child abuse helpline:
 - *Darkness to Light*: 1-866-FOR-LIGHT
 - ChildHelp USA National Child Abuse Hotline: 1-800-4-A-CHILD

Intervening in cases of abuse or suspected abuse means acting in a responsible and professional manner in accordance with local and state law requirements. Therefore, if it is understood that the child is in danger and a report needs to be made, there are two ways to report suspected child abuse: Child Protective Services (CPS) or the police. Specifically, if a child is in **immediate danger**, **dial 911** and report to the police. Otherwise, call the New York Statewide Central Register for Child Abuse and Maltreatment (SCR) hotline: **1-800-342-3720**.

If you are a “mandated reporter” (a professional who cares for the child), you can also call **1-800-635-1522**. Learn more about your **Duty to Report** -

<https://www.childwelfare.gov/pubPDFs/manda.pdf#page=5&view=Summaries of State laws>

Once a report has been made, you should consider obtaining legal counsel who can ensure that proper evidence is collected and that the child and their family is aware of all of their rights.

What Will Happen When I Report?

When we intervene and report abuse or suspected abuse, our goal is to protect the child. The goal of the professionals who will intervene is also to protect the child. **Everyone is working on the same team with the same goal**, and therefore, participation is the key to help the child be safe!

Shortly after you report, the child will be brought to your local Child Advocacy Center (CAC) to begin the process of investigation. Child Advocacy Centers are child and family friendly centers dedicated to supporting victims and ending child abuse. They have a comprehensive on-site team so that the child and family will not have to be dragged from professional to professional. They have a multidisciplinary team that includes a therapist, a doctor to provide any medical care need, a special investigator with expertise in evaluating children's testimonies, detective, police, etc. They are all there at the same time, ready and willing to help families who need it in a coordinated manner so things go as smoothly as possible. Some of the centers have *frum* staff on board.

Can I be sued for defamation for making a police report? By Professor Benny Forer

Among the concerns expressed by people is the legal liability in making a police report. In most states in the United States and western countries, reporting to the police is protected from such a lawsuit. **Therefore, if you were to report abuse to the police, even if nothing is done or they don't prosecute, you cannot be sued for this.** This is often known as the "Fair Report Privilege." For example, California Civil Code section 47 provides for a "privileged" communication (i.e., one of immunity) where the communication was made to report a crime, or making a statement to Law Enforcement concerning a crime.

New York codified the Fair Report Privilege in N.Y. Civ. Rights section 74. Under this statute, reporting a "fair and true report of any judicial proceeding, legislative proceeding or other official proceeding." Florida similarly has codified this law and many other states.

In Canada, this perspective has been accepted since 1920, when recognized by Canadian courts.

Someone who makes a statement to the police about a suspected crime is protected by qualified privilege; he or she is discharging the social duty to help in the detection of criminal activity. The police officer receiving the report has an interest in receiving the information because he or she can investigate it.

What does this mean? **Anyone can make a police report of abuse, and be shielded from a lawsuit for defamation.** A victim, a parent, a family member, a teacher, a rabbi or a doctor can all report abuse to the police, even if the case cannot be prosecuted (because there is insufficient evidence, it's not provable, or other reasons), they will be protected from any civil liability for this report.

Please look to your Country or State defamation laws to determine if this privilege applies.