States Policy Exchange Notes

March 3, 2023

The sixth meeting of the States Policy Exchange brought together 21 advocates from organizations/groups including National Coalition to Prevent Child Sexual Abuse and Exploitation, the Committee for Children(Washington State), Coalition for Responsible Home Education, Association for the Treatment and Prevention of Sexual Abusers (ATSA), PCA North Carolina, PCA Illinois, PCA Utah, PCA ND and the North Dakota Child Sexual Abuse Prevention Task Force, PCA NC, Ohioans for Child Protection, Redwoods Group Foundation, CAC Texas, Tulir, and the National Council of Youth Sports. Two Survivor Advocates were present as well.

Jetta Bernier from MassKids began the meeting by providing an overview of recently passed or pending child sexual abuse prevention legislation in various states.

North Carolina

HB142: https://www.ncleg.gov/BillLookUp/Index/2023/H142/True

"Protect Our Students Act" – pending

- Increases penalties for school employees or volunteers who have sexual relations or commit sexual acts with students
- Increases penalties for not reporting CSA
- States that the student's consent is not a defense
- If the person is convicted of that felony, the school doesn't pay their retirement benefits
- Requires schools to show a CSA prevention video for grades 6-12.
- Requires student safety document/display to be provided to grades 6-12.
- Requires superintendents who know that a school employee committed sexual misconduct to report it to the State Board of Ed. within 5 days of the employee's resignation or determination of disciplinary action.
- Prohibits threatening or retaliating against someone who reports.

Ohio

SB288:
https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_134/bills/sb288/EN/05/sb288_05_EN?format=pdf - Passed in Dec. 2022 Sec. 3313.60. (pg. 491)

- Requires CSAP education in schools for grades K-6.
- Requires for grades 7-12 dating violence prevention education and sexual violence prevention education; also includes parent opt-out.
- States that "Such instruction and information provided shall not be connected in any way to any individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services."
- Includes parent opt-out.

Proposed Amendment - Ohio HB105 - A conservative group, The "Center for Christian Virtue" wanted to include an amendment to this bill that would have:

- discouraged transgender students from gender-affirming care
- banned information about contraception use
- required parents to **opt-in** for their children to receive the prevention education and sex ed, rather than opt out.
- Claimed that "very few parents are guilty of sexual abuse" and "no instruction that implies parents are untrustworthy" would be allowed.

This amendment did not pass, and the only impact on the final bill was the inclusion of the part stating that CSAP instruction cannot be connected to any entity that provides abortion services or promotes abortion information.

Jetta pointed out the need to be vigilant about proposed amendments to CSA prevention education bills that would be used to politicize and promote specific cultural positions not related to CSA prevention.

Indiana

SB 67 - https://iga.in.gov/legislative/2023/bills/senate/67
Age of consent: Criminalizes sex with a minor, when a person who is at least 22 years of age engages in sexual conduct with a child who is 16-18 years old.

SB 342 - https://iga.in.gov/legislative/2023/bills/senate/342

Teacher hiring/screening:

- Prohibits schools from employing or contracting with people who have committed sexual misconduct against students.
- if a school hires someone who has committed sexual misconduct, the school must: (1) notify the department of education in writing of the hiring; (2) explain why the hiring was necessary; and (3) set forth the school's plan to protect the safety of students.
- Requires schools to consider using a more comprehensive expanded criminal history background check for employment.
- Requires a school that receives a reference request from another school to disclose specified incidents to the requesting school.

Faith Colson, survivor advocate, explained that the legislators behind this bill are hoping this SB 342 "safety plan" strategy could discourage schools from hiring an employee with a history of sexual misconduct because they have to make that plan public and expose the school to liability by proving they had knowledge of the employee's history. This bill is going to Senate for a hearing and it looks like it may pass.

SB 403 – no longer viable, incorporated into SB342.

https://iga.in.gov/legislative/2023/bills/senate/403
Screening Bill; Requires a school that receives a reference request from another school to:
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- disclose any known incident in which the employee was: (1) arrested; (2) charged with a criminal offense; (3) convicted of a criminal offense; (4) under court supervision or the supervision of a community correction program as the result of a conviction for a criminal offense (including being placed on home detention, work release, or intermittent incarceration); (5) the subject of a protection order; or (6) named as a defendant in a civil action if the civil action could affect the safety of students.
- Prohibits a school from hiring an employee involved in specified acts or incidents without a majority vote of the school board (or equivalent for a charter or nonpublic school), and provides that, if a school hires an employee involved in specified acts or incidents, the school shall: (1) notify the department of education in writing of the hiring; (2) explain why the hiring was necessary; and (3) set forth the school's plan to protect the safety of students in light of the act or incident.

HB 1064
https://iga.in.gov/legislative/2023/bills/house/1064

- Criminal grooming of a minor for sexual activity. Specifies that the crime of child solicitation includes luring and enticing the victim.

- Increases the penalty for inappropriate communication with a child from a Class B misdemeanor to a Level 6 felony if the person sends the child an explicit image.

HB 1362
https://iga.in.gov/legislative/2023/bills/house/1362

- Adds a school's human resources professional to the list of people to whom records that are sealed by the central repository for criminal history information maintained by the state police department may be disclosed.
- Provides that a person at least 18 years of age who knowingly or intentionally communicates with an individual whom the person believes to be a child less than 18 years of age concerning sexual activity with the intent to gratify the sexual desires of the person or the individual commits inappropriate communication with a child, a Class B misdemeanor. (The current law is less than 14 years of age for the child victim.)

HB3290
https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3290&GAID=17&DocTypeID=HB&LegID=148447&SessionID=112&SpecSess=&Session=&GA=103
Criminalizes sexual relationships with students 18-22 years of age when adult is in a position of trust or authority over them:

Kentucky

HB288 - School Employee Screening https://apps.legislature.ky.gov/record/23rs/hb288.html

Passed the House unanimously 3/2/23, sent to Senate

- Requires applicants to disclose whether they were previously or are currently under investigation
- Prohibits nondisclosure agreements that suppress info about sexual misconduct
- Requires districts to keep all records of abuse allegations in an employee's personnel file
- Requires districts to contact an applicant's previous school employers, who then have protection from liability for sharing information about abuse
- Requires the Kentucky Department of Education to develop a training related to sexual misconduct for employees to undergo every five years

Utah

https://le.utah.gov/~2023/bills/static/HCR001.html

Resolution – did not pass – has been reintroduced for three years

"Legislature of the state of Utah, the Governor concurring therein, encourages open and frank discussion about the effects and prevalence of child sexual abuse and supports evidence-based solutions to prevent and reduce the harmful impacts of child sexual abuse.

BE IT FURTHER RESOLVED that the Legislature and the Governor find that the ways in which the government, communities, and citizens of Utah can prevent child sexual abuse and best support those affected should be further discussed and addressed to ensure that children in Utah are healthy and safe…"

Laurieann Thorpe from PCA Utah shared that this resolution has been introduced for the past three years but has been blocked by Republicans refusing to hear it because it was introduced by a Democrat. PCA Utah helped write it and update it with statistics. It was the last bill on the docket last session and they closed it before it was heard; the session ended last week so it won't be back until next year.

Massachusetts

- **SD244 and HD1457, the SHIELD Act,** will: Require education about child sexual abuse prevention for all schools and youth organizations and ensure that they adopt an abuse prevention policy/code of coneduct
    - **SD244:** https://malegislature.gov/Bills/193/SD244
    - **HD1457:** https://malegislature.gov/Bills/193/HD1457

- **SD1655 and HD1909** will: Strengthen the screening of applicants for positions in schools to identify any past sexual misconduct and prohibit aiding a school employee engaged in sexual misconduct with a student to secure a position in another school. ("Pass the Trash"

- **SD1655:** https://malegislature.gov/Bills/193/SD1655
- **HD1909:** https://malegislature.gov/Bills/193/HD1909

- **HD790, HD1606, SD241, and SD253** will: Close the "age of consent loophole" that has been providing legal protection for adults engaged in sexual relations with youth 16-18 years of age and increase penalties for educator sexual misconduct and for other persons in positions of authority over a child who commit child sexual abuse.
  - **HD790**: https://malegislature.gov/Bills/193/HD790
  - **HD1606:** https://malegislature.gov/Bills/193/HD1606
  - **SD241:** https://malegislature.gov/Bills/193/SD241
  - **SD253**: https://malegislature.gov/Bills/193/SD253

Lindsay Hawthorne reported that these bills have been reintroduced in the new Legislative Session and MassKids is conducting its "Pass the Prevention Package" campaign to educate and engage citizens to contact their legislators. MassKids will coordinate testimony from survivors and their allies for Public Hearings scheduled this spring.

Updates from States Policy Exchange Members

Angela Grimberg, Executive Director of the Coalition for Responsible Home Education, attended for the first time and explained that her organization is searching for a way to increase accountability of adults that home school children to prevent these children being abused. This group is working on drafting bill language to require background checks for homeschooling parents and prevent those convicted of crimes against children from home-schooling.

Todd Latiolas from CAC TX explained that the TX bill filing deadline is this week, and most bills will be going to committees; more activity will be happening soon. Opt-in provisions being tied to abuse prevention education bills are a concern that could limit the impact of the prevention education. Additionally, a bill was filed to end SOL (Statute of Limitations) in civil cases - (HB206). Past reform efforts extended the time when survivors could file charges against their abusers to 30 years. A Rally ay was recently held to support SOL elimination.

HB206: https://legiscan.com/TX/text/HB206/id/2613066

Jetta shared that the energy to eliminate the SOL on child sexual abuse cases is being felt around the country. CHILDUSA's website provides the latest information about SOL activity in the states. https://www.childusadvocacy.org/

Michelle Denault, Survivor Advocate in Illinois, shared that she continues to provide CSA prevention training to schools, made easier thanks to the passage of Faith's Law and Faith Colson's advocacy. Michelle recently presented to the Illinois Coalition for At Risk Youth and is s hoping to reach the Illinois Association of School Boards. Another bill pending in Illinois would allow "no contributory fault of a child" in a civil claim; this would make it so defense lawyers in child sexual abuse cases can't argue that the child is at fault. Rep. Amy Elik introduced it but

legislators said it would never make it out of a committee, because lawyers can defend their clients however they want, including victim-blaming.

Laureainn Thorpe from PCA Utah shared that they have been active in advocating for funding in Utah for CSAP education but have not been successful yet. Partisan politics in Utah are strong and proposal by Democrats are rejected outright. A bill to require trafficking prevention education for college freshman, and a bill to change terminology of child pornography to CSAM were also introduced.

Lindsey Burkhardt – Director of the ND CSAP Task Force shared that a bill was filed in the House to extend the Task Force to 2025 (set to end in 2024).

Aniss Benelmouffok, ATSA – recently the Interim Director and now currently Public Affairs Manager for ATSA (Association for the Treatment and Prevention of Sexual Abusers) shared that ATSA recently added Prevention to their name to emphasize their work to prevent child sexual abuse, and added prevention to their mission and goals.

Aniss explained that ATSA is a voluntary membership org. of psychiatrists, social workers, and others who work in criminal justice preventing offenders from reoffending. Aniss shared that he has been with ATSA for 13 years. Their public policy committee has been working on evidence informed decision making procedures; will work on ones targeted for CSA for judges, which will be important for working with children who have caused harm.

Rebecca Surrendorf – Co-chair of Ohioans for Child Protection, a parents and grandparents caregivers alliance, is working to prevent CSA and provides paths to justice. She shared that they did pass Ohio SB288 on CSA prevention education, however, several amendments proposed by the Center for Christian Virtue were controversial and were rejected. An amendment was adopted in the final bill prohibiting any instruction by an entity engaged in abortion rights or promoting care for transgender youth.

Rebecca shared that a grooming bill and bill to eliminate SOL were being considered. The draft grooming bill took language from Indiana's SB342 grooming bill. A first offense of grooming (sharing sexual content with a minor but not asking for a sex act) would be a misdemeanor with required education. Second offense would be a felony. Sexual offenses would not be sealable and provide greater access to hiring organizations.

In Ohio, all spiritual conversations are protected, which means no mandated reporting by any religious organizations. Ohio is not seeing many charges for failure to report. They are hoping to introduce bills to require CSA prevention education and also comprehensive sreening policies for prospective school employees.

Rebecca shared that they are developing grooming language for a bill. Ohio can only prosecute cases of "Importuning" and predators don't usually ask for consent, so not many importuning cases are being prosecuted.

Jetta shared that Vermont had established a commission to look into grooming; we will check on the status.

Aniss with ATSA shared a published article, "**Toward a Universal Definition of Child Sexual Grooming**," which was authored by ATSA members, Georgia M. Winters, Leah E. Kaylor & Elizabeth L. Jeglic. It includes a definition of grooming. The definition is on page 7:

"*Sexual grooming is the deceptive process used by sexual abusers to facilitate sexual contact with a minor while simultaneously avoiding detection. Prior to the commission of the sexual abuse, the would-be sexual abuser may select a victim, gain access to and isolate the minor, develop trust with the minor and often their guardians, community, and youth-serving institutions, and desensitize the minor to sexual content and physical contact. Post-abuse, the offender may use maintenance strategies on the victim to facilitate future sexual abuse and/or to prevent disclosure.*"

Finally, Jetta gave an update regarding the **CDC-funded research project into the effect of CSA prevention laws/policies** on reporting an substantiation of cases. This project is being conducted by Prevent Child Abuse America (PCAA), MassKids, and the National Confernce of State Legislatures.

A **Research Practice Policy Partnership (RPPP)** has been formed with key leaders in the area of child sexual abuse prevention and advocacy, including survivors, researchers, and members of each of the three organizations. The group had its first meeting in Chicago last month. Updates on the research will be provided regularly to Exchange members for their input and feedback.

Meeting was adjourned at 2 PM.