

CAUSE NO.07-03807D

JOHN DOE I, JOHN DOE II, THROUGH HIS MOTHER AS NEXT FRIEND OF JOHN DOE II, A VULNERABLE (NON COMPOS MENTIS) ADULT, JOHN DOE III, JOHN DOE IV AND JOHN DOE V,

Plaintiffs,

vs.

**REVEREND NICHOLAS E. KATINAS,
PASTOR (FORMERLY) OF HOLY
TRINITY GREEK ORTHODOX CHURCH
HOLY TRINITY GREEK ORTHODOX
CHURCH; THE GREEK ORTHODOX
METROPOLIS OF DENVER BY AND
THROUGH BISHOP ISAIAH OF DENVER
IN HIS OFFICIAL CAPACITY, AND THE
GREEK ORTHODOX ARCHDIOCESE
OF AMERICA BY AND THROUGH
ARCHBISHOP DEMETRIOS IN HIS
OFFICIAL CAPACITY,**

Defendants.

IN THE DISTRICT COURT

95th JUDICIAL DISTRICT

DALLAS COUNTY TEXAS

**APPENDIX OF EVIDENCE
IN SUPPORT OF PLAINTIFFS' RESPONSES TO
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

EXHIBIT 12

DRAFT

**PROPOSED POLICIES AND PROCEDURES
FOR CHILD SAFETY**

**Holy Trinity Greek Orthodox Church
Dallas, TX
August 2007**

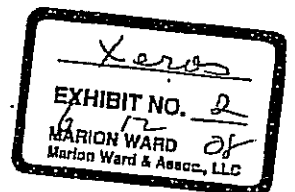


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This document is based upon documents written by Fr. J. Gregory Waynick, a Presbyter in the Greek Orthodox Archdiocese of America, and the Salesmanship Club Youth and Family Center, Inc. Additions to this document were made by the Holy Trinity Greek Orthodox Church Children's Safety Task Force, Dallas, Texas.

I. POLICY & PROCEDURES FOR THE PREVENTION OF SEXUAL MISCONDUCT

HOLY TRINITY GREEK ORTHODOX CHURCH DALLAS, TEXAS

This statement of Policy & Procedures for the Prevention of Sexual Misconduct, (The "Policy") of Holy Trinity Greek Orthodox Church (the "Church") is to be given to each employee, to all lay volunteers who regularly supervise activities for children and youth, to all staff of Holy Trinity Academy, and to all clergy (paid or volunteer). Each of the persons named above shall sign a statement verifying that they have received the Policy, have read and understood it and agree to follow it.

A. Introduction

Those clergy or laity who serve the Church (whether paid or volunteer) must adhere to Christian moral principles in their sexual conduct. It is a grave ethical transgression for any Christian to betray trust by sexually abusing or exploiting another person, whether child or adult. Sexual exploitation or abuse is a terrible injury to the one abused and a violation of faithfulness to Christ.

The Church has always recognized that clergy bear a particular responsibility to pattern their lives according to Jesus' example. Bishops, priests and deacons are regarded by the faithful and the world as examples of what Christian lives should be. Any moral offense by clergy is especially damaging because it betrays that trust committed to them by the Church to nurture and care for every member. Therefore, it is intolerable and morally wrong for a clergyman to exploit the inherent power and trust in his office to gratify his sexual appetite or emotional needs.

In recent years, however, it has become increasingly clear that some clergy and church volunteers have engaged in sexual misconduct in some parishes in America, which has hurt those very persons entrusted to their care. Unfortunately, in the past, instances of sexual misconduct at some parishes were often denied by church leaders or dealt with secretly. In some cases, offenders have been sent on to another parish or diocese while victims were neglected or even blamed and parishes ignored. Such a response fails to implement the standards of justice and love God requires of the Orthodox Church.

With this Policy, Holy Trinity Greek Orthodox Church is acknowledging the fact that sexual misconduct can occur in our church and is instituting policies and procedures for the prevention of such misconduct.

B. Policy on Sexual Misconduct and the Protection of Children

Sexual misconduct is strictly prohibited and will be cause for termination of the employee, volunteer or clergyman of Holy Trinity who is guilty of such misconduct. In the case of clergy, termination will be coordinated with the Metropolis of Denver.

Holy Trinity and Holy Trinity Academy strictly prohibit interaction with children and youth by anyone who has been convicted or adjudicated of a sexual offense or any offense against a child; anyone who has been on probation or parole for a sexual offense or offense against a child as a juvenile or adult; or anyone who is a registered sex offender in this state, or any other state. All employees and lay leaders who regularly supervise activities for children and youth, and all clergy (paid or volunteer) will be subject to periodic background screenings with police, previous employers and personal references.

1. Definition of Sexual Misconduct

Sexual misconduct includes any form of sexually inappropriate behavior or contact, whether criminal or not, by employees or representatives of the Church or Holy Trinity Academy, whether clergy or laity, whether paid or unpaid, and without regard to particular titles of positions. Without limitation, sexual misconduct includes but is not limited to:

- a) Sexual abuse, sexual molestation, or sexual offense against any person, including but not limited to, any sexual involvement or sexual contact with a person who is 17 years of age or younger, or who is legally incompetent;
- b) Sexual exploitation or sexual harassment, including but not limited to, the development of or the attempt to develop a sexual relationship between a clergyman, employee or volunteer and a person with whom he/she has a ministerial relationship, whether or not there is apparent consent from the individual;
- c) Actions that could be considered sexual exploitation or sexual harassment, such as:
 - i) Touching any part of a person's body that would be covered by a modest swimsuit or the clothing that covers those parts; or
 - ii) Jokes, remarks, conversation or writing with sexually suggestive content; or display of sexually suggestive objects or pictures; or
 - iii) Tickling, wrestling (rough housing), lap sitting, massage, kissing on the mouth or open mouth kissing.

2. The Texas Family Code 261.101

Persons required to report; time to report:

- a) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report.

- b) If a professional has cause to believe that a child has been or may be abused or neglected, the professional shall make a report not later than the 48th hour after the professional first suspects that the child has been or may be abused or neglected. A professional may not delegate to or rely on another person to make the report. In this subsection "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes, teachers, nurses, doctors, and day-care employees.
- c) The requirement to report under this section applies without exception to an individual, whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, or a mental health professional.
- d) The identity of an individual making a report under this chapter is confidential and may be disclosed only on the order of a court or to a law enforcement officer for purposes of conducting a criminal investigation of the report.
- e) Children are defined as 17 years or younger.

Individuals MUST report an incident or suspicions of child abuse of minors to authorities. A report to the Priest or Archdiocese does not relieve the individual of the duty to report child abuse to civil authorities as required by the Texas State Law. In Texas, failure to report child abuse is a class "B" misdemeanor. Failure to report is punishable by a \$2,000.00 fine and/or imprisonment for up to 180 days. Failure to report also could subject a person to considerable monetary liability in a civil rights action.

3. The Texas Family Code 261.106

The Texas Family Code 261.106 immunities states:

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report petition or investigation of alleged child abuse or neglect is immune from civil or criminal liability.

4. Failure to Report and Confidentiality

Individuals must report all incidents. All individuals involved must keep confidential all information so as not to compromise any investigation.

Individuals MUST report an incident or suspicions of child abuse of minors to authorities. A report to the Priest or Archdiocese does not relieve the individual of the duty to report child abuse to civil authorities as required by the Texas State Law. In Texas, failure to report child abuse is a class "B" misdemeanor. Failure to report is punishable by a \$2,000 fine and/or imprisonment for up to 180 days. Failure to report also could subject a person to considerable monetary liability in a civil rights action.

C. Reporting Suspected Abuse

1. Procedures for Reporting Offense by Clergy

A "Reporter" is an adult who learns of an abuse situation and contacts appropriate authorities.

An "Outcry" is when the victim approaches someone and reports abuse.

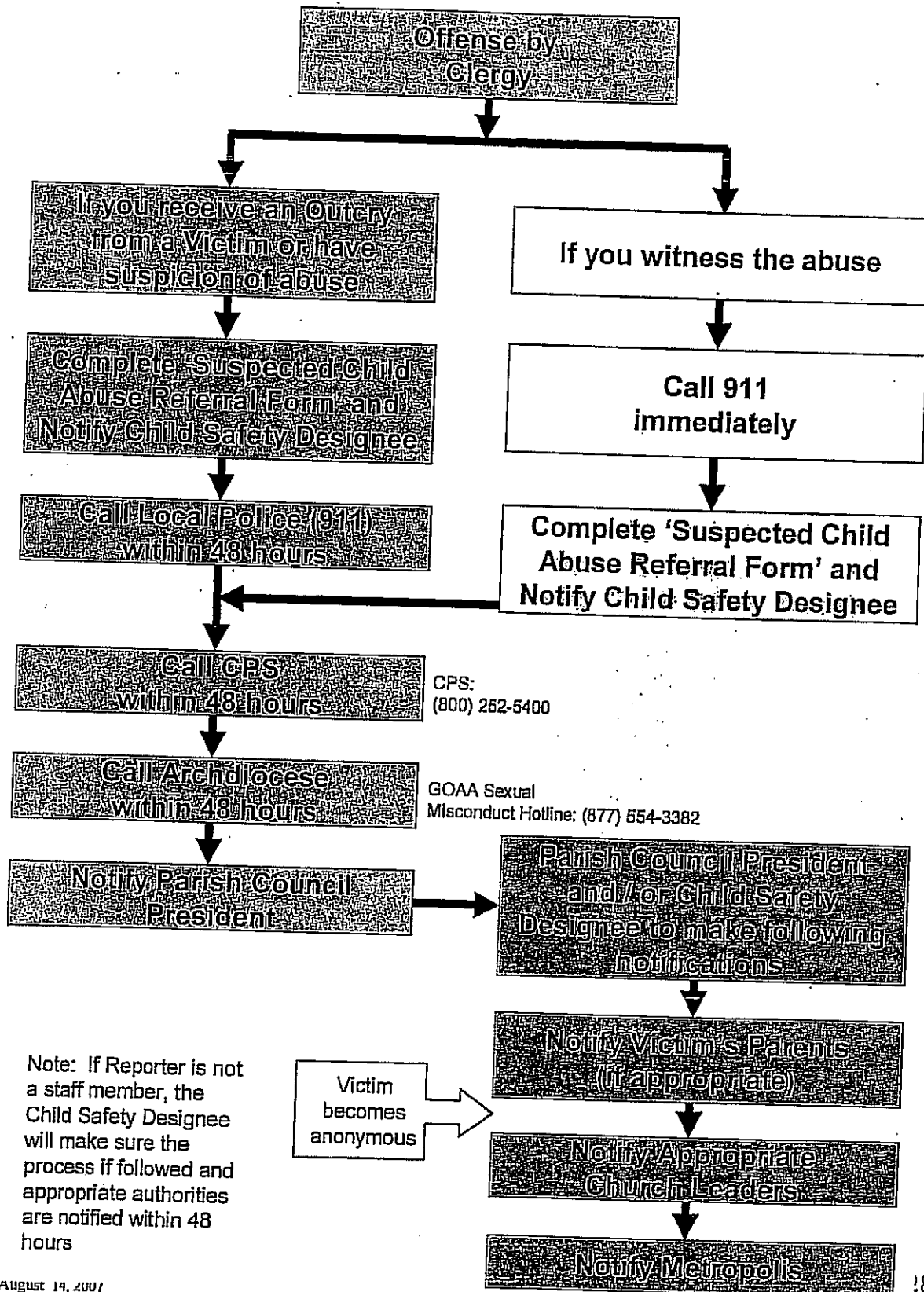
A "Child Safety Designee" is a person who is either designated by the Parish Council or is elected to coordinate the Church's child safety matters, and to assist the "Reporter" with the reporting process, as needed, to ensure the reporting is done and all appropriate parties are informed of the incident.

- a) If the Reporter witnesses the abuse they shall immediately call 911. They shall protect the child. They shall not act in any manner to cause harm to the child, themselves or the perpetrator. They shall notify the Child Safety Designee and fill out the *Suspected Child Abuse Referral Form**. Then they shall call the Child Protective Services (CPS) to report the alleged offense within 48 hours.
- b) If the Reporter is the receiver of an "outcry" from a victim, or have a suspicion to believe there is an abuse, they shall notify the Child Safety Designee and fill out the *Suspected Child Abuse Referral Form**. Then they shall call the Police and Child Protective Services (CPS) to report the alleged offense within 48 hours.

** In both #1 and #2 above, the reporter must complete the Suspected Child Abuse Referral Form.*

- c) The reporter shall also call within 48 hours the Archdiocese to report the offense.
- d) At this time the Reporter shall notify the Parish Council President.
- e) The Child Safety Designee will assist and direct the Reporter as needed to ensure all the above steps are followed.
- f) The Parish Council President and / or the Child Safety Designee upon consultation and based upon the recommendations and direction provided by CPS, The Police and the Church's attorney will notify the victim's parent(s). Abuse cases where the parent is a clergy offender must be handled with particular care.
- g) At this point the victim's identity becomes anonymous.
- h) If there is a Church Supervisor/Ministry Leader who needs to know, they will be informed by the Parish Council President and / or the Child Safety Designee.
- i) The Parish Council President and / or the Child Safety Designee will notify the Metropolis.

2. Chart for Reporting Offense by Clergy



3. Procedures for Reporting Offense by Non-Clergy

A "Reporter" is an adult who learns of an abuse situation and contacts appropriate authorities.

An "Outcry" is when the victim approaches someone and reports abuse.

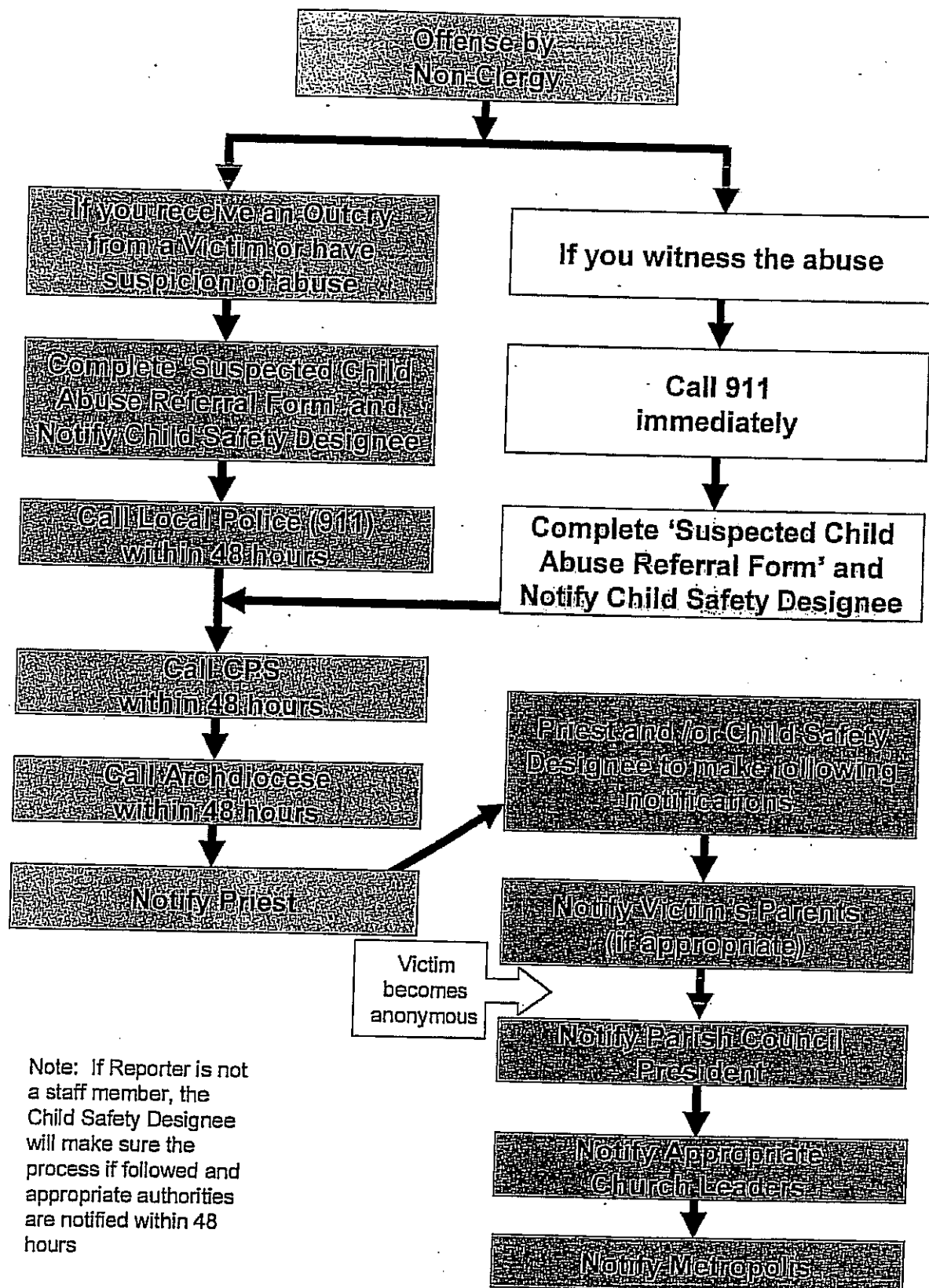
A "Child Safety Designee" is a person who is either designated by the Parish Council or is elected to coordinate the Church's child safety matters, and to assist the "Reporter" with the reporting process, as needed, to ensure the reporting is done and all appropriate parties are informed of the incident.

- a) If the Reporter witnesses the abuse they shall immediately call 911. They shall protect the child. They shall not act in any manner to cause harm to the child, themselves or the perpetrator. They shall notify the Child Safety Designee and fill out the *Suspected Child Abuse Referral Form**. Then they shall call the Child Protective Services (CPS) to report the alleged offense within 48 hours.
- b) If the Reporter is the receiver of an "outcry" from a victim, or have a suspicion to believe there is an abuse, they shall notify the Child Safety Designee and fill out the *Suspected Child Abuse Referral Form**. Then they shall call the Police and Child Protective Services (CPS) to report the alleged offense within 48 hours.

** In both #1 and #2 above, the reporter must complete the Suspected Child Abuse Referral Form.*

- c) The reporter shall also call within 48 hours the Archdiocese to report the offense.
- d) At this time the Reporter shall notify the Priest.
- e) The Child Safety Designee shall assist and direct the Reporter as needed to ensure all the above steps are followed.
- f) The Priest and / or the Child Safety Designee upon consultation and based upon the recommendations and direction provided by CPS, The Police and the Church's attorney will notify the victim's parent(s), provided they are not the offenders. Abuse cases where the parent is the offender must be handled with particular care.
- g) At this point the victim's identity becomes anonymous.
- h) The Priest and / or the Child Safety Designee shall notify the immediate Supervisor of the Reporter, if the Reporter is an employee.
- i) The Priest and / or the Child Safety Designee will notify the Metropolis.

4. Chart for Reporting Offense by Non- Clergy



D. Policy on Personnel Employment & Volunteers

The quality and effectiveness of our services for children are directly related to the skills and personal characteristics of staff. Recruiting, selecting, training and supporting staff are essential, interrelated processes to ensure the success and integrity of our programs.

In addition to securing competent staff, these practices must be refined continually to eliminate persons who might represent a risk to the physical and psychological well-being of children in our care. The following procedures have been developed based upon a growing, research-based understanding of child sex offenders.

1. Goals

Creating an organizational culture that will reduce the risk of child abuse, including sexual abuse, involves all aspects of the Church's functioning. The following goals are central to this effort:

- a) Attract, hire and support the most qualified staff and volunteers available.
- b) Create an environment in which potential child molesters will choose not to pursue employment or volunteer due to the dearth of opportunities for sexual contact with children and the likelihood of discovery and negative consequences if such an attempt occurred.
- c) Design a screening system that eliminates applicants with various indicators of possible risk in working with children.
- d) Discourage opportunities for abuse or poor practice through effective child care policies and procedures, staff and volunteer training and supervision.
- e) Empower children and parents to protect themselves from abuse and to take action if anyone poses a risk to the child's safety.
- f) Devise a system for responding rapidly and effectively to allegations of staff and volunteer misconduct.

2. Application Screening

- a) All applicants shall complete the appropriate application form(s). The form(s) also include a release to enable HTGOC to seek references.
- b) A minimum of three references, for employment, are checked by telephone using a standard list of questions. In cases where a concern has risen, an effort is made to secure the evaluation of someone not listed as a primary reference. For example, a primary reference may be told, *"Everyone has areas of less effectiveness and has difficulties relating to certain kinds of people. It would be helpful in supporting this person on the job if we could talk with someone with whom he/she may have come into conflict. Could you give us the name and phone number of someone else who is familiar with his/her work?"* References are sought primarily from persons who have supervised the candidate or who have observed his/her work with children in some context.

Personal and academic references tend to be of limited usefulness. It may be useful to confirm dates of employment or volunteer service to discover any possible gaps that may have been obscured.

- c) A criminal background check is conducted on every staff or volunteer who will have contact with children. Discouragingly little information is uncovered by such criminal checks, and the absence of prior criminal activity must not lead to complacency in our alertness for signs of inappropriate behavior with children. Nevertheless, this step represents a significant strategy in reducing the organization's possible exposure to charges of negligent hiring.

3. Background Screening

a) Clergy

The Church requires that all clergy, paid or volunteer, shall have periodic background screenings. The background screening for clergy should be conducted by either a designated member of the Parish Council, or the Child Safety Designee. The completion of the *Application for Child/Youth Workers Release Form* shall be a required part of the background screening. The results of the background screening are to be sent simultaneously to the church and to the Metropolis of Denver.

b) Employees

Prior to employment, all church employees and Holy Trinity Academy employees shall be subject to a background screening of any past convictions of a criminal or sexual nature and civil claims regarding sexual misconduct or child abuse/neglect/abandonment. Other background screenings, such as previous employers and personal references, and other screening procedures will also be used. The completion of the *Application for Child/Youth Workers Release Form* shall be a required part of the background screening.

c) Volunteers

Prior to assignment, volunteers who supervise youth activities shall be subject to a background screening, must be members of Holy Trinity for at least one year, and/or be well known to members of the Church or ministry leadership or Holy Trinity Academy leadership. Other background screenings, such as personal references, and other screening procedures will also be used. The completion of the *Volunteer General Release and Confidentiality forms; and the Acknowledgement of Sexual Misconduct Policy* shall be a required part of the background screening.

Background screenings will not be required of volunteers who occasionally assist with children/youth (e.g., parent volunteers for particular event), but who do not regularly supervise youth activities, as long as such volunteers are under the direct and constant supervision of someone who has been screened.

Background screening applications (i.e., the *Application for Child/Youth Workers Release Form*) shall be kept strictly confidential, in accordance with applicable laws, and shall be shredded after the results of the background screening have been received. The results of the screening reports will be kept under lock and key with all information coded to prevent any identify theft.

4. Compliance

Compliance with this Policy, including the need for periodic updates of employment and background records, shall be reviewed annually as a part of the annual internal audit of the church, or by another committee appointed by the Parish Council.

5. Additional Requirements after Hiring

- a) After assuming the new position, the individual must receive initial orientation from the appropriate supervisor, including a review of relevant policies and procedures. For example, the following policies must be reviewed as additional protection for children and staff:
 - i. Staff/volunteer shall not invite children to their homes or have other contact with children outside the work context without prior parental approval.
 - ii. If a child is injured and requires first aid, if possible he/she will be examined by at least two adults.
 - iii. Children are only released to their legal guardian or someone designated in writing by the guardian.
 - iv. Children may not be touched in areas of their bodies that would be covered by swimming suits.
 - v. Staff/volunteer shall not use physical punishment, verbally abusive comments or denial of the necessities of care to children.
 - vi. Staff/volunteer shall report immediately any signs of injury or of possible child abuse.
- b) Church Ministry Leaders (Supervisors) must be trained to recognize signs of adults grooming children for abuse. Supervisors must make unannounced visits to observe staff as they work with children.
- c) As a part of the regular in-service training provided for staff/volunteers, specific information about child sexual abuse, its prevalence, indicators, effects and treatment must be discussed.
- d) Staff/volunteers who have demonstrated difficulties may be placed on probation which could lead to discharge if corrective action is not taken. A written record of problems and corrective action required must be maintained by the supervisor.

E. Prevention Practices & Procedures to Protect Children & Youth

These Prevention Practices & Procedures of Holy Trinity Greek Orthodox Church and Holy Trinity Academy deal with the prevention of sexual misconduct as well as some general safety concerns. These Prevention Practices & Procedures shall be given to each employee, to all lay leaders who supervise activities for children and youth, and to all clergy (paid or volunteer) as a part of the Policy & Procedures for the Prevention of Sexual Misconduct (the "Policy") of Holy Trinity Greek Orthodox Church and Holy Trinity Academy. For the purpose of these Prevention Practices, "adult" means someone 18 years of age or older. Anyone 17 years or younger is considered a child or youth.

1. Church School/Youth & Dance Groups/Child Care Programs/Greek School

- a) All people who shall participate in ministries with children/youth must have been members of the Church for at least one year, and/or be well known to members of the Church or ministry leadership or Holy Trinity Academy leadership.
- b) All those working with children/youth are subject to background screenings and other screening procedures (as specified in the Policy), including a check for a previous record of Driving While Intoxicated or any reckless citation.
- c) "One-on-one" contact of one adult and one child is not allowed.
- d) Travel off church premises:
 - i) If children/youth are to be taken off church premises at any time, or are meeting off-premises, at least two adults (more if the size of the group requires), preferably a male and a female, should accompany them. The two-adult rule is not fulfilled by spouses – two adults other than a husband and his wife must be present.
 - ii) Permission slips with details are required for all trips off church premises, whether during or outside of regular church school hours.
 - iii) When a church program or activity calls for someone to drive children/youth anywhere, the leader must make sure to have a form on file which records important information about the vehicle operator and the vehicle to be used, including a copy of the driver's license, proof of Insurance and the vehicle registration.
- e) Pick up after youth events (excluding Catechetical School):
 - i) All youth 17 years and younger will be required to sign in and out of all events, per organization policy. See *Children's Ministry Sign In/Out Form* in Appendix.
 - ii) If children/youth are to be picked up by someone other than a parent or authorized adult or dropped off somewhere other than their home, the parent(s) or guardian should indicate that person's name and phone number. Children/youth will be released to properly identified and authorized adults only.

- iii) Two adult leaders should stay with children/youth at the conclusion of an activity until every child/youth has signed out. The two adult rule is not fulfilled by spouses – two adults other than a husband and his wife must be present. A child/youth should never be left alone prior to them being signed out.
- f) Rules of Conduct with Children/Youth for Youth Workers (both employees and volunteers)
 - i) If a child/youth needs to undress (for example, to get into a costume or for first aid), the youth worker must call another adult to accompany them. (This is another good reason for adult teachers to work in teams). Youth worker must make sure separate dressing areas are provided for boys and girls and privacy is assured and that same sex supervision is provided when appropriate.
 - ii) One child shall not go to the restroom alone. Adults are responsible for securing the restroom.
 - iii) Classroom doors should never be locked with children inside. Where feasible, glass should be placed in doors, or half doors should be installed, so someone can see in the classroom. Doors with glass inserts shall not be obstructed. All visitors must sign in and out with the ministry supervisor.
 - iv) Even playfully, even if a child or youth asks, a youth worker must not touch any part of the body that would be covered by a modest swimsuit, nor on the clothing which covers those parts.
 - v) A youth worker must never meet a child/youth in secret or in an unplanned way (e.g., meeting them at the end of a school day) without discussing the meeting with parents and/or appropriate supervising people. Also, a youth worker must not become involved in secret "meetings" with a child/youth by computer instant messaging, e-mail or in a chat room.
 - vi) If a youth worker has an encounter with a child/youth where they think there might be a possibility of misunderstanding or misinterpreting their behavior, the youth worker must discuss the encounter with the church school director or clergy. The youth worker must document the incident with a dated memo. Where possible, the youth worker must discuss the matter with the child's parent or guardian.
 - vii) A youth worker working with children should use caution about any movies or videotapes which might raise concerns. He/she should offer to show them to parents first (even if parents do not take up the offer). Videos should be age appropriate, keeping in mind the rating. "R-rated" movies are never to be shown to children below the age of 17 without parental and clergy permission.
 - viii) All educational material dealing with sexual themes should be reviewed by clergy. Before it is seen by children/youth, parental permission must be obtained. These guidelines also apply to video seen in a hotel on overnight trips.
 - ix) A youth worker must never show youth any material which displays nudity or could by any standard be called obscene or pornographic. The youth worker, if such material is brought by youth or anyone, must confiscate it at once and consult with clergy/supervisor.
 - x) Alcoholic beverages, illegal drugs, or tobacco products are never permitted to be brought to or consumed during any youth activity.

- xi) If a child/youth comes to any church program and appears intoxicated (from either drugs or alcohol), the youth worker must contact parents immediately and consult with the clergy or other authority as to further action.
- g) Examples of actions that could be considered sexual exploitation or harassment:
 - i) Touching any part of a person's body that would be covered by a modest swimsuit or the clothing that covers those parts; or
 - ii) Jokes, remarks, conversation or writing with sexually suggestive content; or
 - iii) Display of sexually suggestive objects or pictures; or
 - iv) Attempts to develop personal contact/friendship beyond a pastoral or professional relationship); or
 - v) Tickling, wrestling (rough housing), lap sitting, massage, kissing on the mouth or open mouth kissing.
- h) Additional Procedures for Overnight events:
 - i) Adult advisors and/or clergy must approve overnight stays in advance.
 - ii) For overnights (lock-ins, camp, etc.) there must be at least 4 adults present (and more if the size of the group requires), including 2 males and 2 females for same sex supervision.
 - iii) Parents/guardians and children/youth must be made aware of the ground rules which will govern all such overnight events and whenever possible they must sign an agreement to abide by those rules in advance of the event itself. The consequences of any infraction must be clearly specified.
 - iv) For overnights, whether on church property or elsewhere, separate sleeping areas must be provided for boys and girls, and privacy must be assured for use of bathroom facilities and for changing clothes. All participants (children and adults) shall adhere to appropriate dress requirements.

2. National Orthodox Policies and Discussions on Sexual Misconduct

SCOBA and the Greek Archdiocese have sexual misconduct policies in place. Awareness of these resources should be promoted within the church as part of a safe environment program.

Statement of Policy Regarding Sexual Misconduct by Clergy

http://www.goarch.org/goa/documents/misconduct_policy.asp

SCOBA Statement on Sexual Misconduct in the Church

<http://www.scoba.us/statements/statementdetail.asp?id=143>

SCOBA Bishops Conference: Discussion on Sexual Misconduct in the Church

http://scoba.us/resources/conference2006/?mp4=sexual_misconduct_256K_Stream.mp4&title=Discussion%20on%20Sexual%20Misconduct%20in%20the%20Church

II. EDUCATION ON SEXUAL ABUSE OF CHILDREN

Sexual abuse of children is a major issue for our society, and the magnitude of the problem has been denied by parents, policy makers and child care professionals. Unfortunately, there are no litmus tests that can easily detect someone who represents a risk to children. Having a system of thoughtful ways to screen applicants, to remove secrecy and to monitor the well-being of children in our care will provide the best risk management tools and legal defense. Protecting children in our care from sexual abuse is a continuous process, not a one-time screening effort. Developing an effective system for responding to child abuse when it happens is the best way to minimize the harm caused by this experience to children and to our Parish.

A. Adults Who Sexually Abuse Children & Adolescents Outside the Family

Most sexual assaults are committed by family members, friends, or acquaintances of the victim. In fact, only about 7% of child sexual abuse cases are perpetrated by strangers (Bureau of Justice Statistics, 2000). About 40% of sexual assaults take place in the victim's own home, and 20% take place in the home of a friend, neighbor or relative (Bureau of Justice Statistics, 1997). Although children are more likely to be sexually abused by family members or friends than strangers, some sexual perpetrators seek out jobs that allow them to become "friends" with children. These perpetrators can become trusted confidants and are no longer strangers to the child or family. The following sections outline common myths and discuss recent research on sex offenders.

Myth: Child sex offenders are "dirty old men", insane, retarded, or drug addicts.

Fact: Although sex offenders may fit some of these characteristics, they are more likely to seem just like an average person. The old stereotype of an old man in a raincoat on a playground is more myth than reality. Child sex offenders are more likely to be the respectable-looking person sitting next to you in a restaurant.

Myth: "I'll know a sex offender when I see one."

Fact: As mentioned above, sex offenders typically look just like everyone else. They don't look like depraved monsters. They come from all walks of life. Although more men than women commit sex crimes, sex offenders can be male or female. They can be married, divorced, separated or single. They can be of any race, religion, age, education, sexual orientation, or socioeconomic status. There is no single profile of sex offenders. This myth also suggests that some people may believe they have the innate ability to identify sex offenders. It might even seem that people trained in psychology and mental health would have a special ability or intuition to identify these people. Unfortunately, not only is it a myth that certain people can identify sex offenders based on their looks or personality, such beliefs can lead to complacency and allow some offenders to exploit these erroneous beliefs to their advantage.

Myth: Child sex offenders have certain personality profiles.

Fact: Just like the fact that sex offenders come from all walks of life, they come with all different types of personality profiles. There is no test or personality assessment that can identify a sex offender. Some particularly dangerous offenders do exhibit high levels of antisocial personality traits (psychopaths), but this is a minority of child sex offenders and psychopathy predicts general antisocial behavior and isn't predictive of being a sex offender by itself.

Myth: Sex offenders are sexually violent predators.

Fact: Most of the well-publicized sexual abuse cases involve situations where the victim was brutally beaten or killed in addition to being sexually abused. These are the most extreme cases and actually account for a small minority of sexual abuse cases. Most sex offenders are not sexually violent predators. This does not minimize the damage that sexual abuse causes for children. Rather, it is important to recognize that most abuse is more subtle and insidious than the "violent predator" label suggests.

Myth: Child sex offenders were seduced by the child.

Fact: Stating that the "child wanted it" or "I was seduced" are common distorted beliefs by child sex offenders. Children are incapable of assenting or consenting to sexual contact with an adult. The power status of adults in the lives of children and adolescents makes sexual contact with children coercive. Even if a child who has been inappropriately sexualized by prior sexual abuse appears to behave in a sexual manner around adults, this does not condone or justify the sexual behavior of adults towards children.

B. Current Research on Sex Offender Characteristics

Gender – Studies vary widely in reported incidences of sexual abuse perpetrated by men as compared to women. It is clear that the vast majority of sexual abuse is perpetrated by men, with recent estimates suggesting that 75-80% of sexual offenses against children are perpetrated by men (ATSA, 1996). However, there are a number of caveats depending on the age and gender of the victim. For example, a recent self-report study by the CDC revealed that 40% of the sexual offenses against boys were perpetrated by females as opposed to only 6% of girls were sexually abused by females (Dube, et al, 2005). Snyder (2000) has estimated that females commit 12% of all sexual offenses against children under age 6 and 6% of the sexual offenses against children between the ages of 6 and 12. It appears that sexual abuse of teenage boys by females is underreported. It is important to note that male perpetrators who molest boys are at the highest risk for being repeat offenders (Seto, 2007).

Age of Onset – Most offenders begin molestations during their adolescence. The majority of adolescents who commit sexual offenses do not become adult sex offenders. A number of factors, such as the number of incidents of abuse, how the family responds to the abuse and exposure to domestic violence, are relevant to why some youth become adult sex offenders (Hunter & Figueredo, 2000).

Prior Sexual Abuse – It is difficult to determine what percentage of sex offenders were sexually abused themselves when they were younger. The Center for Sex Offender Management reports that between 40-80% of sex offenders have histories of being sexually abused themselves (CSOM, 2000).

Other Sexual Behavior – Sex offenders often exhibit other deviant sexual behavior. Perhaps more than 70% meet criteria for a paraphilia (Dunsieth, et al., 2004). These paraphilias can include:

- Rape-forced sexual contact
- Child molesting-having sexual contact with a person under 18
- Bestiality-sexual contact with animals
- Frottage-touching or rubbing a person for sexual gratification without the person's consent
- Necrophilia-sexual contact with a deceased person
- Voyeurism-watching someone for the purpose of sexual gratification
- Troilism-use of dolls or mannequins during sexual acts
- Exposing-displaying of one's genitals for the purpose of sexual gratification
- Bondage-tying up a person while engaged in sexually deviant behavior
- Obscene calls-use of the telephone or other means to make sexual comments without a person's consent
- Deviant masturbation-masturbating while thinking deviant thoughts (CSOT, 2000)

Mental Illness – Most research as to whether sex offenders suffer from a mental illness has focused on antisocial personality traits. Even within antisocial personality constructs, there is a difference of opinion depending on whether one looks at psychopathy versus antisocial personality. Psychopathy, which includes antisocial and narcissistic behavior along with a callous disregard for others, is seen in 15-25% of all incarcerated felons and probably accounts for a smaller percentage of sex offenders (CSOT, 2000). However, perhaps as many as 56% of adjudicated sex offenders meet criteria for antisocial personality disorder (Dunsieth, et al., 2004). In one of the largest intensive studies of adjudicated sex offenders, Dunsieth and colleagues (2004) found among sex offenders that 74% had a paraphilia, 58% had a mood disorder, 23% had an anxiety disorder, 28% met criteria for borderline personality disorder, 25% met criteria for personality disorder, and 85% met criteria for a substance abuse disorder at some point in their life. These statistics are from a group of sex offenders who were in treatment for their sex offenses and may not be representative of all sex offenders. However, it does appear that a significant number of sex offenders suffer from one or more psychiatric conditions.

Substance Abuse – As mentioned above, a significant portion of sex offenders have or have had a diagnosable substance abuse problem. Although substance abuse can be a dynamic risk factor for committing a sexual offense due to impairment in judgment and lowering inhibition, past substance abuse has almost no correlation with repeated sexual offenses (Hanson & Busierre, 1998). This finding suggests that substance abuse by itself does not lead to sexual offenses.

Victim Grooming – Although child rapists and child sexual sadists do exist, it appears that most perpetrators use non-coercive approaches to groom their victims. By enticing children with presents, attention, affection, activities or special relationships or by entrapping them with a sense of indebtedness, obligation, guilt or fear, the adult can more readily avoid detection and continue the sexual relationship. They may communicate special caring to the child, listening to them in ways that disarm the child. They can be patient and skillful at grooming children and their families over periods of time to cultivate their victims; if a child or parent becomes wary, they may discontinue their courting, or they may take steps to reassure the family. Some have demonstrated an ability to wait very patiently for safe opportunities. They frequently begin with an arm around the child's shoulder and special compliments to check his/her response and then proceed in small increments of touching or verbalizing over time. The vast majority of perpetrators act alone. **SECRECY is the offender's major tool in securing and exploiting victims.** They seek or create private moments and private places to be with children.

Selecting Victims – Child sex offenders seem particularly adept at selecting victims who are vulnerable. Children without strong relationships with their parents or who have experienced other difficulties are frequent targets. Such young persons may be more in need of affection and approval and are less likely to be believed if they accuse the offender of misconduct. Sex abusers are usually attracted to a particular sex, physical appearance and age range of children, but they may have secondary arousal patterns for the other sex and/or for other age groups.

Denial – Compounding the difficulty in detecting child sex abuse is the denial of both the offender and the community. Offenders express denial at every level; their behavior, thoughts and fantasies about children; their grooming and planning; the full range of sexual activities in which they have engaged; their responsibility for these actions; the number of victims and the frequency of molestations. Co-workers, parents, and other children tend to discredit accusations against offenders. Because these persons do not fit preconceived notions about abusers, there is considerable reluctance to believe children when they muster the courage to report the abuse. Children's fears, disempowerment and confusion frequently make their reports appear delayed, unclear and tentative, casting even more doubt on the accusation. As a result of fear, tendency of others to discredit allegations, and other factors, only a small minority of sexual assaults are even reported. The Center for Sex Offender Management reports that only 32% of sexual assaults on persons ages 12 and older are reported to law enforcement (there are no national studies on reporting for child sexual assaults, although these assaults are thought to be under-reported as well).

This societal denial conspires to leave the perpetrators free to continue their abusive conduct in the same or new settings. Unfortunately, many abuse allegations against child personnel are resolved by the offender's denying the misconduct, but agreeing to resign and move on, frequently to another children's organization. Consequently, it is not unusual for background and reference checks to reveal none of these prior episodes.

C. Do Children Lie About Sexual Abuse?

The vast majority, perhaps 60-70%, of sexual abuse incidents are never reported. When a report is made, one of the obvious defenses used by offenders (and their attorneys if there is an indictment) is to claim that the child is lying or misrepresenting what happened. There is little research evidence to support the contention that children fabricate these reports. The National Center for Missing and Exploited Children reports that children seldom lie about acts of sexual exploitation.

Because the vast majority of sexual abuse incidents are never reported, a more important question may be why children often don't tell when they are abused. Several common reasons include:

Fear: They are afraid to tell and may have been threatened by the abuser to keep them from telling;

- 1) **Unaware of the nature of the abuse:** They do not understand what is happening to them, especially in the case of sexual abuse, or they believe that these things happen to everybody;
- 2) **Lack of trust:** They do not know whom to tell or they tried to tell and were not believed;
- 3) **"At fault" feeling:** They believe that they are to blame for what has happened, and they do not want to tell others how "bad" they are; and/or
- 4) **Protection of perpetrators:** Children often care for and love the persons who abused or molested them, and they do not want harm to come to the person(s) or their family(ies). This is especially common when the abuser is a parent, other close relative, or another trusted individual.
- 5) **"Secrecy":** Children are often told by the perpetrator that sexual abuse is "their secret" and must be kept a secret.

D. Education Program

All youth, volunteers, teachers, staff and Parish Council members shall participate in a Sex Abuse Education/Prevention Program.

The Education Program is divided into three categories: Education of Staff, Volunteers and Parish Council; Education of the Parish Community; and Education of the Children and their Parents.

EDUCATION OF THE STAFF, VOLUNTEERS AND PARISH COUNCIL

This will be a presentation of How to Identify a Sexual Predator; screening/interview procedures and reporting procedures.

EDUCATION OF THE PARISH COMMUNITY

This can be done via a program on child abuse and mailing of child abuse information.

EDUCATION OF THE CHILDREN AND THEIR PARENTS

This can be done via the Holy Trinity Academy (HTA) Parents and Teachers Association, and Sunday School and Greek School Parents organizations and to the children of HTA and Sunday school and Greek school directly.

III. APPENDIX

A. Acknowledgement of Sexual Misconduct Policy

Sexual misconduct is strictly prohibited and will be cause for termination of the employee, volunteer or clergyman of Holy Trinity Greek Orthodox Church, Dallas, Texas and/or Holy Trinity Academy who is guilty of such misconduct. Sexual misconduct includes any form of sexually inappropriate behavior or contact, whether criminal or not, by employees or representatives of the Church, whether clergy or laity, whether paid or unpaid, and without regard to particular titles of positions. (A more complete definition of sexual misconduct is found in the Policy.)

Anyone who knows of or suspects sexual misconduct shall immediately report the incident or suspicion to a member of the Response Team and to the Archdiocese Chancellor's Office. If the misconduct involves sexual offense or abuse against a child, it should be reported also to Child Protective Services (CPS) of the Texas Department of Protective and Regulatory Services (800) 252-5400 and the Local Police Department. Failure to make the required report in Texas is a crime.

Holy Trinity Greek Orthodox Church, Dallas, Texas and Holy Trinity Academy strictly prohibit interaction with children and youth by anyone who has been convicted or adjudicated of a sexual offense or any offense against a child; and anyone who has been on probation or parole for a sexual offense or offense against a child as a juvenile or adult; or anyone who is registered as a sex offender in this state or any or state. All employees and lay leaders who regularly supervise activities for children and youth, and all clergy (paid or volunteer) will be subject to periodic background screenings with police, previous employers and personal references.

I acknowledge that I have received, understand and agree to follow the Policy & Procedures for the Prevention of Sexual Misconduct of Holy Trinity Greek Orthodox Church, Dallas, Texas and Holy Trinity Academy.

Name of Clergy, Employee or Volunteer (Please print)

Signature of Clergy, Employee or Volunteer

Date

Signature of Witness

Date

Title of Witness

B. Confidentiality Agreement

I understand that if any one confides in me about child abuse that I must report it to the police and Child Protective Services. I understand that it is not my responsibility to prove or investigate the allegations, just to report.

I agree to maintain all knowledge of any reported child abuse at Holy Trinity Greek Orthodox Church in confidence. I understand that this information is sensitive and that it must be kept confidential so as not to compromise any investigation. I further acknowledge that I have been informed of and understand the requirements of this confidentiality.

Signature of Staff or Volunteer

Supervisor's Signature

Organization

Date

C. Application for Child/Youth Workers Release Form

The purpose of this form is to notify you that a background report will be conducted on you by Holy Trinity in the course of consideration for this request to work with minors. This report may include the following types of information: criminal record, driving record, drugs/alcohol use/abuse, and information related to your character and reputation.

I authorize AMERICANCHECKED, INC. to prepare an investigative report about me for volunteer-related purposes. I hereby release AMERICANCHECKED, INC., their affiliates, subsidiaries, directors, officers, employees, and agents from all claims and damages arising out of or relating to any investigation of my background of volunteer services. AMERICANCHECKED, INC. is authorized to disclose all information obtained to Holy Trinity Greek Orthodox Church for the purpose of making a determination as to my eligibility for volunteer service or any lawful purpose. This authorization shall remain on file and shall serve as ongoing authorization for the procurement of said reports at any time during my volunteer service.

Last Name: _____ First: _____ Middle: _____
Maiden Name: or any aliases used in past _____
Social Security Number: _____ Birth Date: _____
Driver's License Number: _____ State: _____
Present Address: _____
City: _____ State: _____ Zip Code: _____

Please list the cities, counties, and states of residence for the last seven years.

In connection with this request, I hereby authorize all corporation, employers, education institutions, law enforcement agencies, city, county, state, and federal courts, military services, and persons to release information they may have about me to Holy Trinity Greek Orthodox Church or their agent, AMERICAN CHECKED, INC. This releases the aforesaid parties from any liability and responsibility for releasing any information.

By Signing below, I certify that I have read and fully understand this release, and that I am executing this release voluntarily.

Applicant's Signature: _____ Date: _____

D. Event Registration Form

Holy Trinity _____ Registration Form

Participant's Full Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Male: _____ Female: _____ Date of Birth: _____

Emergency Contact: _____ Relation: _____ Phone: _____

Parish/Priest: _____

Insurance Carrier: _____ Policy Number: _____

Is your child currently taking any prescribed medication? If so, please describe the medication, dosage and purpose: _____

AUTHORIZATION FOR CONSENT FOR TREATMENT OF A MINOR AND LIABILITY WAIVER FORM

I/We the parent(s) or legal guardian(s) hereby authorize and consent to X-ray examination, or surgical diagnosis rendered under the general or special supervision of any licensed personnel on the staff of any licensed hospital. This authorization is given in advance of any specific diagnosis; treatment of hospital care required but is given to provide authority and power to render care, which is deemed advisable in the best judgment of the physician. It is understood that an effort will be made to contact the undersigned prior to rendering treatment, but that any of the above treatments will not be withheld if the undersigned cannot be reached. In recognition of the possible dangers to my child, I hereby knowingly and voluntarily waive any right or cause of action of any kind against the members, directors, agents, employees of the Greek Orthodox Archdiocese of America, the Greek Orthodox Metropolis of Denver, The Holy Trinity Parish of Dallas, TX, and my local parish for any personal injury that may occur at or during the _____. Nor shall they be liable for any personal injury to my child occurring during the transportation to and from the _____.

I hereby understand that any medical expenses that my child may incur due to personal injury or illness is my financial responsibility and not that of the Greek Orthodox Archdiocese of America, the Greek Orthodox Metropolis of Denver, The Holy Trinity Parish of Dallas, TX, or my local parish.

SIGNATURE OF PARENT OR GUARDIAN

DATE

E. Children's Ministries Sign In and Out Form

The Children's ministry sign in-and sign out form is used for all youth events. Children over 15 may sign themselves in and out; younger children must have a guardian sign them in or out. Adult supervision adheres to the two person rule mentioned in the previous child protection policies in this document.

[illegible]

(Screenshot of form. Full form to be available for download from www.holytrinity.info.)

F. Suspected Child Abuse Referral Form

This form is used in preparation of making telephone contacts with Police and CPS, no later than the 48th hour after the hour the reporter first suspects that the child has been or may be abused or neglected. Please complete and submit report to the designated individual after calling Police (911) and CPS (1-800-252-5400).

Child's Name: _____ DOB: ____/____/____ Age: _____

Child's School: _____ Current Grade: _____

Parent/Guardian Name: _____ Relationship: _____

Address: _____

Other household members: *(Please include name, age and relationships)*

Report Statement: *(Include reason for report, child's statement, other's statements, dates of abuse and any relevant information)*

Date of Oral Report: Police: ____/____/____ CPS: ____/____/____ Date of Written Report: ____/____/____

Name of Person Oral Report Given To: Police: _____ CPS: _____

Report Submitted By: _____ Title: _____

Witness: _____ Title: _____

This report is being submitted in compliance with Texas Code Section 34.01 and 34.07. A person reporting of assisting in the investigation of a report is immune from liability, civil or criminal, that otherwise be incurred or imposed. Immunity extends to participation in any judicial proceeding resulting from the report. Persons who report in bad faith or malice or report their own conduct are not protected. Section 34.03, 34.031 and 34.032

CPS ID# _____ Police ID# _____