

# North Dakota Task Force on the Prevention of Child Sexual Abuse



Final Report  
November 2018

## **Acknowledgements**

The North Dakota Task Force for the Prevention of Sexual Abuse of Children would like to acknowledge victims of child sexual abuse and their families. The injustices faced by this population are those that the task force has dedicated their careers to combatting. The task force recognizes the challenges and barriers faced and the bravery and strength that guides victims through. The task force would also like to thank the North Dakota Legislature and Governor for providing the recommendation to convene the task force to study the problem. This action sends a clear message to all North Dakotans that the problem of child sexual abuse is recognized, and state leadership is committed to providing comprehensive services to those impacted by these issues and supporting efforts to prevent it from continuing.

## **Disclaimer**

The North Dakota Task Force for the Prevention of Sexual Abuse of Children was convened to study the issue of child sexual abuse and make recommendations to the North Dakota Legislature and Governor’s Office. This report is not intended to be a comprehensive research study; rather it is a succinct overview of the scope of the problem, the impact of the problem, the current response and recommendations to continue to combat this destructive social problem.

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## Taskforce Overview

### *Introduction*

Child sexual abuse (CSA) is a problem with short and long term effects for those who are victimized. One in five girls and one in 20 boys is a victim of child sexual abuse. The National Center for Victims of Crime<sup>1</sup> showed that 20% of adult females and 5-10% of adult males recall a childhood sexual assault or sexual abuse incident. In 2016, the U.S. Department of Health and Human Services reported 56,382 cases of child sexual abuse to state child and family service agencies. In 2016, the North Dakota Department of Human Services responded to over 14,000 reports of suspected child abuse and neglect, and the North Dakota Attorney General's Office (2017) reported 587 child sexual abuse victims. In 2017, in the course of a social service or law enforcement investigation, 774 children were referred to North Dakota Children's Advocacy Centers for sexual abuse allegations. With significant cost to families and communities, including primary and rehabilitative health care costs, education and welfare assistance, child protection and justice system costs, the consequences of CSA are far reaching.

### *SB 2342 Objectives*

- a. Gather information concerning child sexual abuse throughout the state
- b. Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations
- c. Create goals for state policy that would prevent child sexual abuse
- d. Submit a final report with its recommendations to the Governor and the Legislative Management

### *Taskforce Development*

In January 2017, the Legislative Assembly of North Dakota passed SB 2342 which stated that "During the 2017-18 interim, a Task Force on Prevention of Sexual Abuse of Children shall gather information concerning child sexual abuse throughout the state and develop recommendations to reduce child sexual abuse." The North Dakota Task Force on the Prevention of Child Sexual Abuse began meeting in March 2018 with the overall goal of delivering a report to the Governor's Office and the Legislature Management in the fall of 2018.

### *Taskforce Members*

- Senator David Clemens, North Dakota Senate
- Valerie Fischer, North Dakota Department of Public Instruction
- Anna Frissell, Red River Children's Advocacy Center (Chair)
- Lonnie Grabowska, Bureau of Criminal Investigation / North Dakota Office of the Attorney General
- Dr. Christopher Johnson, Rape and Abuse Crisis Center of Fargo-Moorhead
- Representative Shannon Roers Jones, North Dakota House of Representatives
- Representative Mary Schneider, North Dakota House of Representatives
- Tom Solberg, North Dakota Department of Human Services
- Sandy Tibke, Prevent Child Abuse North Dakota
- Erica Thunder, North Dakota Indian Affairs Commission

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<sup>1</sup> National Center for Victims of Crime. (2018). *Child Sexual Abuse Statistics*. Retrieved from: <http://victimsofcrime.org/media/reporting-on-child-sexual-abuse-sstatistics>.

## CSA Definitions

### *CSA Taskforce*

Child sexual abuse includes a wide range of sexual behaviors and activities that take place between a child and another person seeking sexual gratification or exploitation of the child that causes harm to a victim or victim's family.

### *Administrative*

Sexually abused child means an individual under the age of 18 years who is subjected to abuse by a person responsible for the child's welfare, or by any individual who acts in violation of sections 12.1-20-01 through 12.1-20-07, sections 12.1-20-11 through 12.1-20-12.2, or chapter 12.1-27.2. While the administrative system (Child Protection Services) uses the same definitions that are used in the criminal code, the standard of evidence or "level of proof" required in order to support a decision that services are required for the protection and treatment of an abused or neglected child is a simple preponderance of evidence (more than 50%) versus proof "beyond a reasonable doubt" required by the criminal court (NDCC Chapter 50-25.1-02).

### *Legal*

The State of North Dakota has multiple applicable criminal laws contained in the North Dakota Century Code (NDCC). The most commonly used criminal laws applied to child sexual abuse are located in NDCC, Chapter 12.1-20. Commonly applied laws are gross sexual imposition, continuous sexual abuse of a child, sexual assault, corruption or solicitation of minors, luring minors by computer, incest, indecent exposure, promoting obscenity to minors, minor performing in obscene performance and human trafficking.

### *Tribal*

Confusion regarding jurisdiction in Indian Country remains a problem. Jurisdiction continues to be a patchwork of tribal, state and federal jurisdiction that varies depending on the crime, identity of the perpetrator, identity of the victim and the location of the offense. Congress has passed a web of laws that assert federal jurisdiction over crimes that occur on Indian reservations, including child sexual abuse. State jurisdiction exists when two non-Indians commit crimes against one another within the boundaries of Indian Country. Every tribe has a unique tribal code that may include further laws defining child sexual abuse. Tribes also have several law enforcement agencies with jurisdiction that may be involved in the investigation of a child sexual abuse case. The agencies include tribal law enforcement, the Federal Bureau of Investigation and the Bureau of Indian Affairs.

## Current Impact

### *Scope of the Problem: Nationally*

Child sexual abuse (CSA) is a problem with both short and long term effects for those who are victimized. It is reported that one in five girls and one in 20 boys is a victim of child sexual abuse<sup>2</sup>. Self-report studies show that 20% of adult females and 5-10% of adult males recall a childhood sexual assault or sexual abuse incident<sup>3</sup>. Reported across all socioeconomic and ethnic groups, both male and female, CSA is a problem of great magnitude<sup>4</sup>. With significant cost to families and communities, including primary and rehabilitative health care costs, education and welfare assistance, child protection and justice system costs, the consequences of CSA are far-reaching<sup>5</sup>.

Proving to be a problem of considerable proportion, the U.S. Department of Health and Human Services reported that 56,382 cases of child sexual abuse had been reported to state child and family service agencies in 2016. Due to the nature of CSA, it is likely that incidences are underreported due to children being afraid of the repercussions they may face from their abuser, feeling ashamed, embarrassed or blaming themselves for the abuse. Further, some children may not report being a victim of sexual abuse due to their lack of understanding of child sexual abuse.

Violent victimization of Indians and Alaska natives is 2.5 times greater than that of other ethnic and racial subgroups within the United States<sup>6</sup>. Shocking homicide rates, skyrocketing levels of juvenile justice issues, child abuse (including child sexual abuse), an exhausted child welfare system, staggering numbers of tribal youth in out-of-home placements, high levels of turnover and lack of resources for law enforcement and substance abuse plague the over 1.4 million people who populate tribal land.

### *Scope of the Problem: North Dakota*

North Dakota is not exempt from what is seen on the national level. In 2018, the ND Department of Human Services responded to 1307 reports of suspected child sexual abuse. In 2017, the North Dakota Attorney General's Office reported 587 child sexual abuse victims, North Dakota Children's Advocacy Centers interviewed 826 children who presented primarily for sexual abuse, and North Dakota crisis centers provided services to 364 child sexual abuse victims. Confusion regarding criminal jurisdiction and lack of resources contribute to an increased crime rate in Indian Country. These and other contributing factors have an undeniable impact on North Dakota tribal youth who are victim to falling through gaps in services, lack of services or geographic barriers to services.

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<sup>2</sup> National Center for Victims of Crime. (2018). Child Sexual Abuse Statistics. Retrieved from: <http://victimsofcrime.org/media/reporting-on-child-sexual-abuse/child-sexual-abuse-statistics>.

<sup>3</sup> National Center for Victims of Crime. (2018). Child Sexual Abuse Statistics. Retrieved from: <http://victimsofcrime.org/media/reporting-on-child-sexual-abuse/child-sexual-abuse-statistics>.

<sup>4</sup> Walsh, K.Z., Woolfenden, S., & Shlonsky, A. (2015). School-based education programs for the prevention of child sexual abuse (Review). Cochrane Database of Systematic Reviews, 4(CD004380), 1-121.

<sup>5</sup> Fang, X., Brown, D.S., Florence, C.S., & Mercy, J.A. (2012). The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect*, 36(2), 156-65.

<sup>6</sup> United States U.S. Department of Justice, National Institute of Justice, Public Law 280 and Law Enforcement in Indian Country: Research Priorities (Washington, DC, 2005). <https://www.ncjrs.gov/pdffiles1/nij/209839.pdf> (accessed October 16, 2018).

## *Cost of CSA*

The estimated cost can be determined by using North Dakota Children's Advocacy Numbers. However, there are two important limitations to this method: (1) these numbers represent only the allegations of children who can actually make their way to a Children's Advocacy Center, and (2) the majority of child sexual abuse victims do not disclose the abuse. In 2017, the North Dakota Children's Advocacy Centers reported 826 children and youth (540 female and 286 male) who were provided a forensic interview. It is estimated that the lifetime cost of child sexual abuse for a female = \$282,734 and a male = \$71,691<sup>7</sup>. For those children who were sexually abused, reported their abuse and received services at a North Dakota Children's Advocacy Center in 2017, the estimated lifetime expense is \$154,813,120.

## **Current Response**

### *Systems of Care*

There are a multitude of agencies that make up a comprehensive system of care. The criminal justice system, juvenile justice, judicial system at large, law enforcement, child welfare, human service centers, healthcare providers, Indian health systems, education institutions, youth-serving organizations, childcare providers, faith communities, non-profit organizations and informal networks of family and friends create a safety net for those at-risk or impacted by child sexual abuse. By providing education to all and strengthening the formal response system, North Dakota can join other states that have drastically decreased instances of child sexual abuse by providing in-school education, adult education, advocacy, and behavioral health services and increasing primary prevention efforts.

### *Prevention*

Many organizations have adopted and incorporated primary, secondary or tertiary prevention efforts into their work. Though these efforts look similar across industries, the three levels of prevention are distinctively different. Primary prevention is preventing damage from occurring in the first place, secondary is intended to identify and intervene in situations of high risk and tertiary prevention seeks to lessen the damage that has already been done. Most programs across the state have focused on secondary and tertiary with the intent to incorporate more primary prevention programming.

### *In-school Education*

The task force acknowledges that evidence-based, age-appropriate education is a benefit for children as it empowers them to discuss feelings of discomfort and / or betrayal and assists them in identifying helpers that can interrupt and end the abuse. In addition, teachers and parents should receive complementary education and / or status notification that enables everyone to speak common language and monitor the health and safety of children.

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<sup>7</sup> Letourneau, E. J., Brown, D. S., Fang, X., Hassan, A., & Mercy, J. A. (2018). The economic burden of child sexual abuse in the United States. *Child Abuse and Neglect*, 79, 413-422.

## *Adult Education*

The task force recognizes that the safety of children is ultimately the responsibility of adults. Adults need to prevent, recognize and react responsibly to child sexual abuse. In order to fulfill this duty of protection, adults need to be given the information they need to act. The more information adults hold about the prevalence and nature of child sexual abuse, the more empowered people will act when confronted by child sexual abuse warning signs.

## *Advocacy*

Advocacy for children varies but is commonly provided by interdependent organizations that deliver services to victims and their families or may offer policy and statewide efforts on their behalf. Advocates are employed throughout the state, most commonly in the non-profit sector. The primary role of advocates is to get resources together that will ultimately protect the child and family from future harm, assist in coordinating the criminal justice process and refer to others that can assist the child and family in addressing trauma.

## *Therapy*

Providing therapy to child sexual abuse victims and their families requires a variety of evidence-based approaches that have demonstrated effectiveness at reducing post-traumatic stress disorder (PTSD) in children. Some examples of evidence-based treatments for PTSD in children are trauma-focused cognitive behavioral therapy (TF-CBT); child and family traumatic stress intervention (CFTSI); alternatives for families, a cognitive behavioral therapy (AF-CBT); and problem sexual behaviors cognitive behavior therapy (PSB-CBT). Mental health services have the primary objective of assisting the child and their family in processing trauma and developing skills to reduce the long-term impact of trauma and help the child and family move forward in life.



## Information Presented

### *ND Reported Cases*

- North Dakota and National Statistics / National initiatives / North Dakota Children's Alliance, North Dakota Department of Human Services Child Sexual Abuse Prevention Efforts (Marlys Baker, North Dakota Department of Human Services)
- Child Sexual Abuse Statistics (Lonnie Grabowska, Bureau of Criminal Investigation)

### *Population Specific*

- Tribal Child Welfare, Native American Cultural Awareness Training and Culturally Appropriate Responses for Native American Victims of Sexual Assault (Erica Thunder, North Dakota Indian Affairs Commission)
- North Dakota MIECHV Program (Sandy Tibke, Prevent Child Abuse North Dakota)
- Human Trafficking Prevention Efforts (Emily Schwartz, North Dakota Human Trafficking Task Force)
- The State of Child Sexual Abuse Prevention and Intervention in Indian Country (Sandra Bercier, First Nations Women's Alliance)

### *Law Enforcement / Legal / Legislative*

- Law Enforcement Role in CSA Investigations (Scott Betz, Bismarck Police Department)
- Introduction to Senate Bill 2342, Creating the Task Force (Rep. Bernie Satrom)
- Legal Perspective, Criminal Law and Prosecution (Britta Demello-Rice, North Dakota Attorney General's Office)
- Risk Assessment for Community Notification (Jonathan Byers, North Dakota Attorney General's Office)

### *Education and Programming*

- Red Flag Green Flag® (Melanie Fierstine and Dr. Christopher Johnson, Rape and Abuse Crisis Center of Fargo-Moorhead)
- Children's Advocacy Centers of North Dakota Statistics and Prevention Education (Paula Condol, North Dakota Chapter of Children's Advocacy Centers)
- North Dakota Children's Caucus (Tara Mulhauser, North Dakota Children's Caucus)
- Prevention Overview and Discussion, Handle with Care (Sandy Tibke and Jennifer Boub, Prevent Child Abuse North Dakota)
- North Dakota Domestic Violence and Sexual Assault Crisis Centers' response to Child Sexual Abuse (Janelle Moos, CAWS North Dakota)

### *Prevention*

- Health Prevention Education in ND Schools (Valerie Fischer, North Dakota Department of Public Instruction)
- Vermont Prevent Child Abuse Initiative (Linda Johnson, Prevent Child Abuse Vermont)
- West Virginia Prevention Initiative (Jim McKay, Prevent Child Abuse West Virginia)
- Prevention of Child Sexual Abuse (Dr. Janet Rosenzweig, The American Professional Society on the Abuse of Children)
- Pledge to Protect Campaign and Community Prevention Education (Anna Frisell, Red River Children's Advocacy Center)

## Recommendations

### *Proposed Legislation*

The task force recommends legislative action to establish a standing Committee which shall serve for no less than five years and build on the work of the Task Force on Prevention of Child Sexual Abuse (65th Legislative Session 2342). The standing Committee established by this legislative action shall develop and implement a comprehensive statewide approach to the prevention of child sexual abuse, ensuring that appropriate policies, funding, staffing, resources and programming are available to prevent child sexual abuse before it happens.

The standing Committee is to focus on:

- increasing child sexual abuse prevention education for tribal and non-tribal children and adults
- increasing interagency data collection, sharing and collective analysis
- supporting resource development for investigations and prosecutions of child sexual abuse, including sentencing, supervision and treatment of sex offenders
- increasing trauma-informed services for children, adult survivors and their families

The standing Committee shall review and, as it deems appropriate, implement the recommendations and suggestions in this report, using them as a foundation for the development of the statewide, cross-agency, cross-jurisdictional strategy to prevent child sexual abuse.

### *Ongoing Considerations*

1. Public forums / meetings to be held in eight regions of the state to build awareness of the issue and to gather information regarding the community's resources for victims of child sexual abuse and their families /caregivers, treatment for offenders and community response for victims. These public forums / meetings will inform the development of community-based education adopted by the Department of Human Services / Department of Public Instruction.
2. A survey to be drafted and disseminated by the Department of Human Services regarding child sexual abuse prevention education available and delivered to licensed child care provider employees and foster parents, inquiring as to the training they have received or if they have any additional training needs. The standing Committee's recommendations presented from the survey may include requiring training be delivered to the child care provider employees or foster parents as a prerequisite to licensing or payment. Any costs associated with this survey will be funded by the legislature, including staffing and resources needed.
3. The creation and funding of Statewide regional investigative units with a primary focus of assisting law enforcement / advocacy / prosecutors (municipal, county, state and tribal) with response to investigations involving alleged child sexual abuse. These regional units (eight distinct regions) would consist of State Criminal Investigators teamed with Licensed Social Workers / Advocates that work directly with Assistant Attorney Generals to ensure proactive, timely and successful victim services; Children's Advocacy Centers when appropriate; detailed and comprehensive criminal investigations and successful prosecution of offenders against children. These regional teams would also be tasked with training peer groups (law enforcement, provider services and prosecutors) in the proper response to child sexual abuse cases.

4. The Office of the North Dakota Attorney General will review provisions in the current North Dakota Century Code for the purpose of ensuring that there are legal charges and penalties for the infliction of emotional or psychological injury on a child as a result of child maltreatment (abuse and neglect), particularly when the maltreatment is of a sexual nature. The review should include statutes pertaining to both adult and juvenile offenders and may result in new legislation to enact such law.
5. After reviewing this report, surveys of schools and child care providers, input at public hearings and other appropriate documentation and information, the standing Committee may make recommendations that it deems appropriate.

*Proposed Administrative and / or Legislative Action*

1. North Dakota school districts will annually adopt developmentally appropriate, evidence-based curriculum as approved by each local school board for all prekindergarten to grade twelve tribal and non-tribal students. The curriculum may include instruction on topics such as promoting healthy and respectful relationships, developing and maintaining effective communication with trusted adults, recognizing sexually offending behaviors and gaining awareness of available school and community resources. Curriculum resources will be compiled and disseminated by the Department of Public Instruction.
2. North Dakota Public Schools, with the approval of the local school board, will deliver prevention education to parents or caregivers of students. Development of education materials and surveys by the Department of Public instruction shall be funded by the legislature. The prevention education may be delivered in any number of ways as proposed by each local school board. The methods of delivering the education may include delivering the information in a publication such as a school handbook that is distributed to every student annually, in-person, e-learning or other mechanisms determined by the Department to be appropriate. A school survey will be developed and disseminated by the Department of Public Instruction. The purpose of the survey will be to assess North Dakota Public Schools' current sexual violence prevention and intervention practices and parent, guardian and student education and to provide baseline data for future comparison. Data gathered from surveys will inform understanding of the current response and the development of new and existing curricula.
3. North Dakota Public Schools will ensure that adults employed in schools receive orientation information on the identification of and reporting of child sexual abuse. The Department of Public Instruction and the Department of Human Services, with adequate funding from the legislature for staff and resources, shall provide materials to any school board that requests assistance in implementing this requirement. Data gathered from school surveys will inform the development of the curriculum.

4. The Department of Human Services will receive additional funds necessary for Prevent Child Abuse North Dakota (PCAND) staff and resources to expand existing efforts by PCAND to implement and manage the Handle with Care program in North Dakota Public Schools. The Department of Public Instruction will encourage schools to participate in Handle with Care when the program becomes available in their area, and the North Dakota Attorney General's Office will encourage law enforcement jurisdictions to cooperate with the program protocol.
5. The Department of Human Services, in collaboration with the Department of Public Instruction, shall develop and fund community-based awareness education delivered to adults, youth serving organizations and other organizations, about the following: a) nature and extent of child sexual abuse, including topics such as the role of adults in protecting children, b) community services and resources to help child victims and c) how to report incidents of abuse. The Department of Human Services shall receive legislative appropriations to fund the prevention education. Non-profit and other community-based organizations may in turn apply for funding from the Department to deliver adult education in their communities.

