

Factors to Consider When Assessing Failure to Protect Related to Sexual Abuse Allegations

This chart provides a summary of information contained within the Structured Decision Making [\(SDM\) Policy and Procedure Manual \(PPM\)](#) (last update January 2021), providing information to assist when assessing for allegations of Failure to Protect with Sexual Abuse Allegations. Refer to CFS P&P [Sexual Abuse Allegations—Child Abuse Registry \(CAR\) \(A-0205\)](#) for specific requirements.

Sexual Abuse
Any sexual act on a child by an adult caregiver or other adult in the household, or unable to rule out household member as alleged perpetrator.
<i>Information to consider when assessing for sexual abuse includes but is not limited to:</i>
<ul style="list-style-type: none"> • Verbal or non-verbal disclosure • Medical evidence • Credible witness statement
<i>Examples of suspicious indicators consistent with sexual abuse:</i>
<ul style="list-style-type: none"> • Child displays highly sexualized aggressive behaviors • Pre-adolescent child has initiated sexual acts or activities with caregivers, family members, or peers that are outside age-appropriate exploration or development, and this has led to a concern that he/she is a victim of sexual abuse • Child complains of pain in the genital or anal area AND there are other indications of sexual abuse
<i>Failure to protect for sexual abuse allegations—General Neglect:</i>
<ul style="list-style-type: none"> • Caregiver knowingly left the child in the care of a person known to neglect or abuse children <ul style="list-style-type: none"> ○ A person unknown to the caregiver ○ A person known to be violent, use alcohol/drugs, or have serious mental health concerns to the point where their ability to provide care is significantly impaired • Caregiver does not intervene despite knowledge (or reasonable expectation that the caregiver should have knowledge) that the child is being harmed (includes physical, sexual, or emotional abuse or neglect) by another person

Sexual Exploitation

Children and youth age 17 years and younger are sexually exploited when they have engaged in, been solicited for, or been forced to engage in sexual conduct or performance of sexual acts (e.g. stripping) in return for a benefit or for financial or some other gain for a third party. The sexual conduct may include any direct sexual contact or performing any acts, sexual or nonsexual, for the sexual gratification of others. These acts constitute sexual exploitation regardless of whether they are live, filmed, or photographed.

Examples of benefits may include:

- Food
- Drugs
- Shelter
- Clothing
- Gifts
- Other goods
- Financial or some other gain for 3rd party

Commercial Sexual Exploitation

Commercial sexual exploitation of children/youth/young adults may include prostitution, pornography, trafficking for sexual purposes, and other forms of sexual exploitation. The youth is treated as a sexual object and as a commercial object. The sexual exploitation of the child may profit a much wider range of people than the immediate beneficiary of the transaction.

Failure to protect when a child has been exploited by a third party—General Neglect:

- A child has been exploited by a third party
- AND—
- The person responsible for the child's care is aware of the exploitation
- AND—
- Has failed in protecting or been unable to protect the child from being sexually exploited, commercially sexually exploited and/or sex trafficked

Note: This includes situations where the person responsible for the care of the child has been coerced or otherwise been unable to prevent exploitation.

Considerations When Assessing a Caregivers Ability to Protect

A Caregiver's ability and/or willingness to protect a child from sexual abuse is composed of several factors, which include but are not limited to the following:

Protective Factors:

- Caregiver knew or reasonably should have known of sexual abuse
- Caregiver's relationship with alleged perpetrator involves current or prior:
 - Romantic involvement
 - Financial dependence
 - Blood or legal relationship
- Abuse by alleged perpetrator to caregiver
- Prior documented history of suspected or substantiated failure to protect
- Substance abuse
- Domestic violence
- Separated from child/physically unavailable
- Mental or physical illness
- Denial of possibility of abuse
- Protective of alleged perpetrator
- Custody dispute
- Caregiver unable to control child (consider child's age and circumstances)

Alleged Perpetrator Factors:

- Location of alleged perpetrator
- In or out of home
- Incarcerated/Duration of incarceration
- Relationship of alleged perpetrator
- Family member
- Romantic involvement with either child or caregiver
- History of violent behavior (consider both familial and non-familial violence)
- History of antisocial and/or criminal activity

Third Party Perpetrators and Failure to Protect

Per [ACL 17-85](#), when the CAR SSW receives a report alleging sexual abuse involving an individual other than the child's parent or guardian, an assessment will be made to determine if the parent or guardian knew, or reasonably should have known about the sexual abuse.

Examples of parent or guardian's failure or unwillingness to protect include:

- Minor Perpetrators (i.e., minors of dissimilar age are engaging in developmentally inappropriate sexual behavior)
- Third Party Perpetrators in the household
- Third Party Perpetrators outside the household (Out-Of-Home Perpetrators)

If the RP is unable or unwilling to discuss this information, the CAR SSW will:

- Complete the SDM Path Tool to determine if the referral meets the base criteria for Path 1 Differential Response.
- Consult with CAR SSSS to obtain authorization for a Path 1 "Neighbor-to-Neighbor" response.

Refer to CFS P&P [Structured Decision Making \(D-0311\)](#) for further guidance.

If it is determined that a Path 1 "Neighbor-to-Neighbor" response is appropriate, the CAR SSW will:

- Refer for a Path 1 "Neighbor-to-Neighbor" response with an agency that is willing to inform the parent(s)/legal guardian(s)/caregiver(s) of the alleged sexual abuse or voluntary sexual activity and, as necessary, support the family with appropriate services.

—Or—

- Cross report to the Sex Crimes Detective in the jurisdiction where the alleged incident occurred and request that they inform the parent(s)/legal guardian(s)/adult caregiver(s) of the alleged sexual abuse or voluntary sexual activity.