

NEWS! NEWS! NEWS! NEWS! NEWS! NEWS! NEWS! NEWS! NEWS! NEWS! NEWS! NEWS! NEWS!

Sex Abuse: Reporting and Responding to Allegations is Critical Yet Fraught With Danger!



Glen Feinberg, Esq.
Wilson Elser
Moskowitz Edelman &
Dicker

Receiving a call or letter accusing a camp employee of having molested a camper is one of the most frightening things that can happen to a camp director. As recent events in the news demonstrate, failure to act responsibly to an accusation of sex abuse can have devastating consequences.

The employee being accused may be someone you think highly of, and the accusation may seem unbelievable. The caller may be someone who was at camp so long ago that you have no recollection of either the camper or the staff member. The abuse described may sound horrific, or the accusation may seem absurd. The situations that may arise are limitless.

What should a camp director do? Should you conduct an investigation? Should you talk to the camper or the parents to evaluate the claim? Should you call the counselor to get both sides of the story? You may want to write a letter to camp parents, telling them about the accusation. After all, camp is a community where everyone may be affected when something bad happens. Should you do it? If so, what should the letter say?

Today, no area of the law is more fraught with danger for a summer camp than questions of reporting and responding to allegations of sex abuse.

Every state has a law governing responsibility for reporting claims of child abuse—including sex abuse. So, the very first step that should be taken on receipt of an allegation of sex abuse is to review the reporting requirements to determine whether you are obligated to make a report. The statutes are not always crystal clear and they often leave room for interpretation. It is therefore a good idea to obtain advice from an attorney. In case of doubt, it is usually best to err on the side of reporting. There is generally no downside to reporting as all states provide for some form of immunity for making the report.

If you are required to make a report, you should do so promptly. Sometimes, the child protection agency or police will tell you that the matter is not reportable under the state statute. If so, you should document that you made the report and were advised that the agency determined that the report was not actionable. This will protect you in the event that the alleged abuser is later accused publicly of misconduct. If the agency accepts the report, you should cooperate fully with the investigation. However, given the possibility that the accusation may lead to a civil lawsuit against the camp by the child who was molested, you should be guided by your attorney in each situation.

The authorities do not look kindly on individuals or organizations that may not be skilled in conducting child abuse investigations taking steps that could interfere with their work. Therefore, for any reportable matter, you should be guided by the advice of your attorneys and the legal authorities in deciding whether and how to conduct your own investigation.

Most camps will want to advise camp families and other members of the camp community about any alleged incident and the steps that the camp is taking to deal with the issue. This makes good business sense and is entirely appropriate. However, a camp must be extremely careful about sharing information about child abuse accusations with the camp community. Statutes that grant civil immunity for making an unfounded report to the authorities will not protect you from a defamation claim by a person who feels he was falsely accused of sex abuse. Therefore, any communications about the accusation with the camp community should be carefully vetted. It is usually best to avoid including any facts in your communications that could identify either the accused or the accuser.



SOBEL AFFILIATES – The SOLUTION for your Camp Insurance needs!