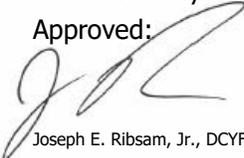


1153 CHILD SEXUAL ABUSE	
Chapter: Child Protective Field Services	Section: CPS Central Intake
 <p>New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 17-67 Effective Date: December 2017 Scheduled Review Date:</p>	<p>Approved:</p>  Joseph E. Ribsam, Jr., DCYF Director
Related Statute(s): RSA 169-C, RSA 632-A:1, and RSA 649-A Related Admin Rule(s): Related Federal Regulation(s): 	Related Form(s): FORM 2203(a) Bridges' Screen(s) and Attachment(s):

DCYF is committed to the support of families to ensure the protection of children and the communities in which they live. The DCYF's Intake serves the critical role of determining whether reports meet DCYF criteria for an Assessment of alleged child sexual abuse. We recognize that NH law, societal standards, and parenting standards all help define what activities are not considered safe and acceptable for children to be experiencing and what must be reported to law enforcement. Through consideration of what constitutes sexual abuse of a child/youth, Intake will identify when a Child Protective Service Worker should engage with the family to assess the safety of the child/youth.

Purpose

To establish a list of the conditions that constitute child sexual abuse, the criteria for determining whether reports meet DCYF standards for child abuse Assessment and to determine when a report to law enforcement and the Department of Education is required.

Definitions

- "Alleged Perpetrator"** means an individual 13 years of age or older, who is alleged to have psychologically abused, physically abused, sexually abused, or neglected a child/youth, regardless of family relationship to the victim.
- "CPSW" or "Child Protective Service Worker"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Child Protective Service Worker.
- "DCYF" or the "Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.
- "Sex Trafficking"** means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.
- "Sexual Abuse"** pursuant to RSA 169-C:3, XXVII-b means the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.

Policy

- I. The Intake CPSW uses these sexual abuse conditions in the [Screen-In Criteria NHIA SECTION 1: CHILD ABUSE AND NEGLECT SCREEN-IN CRITERIA](#) to assist in determining if a report meets DCYF criteria for child abuse Assessment.

- II. The conditions of child sexual abuse include:
 - A. SEXUAL ABUSE AND SEXUAL PENETRATION
 1. "Sexual abuse," as defined by the New Hampshire Child Protection Act, RSA 169-C, means the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of this conduct for the purpose of producing any visual depiction of this conduct; or the rape, molestation, prostitution, or any other form of sexual exploitation of children, or incest with children. This includes the intentional touching of the child's or the perpetrator's sexual or intimate parts, including breasts and buttocks, and the intentional touching of the child's or perpetrator's clothing covering the immediate area of the child's or perpetrator's sexual or intimate parts. (NH Child Protection Act, RSA 169-C: 3, XXVII-b and NH Criminal Code, Sexual Assault and Related Offenses, RSA 632-A:1).
 2. "Sexual penetration," as defined by the New Hampshire Criminal Code means sexual intercourse; cunnilingus; fellatio, anal intercourse; any intrusion, however slight, of any part of the perpetrator's body or any object manipulated by the perpetrator into genital or anal openings of the victim's body; or any intrusion, however slight, of any part of the victim's body into genital or anal openings of the perpetrator's body. (NH Criminal Code, Sexual Assault and Related Offenses, RSA 632-A:1).
 3. The Intake Unit refers a report of alleged sexual abuse to the District Office Assessment Supervisor when:
 - (a) A child's behavior has been described and/or observed to go beyond normal psycho-sexual development and may include:
 - (1) Excessive masturbation accompanied by other behavioral indicators of sexual abuse, simulated sexual activity through play; or
 - (2) A child age 12 years or younger is sexually acting out toward other children (See section B-6 below);
 - (b) A suspicion of sexual abuse is based upon a medical professional's physical findings, even if the child does not disclose an incident;
 - (c) A child is disclosing an incident of sexual abuse by a caregiver or other person who may have continuing access to the child;
 - (d) A child is disclosing an incident of sexual abuse but is not identifying a specific perpetrator;
 - (e) Sexual abuse or penetration is alleged between household members even if the caregiver has reportedly taken actions to stop this abuse;

- (f) Sexual abuse is alleged to have been committed against a child by someone other than the caregiver and the caregiver fails to protect the child from the perpetrator (See FAILURE TO PROTECT in [Policy 1151](#));
 - (g) A caregiver is creating visual depiction of child sexual abuse images including photographs, videos, computer generated images of children;
 - (h) A caregiver is confessing to having sexually abused a child in his or her care;
 - (i) A child has contracted a sexually transmitted disease through sexual contact with a caregiver or other person who may have continuing access to the child;
 - (j) A caregiver is causing a child to perform sexual acts on others including animals or is causing a child to engage in acts of trafficking or child sexual abuse images;
 - (k) A caregiver is engaging in behavior or communication (written/verbal) that is causing a child to believe that he or she is sexually intimidated, propositioned, targeted, threatened, or stalked; or
 - (l) A caregiver is allowing an individual to have unsupervised access to children who are under the age of 18 and that individual is a founded perpetrator of sexual abuse on the DCYF Central Registry or has been convicted of sexual abuse to a child (unsubstantiated allegations from family or other individuals will not be used to initiate a DCYF Assessment).
4. In any case where a child is allegedly sexually abused **and** the caregiver is protecting and the alleged perpetrator is not a household member or relative and has no access to the child, the Intake CPSW must report to [law enforcement](#) within 48 hours via the Form 2203(a), Referral to Law Enforcement. When a school employee is the alleged offender, Intake staff advises law enforcement and the Department of Education of the allegation.

B. CHILDREN SEXUALLY ABUSING CHILDREN

- 1. "Children sexually abusing children" means a child 12 years old or younger allegedly has been sexually abused by another child 12 years old or younger.
- 2. One referral/Assessment is completed per family and must reflect all of the names of the participants in the incident.
 - (a) When a child lives in two (2) households, a report will be taken regarding the household in which the child primarily resides.
- 3. The Assessment Supervisor may initiate subsequent referrals due to facts learned during the Assessment. Examples may include, but are not limited to:
 - (a) Additional victims are identified during the Assessment;
 - (b) An involved child is identified as the victim of another specified individual;

- (c) Other abuse or neglect not included in the initial report has been identified; and
 - (d) A second household is involved with allegations relating to children not residing in the home of the initial referral.
- 4. The child is identified on Bridges as a victim with an unknown perpetrator. If the parent or guardian of the child fails to protect the child from further sexual abuse, refer to FAILURE TO PROTECT in [Policy 1151](#).
- 5. The Division does not consider behavior to be sexual abuse and does not initiate an Assessment when the activity is determined to be expected, healthy and normative. The following factors are considered:
 - (a) Curiosity-based;
 - (b) Mutual interest and consent; and
 - (c) Looking or touching.
- 6. The Intake Unit does not refer reports involving sexual contact between children ages 12 and under unless:
 - (a) There is disclosure of an adult perpetrator engaging in activities considered to be sexually abusive;
 - (b) The incident appears to have occurred as a result of parental abuse or neglect;
 - (c) The nature of the sexual activity is determined to be unexpected, abusive and exploitative, even if there is no indication of parental abuse or neglect, based on consideration of the following factors:
 - (1) Coercion-based;
 - (2) Bullying and lack of parity;
 - (3) Three (3) year age difference;
 - (4) One child is identified as physically or mentally disabled;
 - (5) Explicit reenactment of adult sexual activity;
 - (6) Fear, shame, discomfort or secrecy; or
 - (7) One child's physical or mental health or welfare is harmed or threatened with harm as a result of the abuse.
- 7. A new assessment is initiated if Intake receives information that the child 12 years old or younger continues to sexually harm other children due to lack of appropriate

caregiver supervision or failure to seek medical/mental health treatment (See [Policy 1151](#) Lack of Supervision or Medical Neglect).

8. Intake staff must notify [law enforcement](#) via the Form 2203(a), Referral to Law Enforcement, of reports of sexual abuse that involves non-caregivers who have access to the child and the caregiver is protecting.

Practice Guidance

What is normal psycho-sexual development?

- The following guide from the [National Sexual Violence Resource Center](#) outlines typical healthy childhood sexual development for middle and late childhood:
 - Ages 0-2
 - Curiosity about their body, including genitals;
 - Touching their genitals, including masturbation, in public and in private; and
 - No inhibitions around nudity.
 - Ages 2-5
 - Occasional masturbation. This usually occurs as a soothing behavior rather than for sexual pleasure. It may occur publicly or privately;
 - Consensual and playful exploration with children of the same age. This could include “playing house” or “playing doctor;”
 - May ask questions about sexuality or reproduction, such as, “Where do babies come from?”
 - May show curiosity in regard to adult bodies (e.g., wanting to go into the bathroom with parents, touching women’s breasts, etc.);
 - Continued lack of inhibition around nudity. May take-off their diaper or clothes; and
 - Uses slang terms for body parts and bodily functions.
 - Ages 5-8
 - Continued use of slang words, “potty humor” or jokes to describe body parts and functions;
 - Deeper understanding of gender roles. May act in a more “gendered” manner as expected behaviors and norms associated with gender are learned;
 - Sex play or activities that explore sexuality and bodies may occur with same- and opposite-sex friends; and
 - Masturbation – some children may touch their genitals for the purpose of pleasure. This happens more often privately rather than in public.
 - Ages 9-12
 - As puberty begins, an increased need for privacy and independence is often expressed.
 - Interest in relationships. May want to have a girlfriend or boyfriend;
 - May express curiosity about adult bodies. This could involve a child trying to see people naked or undressing or looking for media (such as TV, movies, websites and magazines) with sexual content; and
 - As social norms around masturbation become clearer, masturbation will likely occur in private.
- Behavior falling within healthy childhood sexual development should exhibit the following characteristics identified by the National Child Traumatic Stress Network:
 - Children are being playful and/or curious, not aggressive or angry;
 - Play involving sexuality (i.e., playing doctor, show me yours/I’ll show you mine) should be with a child of similar age and developmental level, not with a much older or younger child;
 - When adults ask children to stop or set limits around inappropriate behaviors they listen; and

- The behavior does not cause physical or emotional harm to the child or others.

I heard the age of consent in New Hampshire is 16 and older, how does that impact reports of sexual abuse?

- This means that any child/youth under the age of 16 is not able to consent and should be reported for concerns of sexual abuse if they have had sexual contact.
- Youth age 16-18 may engage in sexual contact but a report of sexual abuse should be made to the Division when there is alleged incest, coercion, force, or human trafficking.

If a District Office receives a report of alleged sexual abuse perpetrated by a child (12 and under), can the District Office request to roll the report back or do a Second Level Screening?

- A District Office Supervisor can request to roll a report back if:
 - The District Office is able to document information through contacts with the family and local law enforcement agency to support that there is adequate supervision and parental care and the children are not members of the same household; and
 - The Supervisor reviews all facts with the Field Administrator and receives FA Approval.
 - The District Office must make subsequent contacts to the family and local law enforcement agency to notify that there will be no Assessment, if the roll back is approved.
- If the report cannot be rolled back, a District Office Supervisor can request a Second Level Screening or complete an Assessment through the Alternative Assessment Process.
- If a District Office receives a report of sexual abuse initiated by a child, the District Office must send a Law Enforcement Letter, regardless of whether or not the report is rolled back or approved for Second Level Screening.