

Child Abuse & Sexual Misconduct Course for Volunteers

Thiên Chúa đã tạo nên con người theo hình ảnh Thiên Chúa, Ngài đã ban cho có người nam và người nữ. Tuy nhiên, món quà ấy nhiều khi đã bị bóp méo vì sự đồi bại của thế gian, và nguy cơ đến phẩm giá của con người ngày nay.

Giáo hội Hoa Kỳ đã phải trả giá đắt cho các vụ tai tiếng trong những năm qua, do đó Hội Đồng Giám Mục Hoa Kỳ, đã ban ra Hiến Chương Bảo Vệ Trẻ Em và Giới Trẻ (*Charter for the Protection of Children and Young People*). Qua bản hiến chương này, Chương Trình Môi Trường Lành Mạnh (Safe Environment Program) được gầy dựng và áp dụng trên mọi địa phận trong Hoa Kỳ.

Tài liệu cho Child Abuse & Sexual Misconduct trong bài này được lấy ra từ Chương Trình Môi Trường Lành Mạnh, hầu mong mọi thành viên trong Phong Trào Thiếu Nhi Thánh Thể Việt Nam tại Hoa Kỳ có được khái niệm về vấn đề tế nhị này, cũng như cách thức phải đối phó, và vài phương pháp để tránh bỏ những đáng tiếc có thể xảy ra trong sinh hoạt.

Với sự giúp đỡ của Chúa Thánh Thần, xin Ngài thánh hóa và giúp chúng ta luôn tôn trọng nhau, tôn trọng món quà Thiên Chúa đã ban, để Phong Trào được luôn lành mạnh và Thánh Thể.

I. Child abuse:

1. WHAT CONSTITUTES CHILD ABUSE?

The law defines child abuse as:

- Physical abuse
- Physical neglect
- Sexual abuse
- Emotional maltreatment

A. Physical abuse

The term “child abuse” includes “physical injury inflicted by other than accidental means upon a child by another person.” (Pen. Code, §11165.6.)

Types of injuries indicative of physical abuse include:

- Bruises
- Burns
- Bite marks
- Abrasions
- Lacerations
- Head injuries
- Internal Injuries
- Fractures

The following behaviors are often exhibited by abused children:

- The child is frightened of parent or caretaker or, at the other extreme, is overprotective of parent or caretaker.
- The child is excessively passive, overly compliant, apathetic, withdrawn, or fearful or, at the other extreme, is excessively aggressive, destructive, or physically violent.
- The child and/or parent or caretaker attempts to hide injuries to the child (e.g., the child wears excessive layers of clothing, especially in hot weather; the child is frequently absent from school or misses physical education classes if changing into gym clothes is required).
- The child is frightened of going home.
- The child is clingy and forms indiscriminate attachments.
- The child is apprehensive when other children cry.
- The child is wary of physical contact with adults.
- The child exhibits drastic behavioral changes in and out of presence of parent or caretaker.
- The child is hyper vigilant; the child has difficulty sitting or walking.
- The child suffers from seizures or vomiting.
- The child, as an adolescent, exhibits depression, self-mutilation, suicide attempts, substance abuse, or sleeping and

B. Physical Neglect

Neglect is the negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child's health or welfare. (Pen. Code, §11165.2.)

Neglect may be suspected when one or more of the following conditions exist:

- The child is lacking adequate medical or dental care.
- The child is often sleepy or hungry.
- The child is often dirty, demonstrates poor personal hygiene, or is inadequately dressed for weather conditions.
- There is evidence of poor or inadequate supervision for the child's age.
- The conditions in the home are unsafe or unsanitary.
- The child appears to be malnourished.
- The child is depressed, withdrawn, or apathetic, exhibits antisocial or destructive behavior, shows fearfulness, or suffers from substance abuse, speech, eating, or habit disorders (such as biting, rocking, or whining).

C. Sexual abuse

Sexual abuse is defined as acts of sexual assault or sexual exploitation of a minor. (Pen. Code, §11165.1.) Sexual assault includes: rape; gang rape (or rape in concert); statutory rape, when the offender is 21 or older and the victim is under 16; incest; sodomy; lewd or lascivious acts with a child under 14 years of age, or with a 14 or 15 year old when the offender is at least 10 years older; oral copulation; sexual penetration; and child molestation. (Pen. Code, §11165.1, subd. (a.)
Sexual exploitation includes conduct or activities related to child pornography and child prostitution. (Pen. Code, §11165.1, subd. (c).)

Physical symptoms

- Sexually transmitted diseases.

- Genital discharge or infection.
- Physical trauma or irritation to the anal or genital area (e.g., pain, itching, swelling, bruising, bleeding, lacerations, or abrasions), especially if the injuries are unexplained or there is an inconsistent explanation.
- Pain during urination or defecation.
- Difficulty in walking or sitting due to genital or anal pain.
- Psychosomatic symptoms (e.g., stomachaches or headaches).

Sexual behaviors of children

- Detailed and age-inappropriate understanding of sexual behavior (especially by younger children).
- Inappropriate, unusual, or aggressive sexual behavior with peers or toys.
- Compulsive indiscreet masturbation.
- Excessive curiosity about sexual matters and/or genitalia.
- Unusual seductiveness with classmates, teachers, and others.
- Excessive concern about homosexuality, especially by boys.

Behavioral indicators in younger children

- Enuresis (wetting pants or wetting bed).
- Fecal soiling.
- Eating disturbances (such as overeating or under-eating).
- Fears or phobias.
- Overly compulsive behavior.
- School problems or significant change in school performance (attitude and grades).
- Age-inappropriate behavior that includes pseudo-maturity or regressive behavior (i.e., bed wetting or thumb sucking).
- Inability to concentrate.
- Sleeping disturbances (such as nightmares, fear of falling asleep, fretful sleep pattern or sleeping long hours).
- Drastic behavior changes.
- Speech disorders.
- Frightened of parents or caretaker or of going home.

Behavioral indicators in older children and adolescents

- Withdrawal.
- Chronic fatigue.
- Clinical depression and/or apathy.
- Overly compliant behavior.
- Poor hygiene or excessive bathing.
- Poor peer relations and social skills; inability to make friends; running away from home.
- Aggressive, antisocial, or delinquent behavior.
- Alcohol or drug abuse.
- Prostitution or excessive promiscuity.
- School problems (such as frequent absences or a sudden drop in school performance).
- Refusal to dress for physical education.
- Non-participation in sports and social activities.
- Fear of showers and/or restrooms.
- Fear of home life (as demonstrated by arriving at school early and/or leaving late).

- Sudden fear of other things (such as going outside or participating in familiar activities).
- Extraordinary fear of males.
- Self-consciousness of body beyond that expected for age.
- Sudden acquisition of money, new clothes, or gifts with no reasonable explanation.
- Suicide attempt or other self-destructive behavior.
- Crying without provocation.
- Setting fires.

D. Emotional maltreatment

Behavioral indicators of emotional abuse

Emotional abuse may be suspected if a child:

- Is withdrawn, depressed, or apathetic.
- Is clingy and forms indiscriminate attachments.
- “Acts out” and is considered a behavior problem.
- Exhibits exaggerated fearfulness.
- Is overly rigid in conforming to instructions of teachers, doctors, and other adults.
- Suffers from sleep, speech, or eating disorders.
- Displays signs of emotional turmoil that include repetitive, rhythmic movements (such as rocking, whining, or picking at scabs).
- Pays inordinate attention to details or exhibits little or no verbal or physical communication with others.
- Suffers from enuresis (wetting pants or bed) or fecal soiling.
- Unwittingly makes comments such as “Mommy always tells me I’m bad.”
- Experiences substance abuse problems.

Behavioral indicators of parents or caretakers

- The following behavior exhibited by a parent or caretaker may suggest that a child is being emotionally abused:
- The parent or caretaker burdens the child with demands which are based on unreasonable or impossible expectations or are beyond his or her development capacity.
- The child is used as a “battleground” for marital conflicts.
- The child is used to satisfy the parent’s or caretaker’s own ego needs.
- The child is “objectified” by the parent or caretaker (i.e., the parent or caretaker refers to the child as “it” — “it” cried or “it” died).

Behavioral indicators of emotional deprivation

Emotional deprivation may be suspected if a child:

- Refuses to eat adequate amounts of food and thus is very frail.
- Is unable to perform normal learned functions for a given age (such as walking or talking).
- Displays antisocial behavior (such as aggression or disruption) or obvious delinquent behavior (such as drug abuse or vandalism); conversely, an emotionally deprived child may be abnormally unresponsive, sad, or withdrawn.
- Constantly “seeks out” and “pesters” other adults (such as teachers or neighbors) for attention and affection.
- Displays exaggerated fears.

2. WHAT IS NOT CHILD ABUSE?

According to California law, listed below are descriptions of situations or circumstances which are not child abuse:

- Injuries caused by two children fighting during a mutual altercation. (Pen. Code, §11165.6.)
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Pen. Code, §11165.6.)
- Voluntary sexual conduct between minors who are both under the age of 14 and who are of similar age and sophistication. (People v. Stockton Pregnancy Control Medical Clinic, Inc. (1988) 203 Cal. App. 3d 225, 233.240.)
- Pregnancy of a minor, regardless of her age, does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse. (Pen. Code, §11166, subd. (a)(1).)

3. WHAT TO DO:

What are youth leader's responsibilities when knowing the kids are being abused?

Youth leaders, huynh truong who are mandated to report known or reasonably suspected instances of child abuse play a critical role in the early detection of child abuse. Our duty is **to report, not investigate.**

We must report as soon as practicably possible to the appropriate department in our parish, diocese, or else we may be prosecuted by the law.

4. WHERE TO REPORT:

It is important that we contact the appropriate personnel to file the report. See **Appendix A** for U.S national contact list in each diocese. These individuals are available to assist in making a formal complaint of abuse.

II. Sexual Misconduct

1. WHAT IS SEXUAL MISCONDUCT WITHIN THE MINISTERIAL RELATIONSHIP?

Ministry is never about sexual contact. If sexualized contact or sexualized behavior occurs within a ministerial relationship, it is wrong. This is never acceptable in a pastoral relationship with a parishioner, employee, student, spiritual directed, counseling client, or anyone who has sought the Church's ministry or guidance.

Sexual misconduct is a general term that includes **sexual harassment**, **sexual exploitation** and **sexual abuse**.

A. What is sexual harassment?

Sexual harassment is unwanted sexualized conduct or language between co-workers in the church setting. Although difficult to define precisely, sexual harassment may include but is not limited to the following:

- Making unsolicited sexual advances and propositions;
- Using sexually degrading words to describe an individual or an individual's body;

- Telling inappropriate or sexually related jokes;
- Retaliating against the co-worker who refuses sexual advances; and
- Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorably assigned duties or shifts, recommendations and the like in exchange for sexual favors.
- Making unsolicited sexual advances and propositions;
- Using sexually degrading words to describe an individual or an individual's body;
- Telling inappropriate or sexually related jokes;
- Retaliating against the co-worker who refuses sexual advances; and
- Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorably assigned duties or shifts, recommendations and the like in exchange for sexual favors.

B. What is sexual exploitation?

Sexual exploitation is the sexual contact between a church leader and a person who is receiving pastoral care from the church leader.

C. What is sexual abuse?

Sexual abuse is sexual contact between a church leader and a minor or a “vulnerable adult” as defined by law.

Either sexual exploitation or sexual abuse can include physical contact from the church leader such as:

- Sexual touch or other intrusive touching (i.e. tickling wrestling or other physical contact) that causes uneasiness or discomfort in the one touched.
- An inappropriate gift (such as lingerie).
- A prolonged hug when a brief hug is customary behavior.
- Kissing on the lips when a kiss on the cheek would be appropriate.
- Showing sexually suggestive objects or pornography.
- Sexual intercourse, anal or oral sex.

Sexual exploitation or sexual abuse can also include verbal behavior such as:

- Innuendo or sexual talk;
- Sexual comments;
- Tales of sexual exploits, experiences or conflicts; and
- Making sexual proposals.

2. *WHAT IF THE VICTIM DID NOT STOP THE SEXUAL CONTACT WHEN IT BEGAN OR WHAT IF THE VICTIM INITIATED IT?*

It is a common dynamic in ministry for some to feel attracted to those in church leadership positions, or to feel flattered by his or her attention. This never excuses any form of sexual misconduct. Clergy or other church leaders who engage in any form of sexual misconduct are violating the ministerial relationship, misusing their authority and power, and are taking advantage of the vulnerability of those who are seeking spiritual guidance.

Because of the respect and even reverence with which many people view the Church's ministers, there is always an imbalance of power and hence a vulnerability inherent in the ministerial relationship. By definition, therefore, there is an absence of meaningful consent to any activity, even if the person is an adult. Because of this imbalance of power, conduct inappropriate to the ministerial

relationship is never okay. It is always the responsibility of the Church leader to maintain the appropriate emotional and sexual boundaries of those they serve and those with whom they work.

3. *RESPONSE TO COMPLAINTS OF SEXUAL MISCONDUCT*

- Complaints against parish employees or volunteers may be directed to the pastor or parochial vicar of the parish in question.
- All other complaints should direct to the “Safe Environment Program” director in the diocese. **See Appendix A** for detail list.

III. How to prevent

In youth ministry there are several practical guidelines that enable ministers to be pastoral and that ensure both the safety of their young people and their own protection from allegations.

- In youth ministry programs and gatherings, there is always a good ratio of adults to young people. Most often this would be 8 youth to 1 adult. More adults are usually necessary for overnight events or trips.
- Adults never buy alcohol, drugs, cigarettes, videos, or reading material that is inappropriate and give it to young people.
- A “buddy system” of a young person with another young person on trips is a good safety requirement.
- It is never appropriate for an adult to share a bed with young people when on a trip and sharing a bedroom, other than a dormitory style room, should always be avoided.
- If a young person is uncomfortable with a hug, then adults should not hug or ridicule that young person.
- Youth ministers and all adults always meet with young people in areas that are visible and accessible.
- Criminal background checks and references on volunteers are some of the tools that ensure the quality of adults working with our young people. Check diocesan requirements concerning criminal background checks and the use of volunteer covenants.
- It is always a safe practice to have two adults in the area where youth are present.
- One-on-one meetings with a young person are best held in a public area, or if that is not appropriate, then the door to the room is left open, and someone on the parish staff is notified about the meeting.
- Driving alone with a young person should be avoided.
- Be proactive in identifying young people who may be vulnerable or at risk for unhealthy relationships. Youth ministers can have a very positive influence on young people by sharing the message of how important youth are in God's eyes, and that they are created with dignity. This can reduce the possibility of them falling into the traps of those who tell them love is just "physical".

“Jesus spoke to them again, saying ‘I am the light of the world. Whoever follows me will...have the light of life.’” (John 8:12)

IV. Tài Liệu Tham Khảo

<http://www.usccb.org> : United State Conference of Catholic Bishops.
<http://www.usccb.org/ocyp/index.htm>

<http://www.nfcym.org> : National Federation for Catholic Youth Ministry
http://www.nfcym.org/2001/restoring_trust/boundary.html

<http://www.la-archdiocese.org> : The Roman Catholic Archdiocese of Los Angeles
<http://www.la-archdiocese.org/english/dept/Assist/home.htm>

<http://www.dsj.org> : Diocese of San Jose
<http://www.dsj.org/serve/protect.asp>

<http://www.rcbo.org> : The Roman Catholic Diocese of Orange
<http://www.rcbo.org/concerns/index.htm>

Child Abuse Educator's Responsibilities, Crime and Violence Prevention Center. California Attorney General's Office. Bill Lockyer, Attorney General. May 2003

For videos and training materials:

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