

This outline is the property of Barbara Marek and is intended for your use to follow the presentation. No other use is intended by Barbara Marek. Parts of this outline are protected under copyright laws – 2022.

Nothing contained in this presentation or in the handout material is, or should be construed as, legal advice or legal guidance.

Recognizing

- **Everyday children are molested by people they know and trust. Some of these children will NEVER tell. Others will want to, but they won't know how.**
- **That is why it is important for YOU to RECOGNIZE the indicators of sexual abuse victims and perpetrators.**

Barriers of Sexual Abuse

1. Lack of public awareness and education
2. People don't want to get involved
3. Victim does not want to tell
4. Family does not believe
5. Family does not want to prosecute
6. Victim does not want to prosecute
7. D.A. does not want to prosecute
8. Doctor does not want to testify
9. Judge does not believe
10. "Likeability factor" Likeability = Credibility

Reasons Why Children DON'T Tell

1. The child is pre-verbal.
2. The child feels he/she deserved the abuse.
3. The child is ashamed of what has happened.
4. The child fears the parents will divorce.
5. The child is afraid that someone might go to jail.
6. The child fears that he/she may be taken away.
7. The child is afraid of what his/her friends will think.
8. The child fears retaliation.
9. The child fears parents will kill the perpetrator.
10. The child loves the perpetrator.
11. The child feels guilty because it felt good.
12. The child doesn't want to upset or disappoint parent(s)
13. The child fears that no one will believe him/her.

About Indicators

- Keep in mind that “indicators” are only clues. The ***existence*** or the ***absence*** of these indicators does not always mean that sexual abuse ***is*** or ***is not*** occurring.
- It has been my experience in dealing with sexual abuse victims, that victims respond to abuse in different ways.

About Indicators

- Factors such as the relationship between the victim and the offender, the duration of the abuse and the type of abuse may affect the victim's reaction to the abuse.
- Some children may exhibit several indicators, while others may not show any indicators at all.

Physical Indicators

1. Difficulty in walking or sitting
2. Pain or itching in the genital area
3. Bleeding from the genitals or rectum
4. Injury to the genitals or rectum
5. Evidence of venereal disease
6. Teen pregnancy - *see penal code 22.011(c)(e)*

Physical Indicators

See Texas Penal code 22.011. (c) (e)

(c) In this section:

(1) “Child” means a person **younger than 17** years of age who is not the spouse of the actor.

(e) It is an affirmative defense to prosecution under Subsection (a) (2) that:

(1) the actor was **not more than three years older** than the victim and at the time of the offense:

(a) was not required under Chapter 62, Code of Criminal Procedure (Sex offender registration program), to register for life as a sex offender; or

(b) was not a person who under Chapter 62, Code of Criminal

Procedure had a reportable conviction or adjudication for an offense under this section; and

Physical Indicators

(2) the victim:

(a) was a child of **14** years of age or older; and

(b) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.(Bigamy)

(f) An offense under this section is a **felony** of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

Sec. 21.12. IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT.

(a) An employee of a public or private primary or secondary school commits an offense if the employee:

(1) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works;

(2) holds a position described by Section 21.003(a) or (b), Education Code, regardless of whether the employee holds the appropriate certificate, permit, license, or credential for the position, and engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person the employee knows is:

Sec. 21.12. IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT.

A) enrolled in a public or private primary or secondary school, other than a school described by Subdivision (1); or

(B) a student participant in an educational activity that is sponsored by a school district or a public or private primary or secondary school, if students enrolled in a public or private primary or secondary school are the primary participants in the activity; or

Sec. 21.12. IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT.

3) engages in conduct described by Section 33.021, with a person described by Subdivision (1), or a person the employee knows is a person described by Subdivision (2)(A) or (B), regardless of the age of that person.

(b) An offense under this section is a felony of the second degree.

Sec. 21.12. IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT.

(b-1) It is an affirmative defense to prosecution under this section that:

(1) the actor was the spouse of the enrolled person at the time of the offense; or

(2) the actor was not more than three years older than the enrolled person and, at the time of the offense, the actor and the enrolled person were in a relationship that began before the actor's employment at a public or private primary or secondary school.

Behavioral Indicators

1. Withdrawn or passive behavior
2. Aggressive or violent behavior
3. Social isolation from friends
4. Infantile Behavior
5. Inappropriate sexual knowledge for age
6. Nightmares/trouble with sleeping
7. Bedwetting

Behavioral Indicators

8. Cutting
9. Running away
10. Low self-esteem
11. Drug abuse
12. Alcohol abuse
13. Eating disorders
14. Sexually acting out/chronic masturbation

Behavioral Indicators

15. Sexual promiscuity/prostitution
16. Attempted suicides
17. Criminal behavior
18. Animal abuse
19. Declining personal appearance
20. Declining grades
21. Sudden loss of interest in school, sports & activities

Pedophiles

Definition of a pedophile; *an adult who is sexually attracted to a child or children.**

*Pedophilia is an adult psychosexual disorder characterized by a preference for **prepubescent** children. Someone who prefers adolescents has “hebephilia”.*

Not all sex offenders are pedophiles. A pedophile is only one type of sex offender.

Pedophiles

Types of Sex Offenders

- 1) Rapist
- 2) Child Molester/Incestuous
- 3) Pedophile
- 4) Statutory offender

**Website to locate registered sex offenders:
<https://records.txdps.state.tx.us/>**

Pedophiles

Indicators of a Pedophile

Remember, indicators are just “clues”. Just because someone exhibits some of the indicators listed below is not proof positive that they are a pedophile. Innocent people, people who are NOT pedophiles, may exhibit some of these same indicators.

The only way to know for sure that someone is a pedophile, is when they tell you that they are a pedophile.

Pedophiles

One way to tell the difference between the genuinely good people and the pedophiles;

The pedophile will **CROSS A LINE**.

The pedophile is known to go to extremes, over the top and above and beyond when it comes to children.

Pedophiles

- ✓ Seldom has a criminal record.
- ✓ Befriends many children, molests only some of them.
- ✓ Is well liked in the community.
- ✓ Seeks out employment with/or volunteers for organizations that deal with children.
- ✓ Molests with little or no force or threat.

Pedophiles

- ✓ Is known to photograph children (pictures are not always sexual in nature.)
- ✓ Frequents places where children are known to gather.
- ✓ Has molested hundreds of children by the time he/she is caught.
- ✓ May be religious (sometimes to an extreme).
- ✓ Justify their actions with children.

Children who molest

When a child molester knows that he/she's been caught, and they receive no negative consequences, they may become bolder and more aggressive with their crimes.

Reported or witnessed incidents of children involved in sexual interaction with other children needs to be questioned.

*Sexual Experimentation vs.
Sexual Molestation*

1. Force or threat.
2. Age/ physical size difference.
3. Bribery.
4. Sexual gratification of one of the parties.
5. Trauma to one of the parties (physical or emotional)

Stages of Molestation

1. The Courtship

The perpetrator befriends the child, makes the child feel special by giving the child extra attention and/or gifts.

- a. Expensive / extravagant gifts
- b. Alcohol
- c. Pornography
- d. Drugs

Stages of Molestation

2. The Sexual Abuse

- a. Nudity
- b. Fondling
- c. Masturbation
- d. Oral penetration
- e. Anal/vaginal penetration

Responding

Who will she or he tell?

Would ***YOU*** know how to respond to an “outcry” of sexual abuse?

The ***WRONG RESPONSE*** to a child’s outcry could ruin his/her chance for recovery.

Responding

Avoid Emotions

Children make outcries to people they like and trust. They don't want to upset you, so becoming upset or showing emotion in front of the child may cause the child to withdraw or even recant.

Responding

Show interest and belief.

Children are very perceptive. If the child feels that you are not interested or you don't believe him/her, the child may withdraw or recant.

Responding

Assure the child that he/she has done the right thing by telling.

Many victims are scared to tell. They need to be reassured that they have done the right thing by telling. They have thought long and hard about this moment and will probably need encouragement to help them get through it.

Responding

Assure the child that he/she is not to blame.

It is common for the child to feel that the abuse was their fault. The sooner the child knows that it was not their fault, the quicker the healing process can begin.

Responding

Don't make promises you cannot keep.

Avoid promising the child that the abuse is going to stop. Even reporting abuse does not guarantee it will stop. Remember, this child has trusted you so don't let them down.

Responding

Avoid the “WHY” word.

Asking a child “why” imposes guilt. Most children already feel guilty for what has happened to them. A child usually cannot tell you “why” they did something or “why” they did not do something.

The OUTCRY Witness

The “outcry witness” is the first person, 18 years of age or older, other than the defendant, to whom the child or person with a disability made a statement about the offense.

Child abuse cases are the exception to the rule when it comes to hearsay evidence. What the child tells the “outcry witness” is not excludable as hearsay, but is admissible evidence in a trial involving child abuse.

- In this article, "person with a disability" means a person 13 years of age or older who because of age or physical or mental disease, disability, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.

The OUTCRY Witness

It is very important that once a child begins to disclose sexual abuse, to not pass them off to someone else such as a counselor or nurse. When this happens, valuable evidence is lost.

Only what the child tells the FIRST person can be used in court. The purpose of the “outcry witness” is to establish credibility for the child.

Reasons WHY Children Tell

4. Suppressed memory is triggered.
3. The child realizes that the abuse is not a normal part of the relationship.
2. To protect a sibling. Many times the perpetrator will start molesting a younger sibling.
1. The child feels safe. Perpetrator moves away (divorce) or child moves away, perpetrator dies.

And now.....
A word about interviewing
children.....

DON'T!

Reporting

Sometimes reports of child abuse don't get investigated. Certain criteria must be met before CPS will accept a report for investigation.



Learn the ***REPORTING CRITERIA*** and remember; ***NOT*** reporting child abuse is a ***CRIME*** (class A misdemeanor).

Reporting

Non-emergency reports of abuse can be made on-line at:

<https://www.txabusehotline.org>

You will have to create a user name and password.

Reports made through this website take up to 24 hours to process.

Reporting

Call the Texas Abuse Hotline at 1-800-252-5400 if

- You believe your situation requires action in less than 24 hours.
- You prefer to remain anonymous.
- You have insufficient data to complete the required information on the report.
- You do not want an e-mail to confirm your report.

Reporting

If your report is an emergency;

- Call 911 or
- your local law enforcement agency

Please Read

Some of the following slides in this section DO NOT contain the entire statute. Please read the Texas Family Code and Code of Criminal Procedure for complete details.

Texas Family Code

§261.101. Persons required to report; time to report.

- a) ...everyone has to report immediately if they know or suspect....
- b) ...a professional shall make a report not later than the 48th hour after he/she first suspects....a professional may NOT delegate to OR rely on another to make the report....

Texas Family Code

- c) ...applies without exception to someone whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health care facility that provides reproductive services.

Texas Family Code

- d) ...unless waived in writing by the person making the report, the identity of a person making the report is confidential and may be disclosed only:
 - 1) as provided by sec. 261.201 or
 - 2) to law-enforcement for investigating purposes.

Texas Family Code

§261.102. Matters To Be Reported.

...you believe that a child HAS BEEN or MAY BE abused or neglected OR has died of abuse or neglect.

Texas Family Code

§261.103. Report Made To Appropriate Agency.

(a) Except as provided by Subsections (b) and (c) and Section 261.405, a report shall be made to:

- (1) any local or state law enforcement agency;
- (2) the department;

....read more

Texas Family Code

(c) Notwithstanding Subsection (a), a report, other than a report under Subsection (a)(3) or Section 261.405, must be made to the department if the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.

Texas Family Code

§261.104. Contents of Report.

- a) ... name and address of the child
- b) ... name and address of the person responsible for the care, custody, or welfare of the child and
- c) ...any other info about the abuse/neglect.

Texas Family Code

§261.106. Immunities.

- a) A person acting in good faith who reports child abuse or neglect...is immune from civil or criminal liability...

§261.107. False Report; Penalty.

...a person commits an offense if the person knowingly or intentionally makes a report that is false or lacks factual foundation. State Jail Felony...

Texas Family Code

§261.109. Failure To Report; Penalty.

- a) ...a person commits an offense if they have reason to believe that a child has been or may be abused or neglected and knowingly fails to report.
Class A misdemeanor...

An individual adjudged guilty of a Class A misdemeanor shall be punished by:

- 1) a fine not to exceed \$4,000;**
- 2) confinement in jail for a term not to exceed one year; or**
- 3) both such fine and confinement....**

Texas Penal Code

The following Penal Code statutes are summarized. Please read the entire statutes at;

<http://tlo2.tlc.state.tx.us/statutes/statutes.html>

- click on : Penal Code
- Click on Chapters 21 or 22

Texas Penal Code

Sec. 22.012. INDECENT ASSAULT.

(a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:

(1) touches the anus, breast, or any part of the genitals of another person;

(2) touches another person with the anus, breast, or any part of the genitals of any person;

Texas Penal Code

Sec. 22.012. INDECENT ASSAULT.

(3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or

(4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.

(b) An offense under this section is a Class A misdemeanor.

Texas Penal Code

§ 22.011 Sexual Assault

.....intentionally or knowingly....

- A. Causes the penetration of the anus or sexual organ of another without that person's consent.
- B. Causes the penetration of the mouth of another by the sexual organ of the actor, without that person's consent.
- C. Causes the sexual organ of another person, without consent, to contact or penetrate the mouth, anus, or sexual organ of another, including the actor or...

Texas Penal Code

...intentionally or knowingly

- A. Causes the penetration of the anus or sexual organ of a child by any means;
- B. Causes the penetration of the mouth of a child by the sexual organ of the actor;
- C. Causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person,
- D. Causes the anus of a child to contact the mouth, anus, or sexual organ of another, including the actor or;

Texas Penal Code

E. Causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

Without consent;

....compels the other person with physical force or violence...

....compels the other person to submit or participate by threatening to use force or violence against the person and the person believes the threat is real...

....the other person has not consented and the actor knows the other person is unconscious or physically unable to resist...

Texas Penal Code

...the actor knows the person has a mental disorder or disease and is incapable of appraising the nature of the act or of resisting it....

...the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

...the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance* without the other person's knowledge....

*any substance now includes ALCOHOL.

Texas Penal Code

- ...the actor compels the other person to submit or participate by threatening to use force or violence against any person and the person believes the threat....
- ...the actor is a public servant who coerces the other person to submit or participate...
- ...the actor is a mental health services provider (*see definitions*) or a health care services provider who causes the other person, who is a patient or former patient, to submit or participate by exploiting the other person's emotional dependency on the actor...

Texas Penal Code

...the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or

...the actor is an employee of a facility where the other person is a resident, unless they are married to each other...

Texas Penal Code

.....the actor is a health care services provider (*see definitions*) who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;

Texas Penal Code

...the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor;

...the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.

Texas Penal Code - Definitions

"Health care services provider" means:

- (A) a physician licensed under Subtitle B, Title 3, Occupations Code;**
- (B) a chiropractor licensed under Chapter 201, Occupations Code;**
- (C) a physical therapist licensed under Chapter 453, Occupations Code;**
- (D) a physician assistant licensed under Chapter 204, Occupations Code; or**
- (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.**

Texas Penal Code - Definitions

"Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:

- (A) licensed social worker** as defined by Section 505.002, Occupations Code;
- (B) chemical dependency counselor** as defined by Section 504.001, Occupations Code;
- (C) licensed professional counselor** as defined by Section 503.002, Occupations Code;
- (D) licensed marriage and family therapist** as defined by Section 502.002, Occupations Code;
- (E) member of the clergy;**
- (F) psychologist offering psychological services** as defined by Section 501.003, Occupations Code; or
- (G) special officer for mental health assignment** certified under Section 1701.404, Occupations Code.

Thank you for the work you do. It takes all of us working together to save children.

If I can ever help you, or if you have any questions, please call or email me.

Barbara Marek

(361) 212-7593

barbara@saatp.com

