

Guidelines¹ for Sessions having to deal with Sexual Abuse Against Children

To the Sessions of the Reformed Churches of New Zealand:

Preamble

The Christian church has always valued her children. Even infants receive the treasured sign and seal of God's covenant promises. Our children are to be nurtured by their parents in the Christian faith and a godly lifestyle. God has also appointed elders in the church to help parents to train up their children in the way they should go. One of the essential tasks of the elders is to defend the flock from wolves inside and outside the church.² If elders must defend the flock, then they must do what they can to protect children, who are among the lambs and the most vulnerable of the flock. Our desire is that our children be protected from sexual predators. Like the Good Shepherd, the one we follow, we are to be deeply concerned about the welfare of children. For Jesus, even the youngest children were important, and he blessed those brought to him.³

The seriousness of child sexual abuse cannot be exaggerated. We would do well to take to heart Jesus' words, speaking in part about children: "If anyone causes one of these little ones who believe in me to sin, it would be better for him to have a large millstone hung around his neck and to be drowned in the depths of the sea."⁴ On the same occasion, he also warned, "See that you do not look down on one of these little ones. For I tell you that their angels in heaven always see the face of my Father in heaven."⁵

As God's image bearers, all children are to be treated with dignity and respect. Sexual abuse represents a savage attack on a child's God-given identity, including their sexuality. They are victims of deceit, manipulation, violence, and hate. To make matters even worse, children are often abused and betrayed by someone loved and trusted, whom God (and the victim and others) expected to be loving and trustworthy towards them.

It is our prayer and hope that this report will help those who must pastor victims and perpetrators of sexual abuse. We especially hope that elders would make it a priority to protect the lambs of the flock. We also pray that the Lord may use the wise discipline of elders to bring those who have sinned sexually against children to heartfelt repentance.

Synod 2014

¹ Synod 2011 defined 'guidelines' as follows: "Guidelines are not necessarily binding on a session or church but should be seen as a practical and Biblically appropriate way to deal with the matter in question and have a direct or indirect reference to Scripture and/or our church polity documents (church order, confessional standards). Guidelines should not be ignored without good reason."

² Acts 20:28ff

³ Mark 10:16

⁴ Matthew 18:6

⁵ Matthew 18:10

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GUIDELINES

Section 1—Introduction, definitions and general observations

1. Introduction

- a) Genesis 1 tells us that in the beginning, “God created man in his own image, in the image of God he created him; male and female he created them” and God saw that “it was very good.”⁶ Likewise in 1 Timothy 4, we are reminded that “everything God created is good, and nothing is to be rejected if it is received with thanksgiving.”⁷ So, human sexuality is both God-given and good.
- b) As God’s people, we are called to be sexually pure. In our relationships with one another within the church, we must treat one another “with absolute purity.”⁸ God’s intention is that sexual intimacy take place within the lifelong bond of marriage between a man and a woman; outside of marriage it is contrary to God’s will and is destructive.⁹
- c) The Bible and the laws of New Zealand prohibit sexual relations between close relatives. The Scriptural position is reflected in chapter 24 of the Westminster Confession of Faith.
- d) Clear biblical teaching on sexual purity is required both in the home and church. The Scripture teaches that “the body is not meant for sexual immorality, but for the Lord, and the Lord for the body....Therefore honour God with your body.”¹⁰
- e) It is critically important that we teach about God’s wise and loving design for human relationships. Many in our society, because of the lies they believe about romantic love, are destructively permissive. Conversely, out of fear, others curtail legitimate expressions of affection and care.

2. Definitions

- a) “Child sexual abuse” means any act of a sexual nature against a child. By way of example, it includes sexual grooming, inappropriate touching, voyeurism, involvement in photography or filming for pornographic purposes, touching of genitals, forced masturbation, sexual intercourse, and inviting or inducing a child to do any sexual or indecent act. The Crimes Act 1961 lists more than 80 offences that involve child sexual abuse. It ordinarily refers to a sexual act performed by an adult on a child or where an adult caused a child to perform a sexual act. However, it can also include older children abusing younger children. Sexual abuse can be a single event or a series of incidents that occur over a number of years.
- b) “Child” means someone who is under the age of 16 years.
- c) “Session” refers to the elders of a congregation.
- d) “CYF” refers to the Child, Youth and Family, a service of the Ministry of Social Development.
- e) In this document, the abuser is described in the masculine. While some abusers are female, it is recognised that the majority of abusers are men.

⁶ Genesis 1:27,31

⁷ 1 Timothy 5:4

⁸ 1 Timothy 5:2

⁹ Matthew 19:4-6

¹⁰ 1 Corinthians 6:14,20

3. General comments about child sexual abuse

- a) It takes much wisdom to deal well with sexual abuse, more than any of us possess. Hence, we must pray for wisdom,¹¹ recognising that in Christ “are hidden all the treasures of wisdom and knowledge,”¹² and where needed, seek advice.
- b) Both the Scriptures and painful experience teach us that it would be foolish to believe sexual abuse could not happen in our churches.¹³ However, shame, guilt, lust, fear and a wrong view of authority conspire to keep sexual abuse well hidden. Hence we must do what we can to expose sexual abuse and deal with it as a serious sin.
- c) The Bible encourages us to be honest about our sin, first and foremost with God, but also where appropriate with others.
- d) As God’s people we are to share God’s concern for the weak and vulnerable, and do what we can to protect them from those who would take advantage of them.
- e) The way that Sessions respond to and deal with sexual abuse will have repercussions for all involved, and may have lifelong consequences for good or evil.
- f) The state has a legitimate, God-given role in this area. When it comes to investigations by the authorities and to judicial proceedings, sessions should strive to co-operate with the authorities and avoid jeopardizing any part of the legal process. As followers of Christ, we must have a clear and strong commitment to justice being done and being seen to be done.
- g) Sexual abuse is far more than a physical act. It wounds the heart, often grievously. To spiritually care for the victim, the offender and their families, Sessions will need to:
 - i. strive to understand their situation and grieve with them; and,
 - ii. keep encouraging them to look to the Redeemer, Jesus Christ.
- h) Allegations of child sexual abuse can generate intense emotions. Session must deal with the matter as calmly and objectively as possible, neither being quick to judge nor making light of any allegations of abuse.¹⁴
- i) Communities generally view abusers with contempt and suspicion. Sadly, the all-too-common result is that abusers become outcasts who find it very hard to find acceptance anywhere, even within the church. Though it may be said that this is an inevitable consequence of sexually abusing children, the church must joyfully accept repentant sinners who put their trust in Jesus Christ. To do otherwise would be to deny the Gospel. The church, therefore, may have responsibility to care for and support both a victim and his or her abuser; this will often be the case when both are associated with the church and perhaps even related to each other. This can be particularly challenging when someone who was guilty of abuse is released after having served a prison sentence and wishes to return to the church.
- j) Session needs to be aware that anyone who exposes sexual abuse, even the victim, might be regarded by some in the church as troublemakers. To have this attitude to those who bring sexual abuse to light is also a denial of the Gospel.¹⁵ We are called, as God’s children, to have nothing to do with the fruitless deeds of darkness, but rather to expose them.¹⁶

¹¹ James 1:5

¹² Colossians 2:3

¹³ For example, 1 Corinthians 5, 2 Timothy 3:1-7, Jude 3-4, and Revelation 2:12-29

¹⁴ Proverbs 14:19; James 1:19

¹⁵ John 3:15-21

¹⁶ Ephesians 5:11

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4. Some useful resources for dealing with child sexual abuse

- a) The following books may help Sessions and others wishing to better understand the effects of child sexual abuse:
 - i. Dan Allender, *The Wounded Heart*;
 - ii. Justin S. Holcomb and Lindsey A. Holcomb, *Rid of My Disgrace*;
 - iii. Brad & Cheryl Tuggle, *A Healing Marriage*;
 - iv. Dorie van Stone and Ed Lutzer, *Dorie: The Girl Nobody Loved*; and,
 - v. Dorie van Stone and Ed Lutzer, *No Place to Cry*.
- b) Christian Counseling Education Foundation has many useful resources on child sexual abuse and related topics, including its *Biblical Counseling* journal, online articles, conferences (which are available for purchase online), and books.

Section 2—Pastoral care in sexual abuse cases

5. Introductory comments

- a) Sessions are called by God to deal with sin within the church. The Word of God is the divinely appointed means for doing this.
- b) The Word of God associates wisdom with the willingness to seek and receive godly advice.¹⁷ Sessions are therefore encouraged to seek advice from trusted sources to assist them, especially when they are dealing with areas in which they may have insufficient knowledge or experience, or if they encounter serious problems, such as irresolvable differences within Session or with anyone who is involved.
- c) Sessions may also need advice about the nature of the offending. Sometimes it is not clear whether it should be treated as serious or minor. For example, viewed in isolation, a particular incident may appear minor. But if it is, or might be, part of a pattern of abuse, it may need to be treated as serious.
- d) A Session should consider all available resources which may aid them in dealing with sexual abuse. As believers, we can use what has been written or produced by unbelievers provided we are discerning. While we cannot accept their worldview, we can filter out what is useful and good in God's sight and then place that information within a Biblical framework.¹⁸ Doing this in no way undermines the doctrine of the sufficiency of Scripture.
- e) Church leaders should model and pursue biblical reconciliation among all members of the church, always holding out the hope of the Gospel, serving as peacemakers, and seeking Christ's glory and the good of his people.
- f) Allegations or discovery of child sexual abuse will be devastating for a church. Session may need to consider asking Presbytery or neighbouring churches for pastoral advice or assistance.

¹⁷ Proverbs 9:9, 12:15, 13:10, 15:22, 19:20 and 20:18; Ecclesiastes 4:13

¹⁸ The Bible has many examples of this. For instance, the apostle Paul had obviously read the Greek philosophers, and even quotes them in Acts 17:16 and following. However, Paul uses these quotes in a different framework than the original writers intended.

6. Pastoral support for the victim and their families

- a) Allegations, disclosure, or discovery of abuse can prove extremely traumatic for victims and other family members. They will need biblical counsel, and active encouragement and support from the church during this time. The Session should be prepared to provide ongoing and extensive pastoral care and support, and should consider who else in the congregation may be able to assist. The Session may also wish to recommend counsellors and others who might be able to help the victim and other family members work through issues.
- b) Wisdom and pastoral sensitivity is needed in dealing with sexual abuse. Those helping victims and their families should seek to become familiar with the dynamics of sexual abuse, the emotional and spiritual turmoil it generates, and the issues that victims and their families may need to work through and the challenges they may face. A thorough knowledge of Scripture is essential for bringing hope and healing to those affected by sexual abuse.
- c) While the church, along with the parents, has a crucial role in counseling and caring for children who are victims, the manner and timing of such work must be considered. For example, speaking to a child before he or she has been interviewed by the authorities may unintentionally complicate and compromise the legal process. Due to the vulnerable state of a child in such a situation, careful questioning is necessary so as not to distort a child's memory or diminish his or her ability to accurately recount what happened.
- d) Where family or friends were aware that the abuse was happening, but failed to take appropriate protective action and report the abuse, they too should be challenged to repent of their sin and seek forgiveness of those they have wronged.

7. Pastoral support for the abuser-

- a) This subsection assumes that the one accused of abuse is guilty of abuse, and may have admitted his guilt, in whole or part. Where the one accused of abuse is or appears to be innocent, the church will need to deal with the situation differently.
- b) As is the case with all sin, it is usually difficult for an abuser to admit his guilt. He needs to be made aware how traumatic his denials and minimisation can be for the victim and others affected. Hence he should be encouraged to be completely honest with the victim, victim's family, elders and authorities about what he has done wrong.
- c) Someone who was guilty of abuse and has repented should be reassured of the ongoing love and acceptance of the church family, regardless of what he confesses and the consequences of his offending. He should also be reassured that the church will strive to support him and his family while the matter is dealt with by the criminal justice system. In doing this, Session may make it easier for him to confess any sin.
- d) Contrary to what many in our society say, sexual abuse is not an unforgivable sin. The blood of Jesus Christ can cover even the most heinous sexual sins. Nonetheless, as an act of Christian love, those guilty of abuse will be subject to the admonition and discipline of the church.
- e) The Session should consider whether the offending should be made known to the congregation. Where there is a name suppression order in place, legal advice should be sought before making any public statement.
- f) The Session may also impose conditions on the abuser who continues to be a member of the congregation to protect children, to give the congregation confidence that children will be safe, and to ensure that the abuser is not placed in a compromising situation. The safety of children and the need to discourage further offending are important considerations which need to be taken into account.

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- g) The Session may also consider whether an abuser should be requested to pursue further counselling or attend a specific treatment programme.
- h) Should the abuser be convicted and imprisoned, the church should continue to support him and his family. Upon his release from prison, it will be necessary for the elders and the abuser to agree upon the conditions that will apply to his ongoing membership, including his involvement with children. Such conditions should incorporate any parole conditions which have been imposed. The church should consider how it can help the abuser reintegrate successfully into his family, the church and community. Where appropriate, this should be done in consultation with the victim and the victim's family.
- i) Those helping an abuser will need to understand the issues, emotions and challenges that an abuser must work through. A thorough knowledge of Scripture is essential for dealing effectively with those who have been caught in sexual sin. A good understanding of the dynamics of sexual abuse would also be helpful.

8. Reconciliation between abuser and victim

- a) Sexual abuse leaves deep emotional and spiritual wounds. Hence the path to reconciliation may be painful and protracted. Yet we must continue to hold out the possibility of genuine reconciliation between the abuser and his victim and others affected. Sexual abuse may kill—spiritually, emotionally and relationally—but in Christ there is new life.
- b) Victims who are Christians may struggle to forgive. While completely understandable, they:
 - i. are called by Christ to forgive even their abusers and to be reconciled with them, just as they have been forgiven by God and have been reconciled to him;¹⁹
 - ii. may experience freedom and great joy as they learn to forgive; and,
 - iii. are enabled by Christ's Spirit to forgive.
- c) Abusers who are Christians are called by Christ to repent of their sin, and to seek the forgiveness of those they have wronged, and where possible, to put things right. This may even involve an abuser going to the Police of his own accord and making a full confession.
- d) Both the one who has committed the abuse, the victim and all involved should patiently trust God's timing for a full reconciliation. However, sometimes this does not happen, even where the abuser has repented, sought forgiveness and done all he can to put things right and the victim has extended forgiveness. Trust, once broken, can be difficult to restore. By God's grace, the one who was guilty of abuse and the victim may sit at the Lord's Table together, even while they may struggle to relate in other situations.
- e) Special care should be taken in situations where the abuser was in a position of authority or control over the victim (for example, a parent, teacher or church office-bearer). Session should be alert to the possibility of the abuser forcing the victim to forgive him and to be reconciled, especially where he demonstrates little or no genuine contrition.

9. Prevention of abuse

Churches are not immune from sexual abuse affecting its members. It can, however, discourage would be abusers and detect abuse early by considering the following possibilities:

- i. police checks and interviews for everyone working with children;
- ii. adopting protocols for church programmes and activities to ensure that children are not generally left alone in the care of one adult;

¹⁹ Matthew 6:12, 12:1-7; Mark 11:25-26

- iii. familiarising itself with some of the possible effects of sexual abuse;²⁰
- iv. teaching those working with children about sexual abuse; and,
- v. speaking more openly about sexual abuse in order to encourage those who are being or have been abused, and those guilty of abuse, to seek help.

Section 3—Dealing with allegations of abuse

9. Allegations, suspicions and confessions

- a) When someone in the congregation is accused of sexual abuse, it is important that the Session deal with those allegations in a timely and God-honouring manner.
- b) Sessions should do what they can to engender the trust of God’s people by the way that they deal with allegations of abuse.
- c) Someone who has been abused and someone who has been falsely accused of abuse need to have the confidence that they will be taken seriously. The Scriptures alert us to the possibility of God’s people committing gross sexual sin, but also warn about the possibility of false, even slanderous accusations being made.²¹
- d) Sexual abuse is usually done in secret. This creates a difficulty. There are usually no eyewitnesses. So Sessions will need to handle accusations with care.
- e) The Scriptures teach us that the manner in which we deal with sin is important.
- f) The Scriptures also teach us the need for corroborating evidence.²² The Session will need to use its discretion as to what constitutes valid testimony which meets the biblical standard.²³
- g) Where a member has confessed to sexually abusing a child, Session should:
 - i. consider what should be done to protect the victim and other children; and,
 - ii. suspend him from office if he is an office-bearer in the church in accordance with articles 82 to 84 of the Church Order.
- h) Where allegations have been made or there are suspicions that abuse is occurring, Session should carefully:
 - i. consider what inquiries should or need to be made;
 - ii. determine what steps may need to be taken to protect the possible victim and other children in the meantime;
 - iii. seek counsel from others experienced in investigating or dealing with sexual abuse cases; and,
 - iv. decide whether to involve the authorities immediately.

²⁰ Refer to Dan Allender, *The Wounded Heart*. Part 2 describes the damage done by sexual abuse.

²¹ James 4:11

²² 1 Timothy 5:19,20

²³ Eyewitness testimony is not the only kind of valid witness ; refer to 1 John 5:7-8 as an example.

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- i) Any inquiries by Session should be made discreetly and with respect for confidentiality. A complainant should be assured of confidentiality and insofar as it is possible and practicable, should be told explicitly who will be informed. In accord with the ninth commandment, all those involved should be sensitive to the need to safeguard the reputations and the good names of the complainant, the accused, and others involved.²⁴
- j) The Session should never promise the accused or anyone else involved that the matter will be kept secret; such a promise could conflict with or compromise the biblical principles of truthfulness and justice. However, Session should only disclose information to those who have a legitimate interest in receiving it.

10. Interviewing a child and placing children in care

- a) Interviewing children who may have been abused can be challenging. It is difficult enough for adults who were abused as children to make sense of what happened; it is usually far more difficult for children to explain what happened.
- b) At the outset, the Session must consider whether it would be better to involve the authorities immediately. From an evidential point of view, it can be highly advantageous for the authorities to conduct or be involved in the initial inquiries; these are usually undertaken with sensitivity to the child's needs and vulnerability.
- c) Elders in the church are given responsibility by God to be shepherds of the flock of God under their care and, as such, should be prepared to minister to all those involved where sexual abuse has been alleged. However, that does not mean that the elders should not seek advice from or involve others. Proverbs, for example, reminds us "wisdom is found in those who take advice."²⁵ Furthermore, we have been given different gifts by the Holy Spirit which are to be used "for the common good."²⁶ Every member, as part of Christ's body, has a part to play in the life of the church and beyond.²⁷ When it comes to interviewing or ministering to children who have or may have been abused, there may be some to whom God has given special ability in this area.
- d) In cases where there is a risk of ongoing abuse, CYF may place a child in care. Sometimes this is only temporary but at other times the removal proves permanent. The church may have a role in finding a suitable home and providing support for that child. Except in the gravest of circumstances, an elder should not uplift children at risk and put them into care; to do so could constitute kidnapping. Such intervention should be left to CYF or the Police.

11. Procedural matters

- a) In Matthew 18:15-17, Jesus prescribes three progressive steps for handling personal offenses within the local church: 1) a private confrontation, 2) a witnessed confrontation, and 3) a wider confrontation before the church. At each step, the goal is repentance by the offender. But the crime of child sexual abuse is far more than a personal offense. It is a crime within the jurisdiction of the governing authorities. In considering the general principles of Matthew 18:15-17, it is important to keep in mind that in the case of the sexual abuse of children, a child cannot be expected to confront his or her abuser. Even an adult who was abused as a child would have great difficulty confronting his or her abuser. He or she would require a great deal of pastoral support, and in most cases could not be expected to confront his or her abuser alone.

²⁴ Refer to the Heidelberg Catechism, question and answer 112.

²⁵ Proverbs 13:10

²⁶ 1 Corinthians 12:7

²⁷ 1 Corinthians 12-13; Ephesians 4:7-16

- b) Ordinarily abuse comes to light in one of three ways: a victim speaking to someone he or she trusts; an abuser making a confession; or someone observing something unusual or suspicious. While love hopes for the best, love also protects²⁸ and therefore demands that we consider the possibility of abuse at times.
- c) Where a minister or elder becomes aware of a situation involving potential child abuse (whether current or historical), he should let other elders know as soon as practicable in order to get their advice. Whether this is some or all of the elders will depend on the situation.
- d) It should be borne in mind that someone who was abused as a child and has kept it secret for years, perhaps even decades, may choose to say nothing if he or she is unsure who else will find out. The feelings of shame can become so overwhelming that silence becomes preferable to getting help. So while complete confidentiality should never be promised (as outlined in article 9 above), information should only be shared on a “need to know” basis, and where appropriate with the full knowledge and consent of the abused.
- e) . It often takes great courage for someone guilty of abuse to voluntarily confess his or her sin. When such a confession is made it needs to be handled with great sensitivity. However, when there is confession of the sin of sexual abuse, due to the broader legal, ecclesiastical and familial consequences all of the elders should be informed about the confession.
- f) Where a minister or elder is a close relative or close friend of the alleged abuser or the person abused, it is strongly recommended that wherever possible they not become involved in the situation in their official capacity. The existence of a close relationship is likely to raise understandable concerns about objectivity.

12. Involving the authorities

- a) The state has a legitimate, God-given role in dealing with and punishing criminal behaviour. God has commanded that his people submit to the state unless this would result in disobedience to him.²⁹ This is clearly established by passages such as Romans 13:1-7 and 1 Peter 2:13-17. There are a number of other weighty reasons why the church should involve the state:
 - i. God expects his people to be passionate about justice being done.
 - ii. Those guilty of sexual abuse tend to minimise the abuse and their denials can be difficult to unmask. The church does not have the resources that the state possesses.
 - iii. There is often a greater risk of reoffending where the state is not involved.
 - iv. Victims of abuse need to know that the church treats sexual abuse as a serious crime. Failure to do so may result in people becoming disillusioned and feeling that the church has failed them. Furthermore, trivialising or covering up sexual abuse causes Christ’s name to be blasphemed; conversely, where churches deal with sexual abuse in an exemplary fashion, Christ’s name is honoured.
- b) The State has no authority to “interfere in matters of faith.”³⁰ The church has a duty to counsel, comfort and encourage those who have been wronged; and to admonish the guilty. She must not abdicate her responsibility to the state.
- c) Where a crime has been committed, the three steps in Matthew 18:15-17 need not be taken before Christians can seek the help of the state.

²⁸ 1 Corinthians 13:7

²⁹ Acts 5:29

³⁰ Westminster Confession of Faith, 23:3

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- d) The principles in 1 Corinthians 6:1-8 should not be interpreted as excluding the role of the civil authorities in situations where criminal offending has occurred. That passage applies to minor or trivial matters.³¹
- e) Where the Session believes that sexual offending might not warrant prosecution it would be wise for it to seek advice or allow the state to make that determination. Even apparently minor offending needs to be taken seriously; it may be that there is more offending that has yet to come to light or which has already come to the attention of the authorities.
- f) Restorative conferences can be highly beneficial where there has been a clear admission of guilt by the abuser and both the abuser and victim are willing to meet. Depending on the seriousness of the case and the input of CYF or the Police, the matter might be resolved at that level or the authorities may choose to take the matter further.
- g) Churches should not shield offenders from the consequences of criminal actions. Furthermore, failure to take appropriate action could result in legal action against the church or its officers.
- h) Ordinarily victims or their families, rather than the Session, should report the offending to the Police or CYF. They may benefit from one of the elders being present in a supportive role. However when family dynamics or other considerations make that impossible or highly impractical, the Session should inform the family that it will report the matter to the Police or CYF and then do so.
- i) Where appropriate, families and caregivers should be made aware of section 195A of the Crimes Act 1961 (refer to the appendix). Families and those responsible for the care of children have a legal duty to take reasonable steps to protect children from ongoing abuse. The church family should also do what it reasonably can to protect children from ongoing abuse. Hence the Police or CYF should also be notified where Session becomes aware that a child is in danger of being subjected to sexual abuse.
- j) CYF and the Police have an inter-agency approach to dealing with child sexual abuse. They share information and work together when dealing with such cases.
- k) In recognizing the role of the civil authorities to fulfil their responsibilities before God, sessions should seek to co-operate with the Police and CYF and where appropriate provide such information as will aid inquiries.
- l) In the case of a victim of child abuse who is now an adult:
 - i. ordinarily the choice as to whether to press charges should ultimately be left with the victim. Where the victim is intellectually impaired, others may have to make the decision whether to involve the authorities.
 - ii. the Police will sometimes ask a victim whether he or she wishes charges to be laid. While well-intended, this can place a heavy burden on a victim.In both situations, Session may need to offer the victim clear advice and strong support, especially if the abuser is a family member or someone close.

13. An inconclusive court case or investigation

- a) Where someone accused of a sexual crime has been found “not guilty” in a criminal court of law, this means that the charges were not proved beyond reasonable doubt. So a “not guilty” verdict is not necessarily a declaration of innocence. Similarly, occasions where the Police or CYF decline to act does not amount to a declaration of innocence.

³¹ 1 Corinthians 6:2 speaks of ‘trivial cases.’

- b) Where there has been a “not guilty” verdict or the authorities have taken no action, the Session will always need to make its own pastoral and judicial assessment of the situation.
- c) The Session may need to actively monitor the situation for a time, perhaps even years, providing ongoing spiritual care, encouragement, and accountability.

14. False allegations

- a) Session must always be alert to the possibility that allegations might be false. Hence Sessions should be slow to judge and must deal with allegations circumspectly. The person making the accusations might be genuinely mistaken, or even acting maliciously.
- b) There may be times when Session may need to warn an accuser about the seriousness of making false allegations.
- c) Where Session determines that someone has made false allegations, it should consider whether disciplinary action is warranted. It should also consider whether a public statement is necessary in order to protect and uphold the good name of the one who was accused of wrongdoing. It may be wise for the Session to seek the advice of Presbytery before making any public statement.

15. Dealing with the media

- a) Sexual abuse is often deemed newsworthy by the media and so the Session should be prepared to receive inquiries from the public.
- b) If the media approach the church regarding a sexual abuse allegation, it can be helpful for one person to be appointed to speak on behalf of the church.
- c) Anyone speaking with the media must always bear in mind that:
 - i. the accused has a right to a fair trial and should be presumed innocent until found guilty;
 - ii. the privacy of all concerned is to be protected as much as possible; and,
 - iii. the authorities have a God-given role to deal with sexual abuse.

Recommendations:

1. *That these guidelines be adopted.*
2. *That sessions be encouraged to become familiar with them.*
3. *That the guidelines be made available on the internet and in printed format to our churches.*
4. *That the committee be discharged.*

Humbly submitted by:

Rev. Paul Archbald
Rev. Peter Moelker
Mr. Jim van Rensburg
Rev. Robert van Wichen

June 2014

Appendix

Crimes Act 1961

195A Failure to protect child or vulnerable adult

- (1) Every one is liable to imprisonment for a term not exceeding 10 years who, being a person described in subsection (2), has frequent contact with a child or vulnerable adult (the **victim**) and—
 - (a) knows that the victim is at risk of death, grievous bodily harm, or sexual assault as the result of—
 - (i) an unlawful act by another person; or
 - (ii) an omission by another person to discharge or perform a legal duty if, in the circumstances, that omission is a major departure from the standard of care expected of a reasonable person to whom that legal duty applies; and
 - (b) fails to take reasonable steps to protect the victim from that risk.

- (2) The persons are—
 - (a) a member of the same household as the victim; or
 - (b) a person who is a staff member of any hospital, institution, or residence where the victim resides.

- (3) A person may not be charged with an offence under this section if he or she was under the age of 18 at the time of the act or omission.

- (4) For the purposes of this section,—
 - (a) a person is to be regarded as a member of a particular household, even if he or she does not live in that household, if that person is so closely connected with the household that it is reasonable, in the circumstances, to regard him or her as a member of the household:
 - (b) where the victim lives in different households at different times, **the same household** refers to the household in which the victim was living at the time of the act or omission giving rise to the risk of death, grievous bodily harm, or sexual assault.

- (5) In determining whether a person is so closely connected with a particular household as to be regarded as a member of that household, regard must be had to the frequency and duration of visits to the household and whether the person has a familial relationship with the victim and any other matters that may be relevant in the circumstances.

Section 195A: inserted on 19 March 2012. Refer to section 7 of the Crimes Amendment Act (No 3) 2011 (2011 No 79).