

# **Guidelines and Protocols on Child Safety and Sexual Abuse in a Congregational Setting**

**Developed and Issued  
by the  
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## **Introduction and Statement of Purpose**

The following Child Protection Policy is an initiative of the Rabbinical Council of America (RCA) whose objective is to make the institution of the synagogue a safer place for all who enter to pray or to participate in other activities.

Sexual abuse can happen anywhere, including inside a synagogue or on its grounds, in the homes of congregants or victims, in cars and in busses, and at a congregation's offsite events. It is the responsibility of the rabbi, board, and members of the congregation to ensure that the congregation is free of abuse and harassment, and that they prioritize the safety of congregants, particularly minors and survivors of abuse.

This Child Protection Policy is intended to serve as a resource, a template from which a congregation should develop its own Child Protection Policy. A congregation may copy sections, in whole or in part, of this document as it develops its own Child Protection Policy, one that is appropriate and practical for its own circumstances.

### **Please note:**

- **These guidelines are not intended to be adopted by a synagogue without review and adaptation. They include legal and institutional best practices and represent a “gold standard.”**
- **These guidelines should be used as a resource by a congregation developing its own policies. In developing specific policies, a congregation should consider its context, needs, and resources such as the availability of paid professionals, availability of volunteers, number of minors in the synagogue, and its budgetary capacity.**
- **Congregation-specific guidelines should be thoroughly reviewed by legal counsel to ensure compliance with state and local requirements, with modifications made based on the laws of its state as well as the needs and capacity of the individual congregation.**

### **The following must be emphasized:**

- **Adoption of a Child Protection Policy does not necessarily make a synagogue or community a safer place for minors; it is, however, an essential first step.**
- **Consistent with RCA policy, congregations shall never request rabbinic permission to contact the police, FBI, other law enforcement agencies, or child protection authorities. The police, child protection services, and other relevant authorities have legal jurisdiction and specialized training in forensic interviewing, investigating allegations of abuse, and gathering forensic evidence. Under no circumstances shall a congregation, board or clergy member be vetting, managing, investigating, or acting as a gatekeeper of any allegation of abuse.**

- This document refers to a state or local agency charged with protecting minors as “Child Protective Services.” The name of the agency may vary based on the state or locale. The text of these guidelines should be adapted to reflect the appropriate name of the relevant local agency.
- A congregation shall ensure that its Child Protection Policy is consistent with the congregation’s existing personnel policies, updating its personnel policies to be consistent with the Child Protection Policy.
- A congregation committed to developing and adopting a Child Protection Policy should allow a period of about one year from the beginning of the initiative until the full implementation of the policy, although it may accelerate the process.

## **Child Protection Policy: Guidelines and Protocols**

This template is presented as a Child Protection Policy for congregations. This Child Protection Policy aspires to address many issues and provide recommendations related to preventing abuse in synagogues and to navigate the appropriate steps in addressing allegations of abuse as they arise.

### **Child Protection Policy: Guidelines and Protocols (Template)**

[CONGREGATION NAME]

[City, State]

The [CONGREGATION NAME] is committed to creating a safe and secure environment for all minors who participate in all activities organized by, sponsored by, or hosted in [SYNAGOGUE NAME]. To that end, we have adopted this Child Protection Policy.

#### **Scope & Applicability**

This policy addresses four components of child protection:

1. Screening and background checks of prospective employees and volunteers for a history of behavior potentially detrimental to minors.
2. Training of employees and volunteers in child protection.
3. Reporting of incidents of abuse, neglect, bullying and harassment.
4. Responding to incidents of abuse, neglect, bullying and harassment.

This policy applies to all persons, whether employees or volunteers, participating in programs for minors offered by the congregation or located in its synagogue.

#### **Employee and Volunteer Issues**

1. All congregational employees and volunteers are governed by this policy. Perceived conflicts or ambiguities in interpretation and application of this policy shall be resolved by the congregation's Child Protection Policy Committee (CPPC);
2. An individual may be terminated from employment or volunteer service for failure to abide by this Policy. This action may be taken if the CPPC determines that the Child Protection Policy and its procedures have been violated, irrespective of the conclusions of any investigations or legal procedures.

## Key Definitions

This Policy uses the following definitions:

1. **Child Abuse:** Those who accept the special responsibility of working with the congregation's minors shall not violate that responsibility by causing non-accidental physical injury, non-accidental emotional injury, sexual abuse or serious physical neglect of minors, or any other act described as child abuse by state or federal law. (Note: See appendix for additional details.)
2. **Sexual Abuse:** Those who accept the special responsibility of working with the congregation's minors shall not violate that responsibility by engaging in any conduct or contact of a sexual nature with a minor. **A minor cannot consent to any sexual activity.**

Sexual abuse of a minor may include the following:

- a. Sexual assault or attempted sexual assault
  - b. Touching areas of the body typically covered by clothing, including pats, caresses, squeezes, hugs, pinches, or kisses
  - c. Touching of any part of the body, including hands or face, in a manner that would make a person uncomfortable
  - d. Brushing against someone's body
  - e. Verbal sexual suggestions, innuendoes, or jokes
  - f. Leering or ogling
  - g. Voyeurism or exhibitionism
  - h. Exhibiting or sharing pornography
3. **Misuse of Halakhah:** The misuse of Halakhah, or interpretations of Halakhah, or Jewish philosophy, or the misuse of the power inherent in a position of religious authority by parents, rabbis, teachers, etc., to psychologically manipulate, control, or inflict harm on another.

This may include misrepresentations of Halakhah which serve the authority's own interests. This is a common form of boundary violation perpetrated by abusers in positions of power or authority. When suspected, congregational leaders should consult with outside Halakhic authorities to determine whether Halakhah has been misused. Such behavior may also be manifested as boundary violations in pastoral counseling.

4. **Child or Minor or Youth:** Any person considered a minor under the laws of the state, typically defined as a person under 18 years old.

5. Child Protection Policy Committee (CPPC): The group which develops, implements, and enforces the Child Safety Policy, and reports directly to the congregation's board.
6. Approved Adult: Anyone over 18 years of age who has satisfied the training and screening requirements of the Child Safety Policy, including a background check and training. Approved Adult positions include, but are not limited to: Congregational staff, Youth Committee staff (if applicable), school staff (if applicable), nursery staff (if applicable), Youth Committee members, overnight chaperones, CPPC members, board members, and volunteers.
7. Adult Volunteer: Anyone 18 years of age or older who provides short-term supervision of minors under the direction of an Approved Adult.
8. Youth Volunteer: Anyone under the age of 18 who provides supervision of minors, under the supervision of an Approved Adult. The term "Youth Volunteer" may refer to an individual holding a paid or unpaid position.

## **Child Protection Policy Committee (CPPC)**

A congregation shall organize a Child Protection Policy Committee (CPPC) charged with developing and implementing a Child Protection Policy.

The CPPC shall consist of seven members with two-year staggered terms. The congregation's board shall appoint members of the CPPC according to its by-laws. It is recommended that the CPPC be comprised of an odd number of people.

The CPPC shall be composed of:

- Congregation members and non-members. Non-congregation members shall be considered as core members of the CPPC and shall be chosen because of their expertise, regardless of their religious affiliation.
- Two to three board members or other committed congregational lay leaders. The president of the board shall not serve on this committee.
- The rabbi or other Halachic authority appointed by the congregation's rabbi
- Legal counsel who is not a congregant
- An expert in child abuse who is not a congregant
- At least one licensed mental health professional with appropriate expertise in this area

The CPPC shall not include a member who has a conflict of interest due to direct or familial relationship to an existing abuse allegation or case, whether that relationship is to an accused or a victim/survivor.

## **The Responsibilities of the Child Protection Policy Committee**

1. Create, review, and deliver recommendations to the board for developing and modifying its policy regarding the safety of minors.
2. Establish relationships with the local police department and child protection agencies for the purposes of training and potential future consultation.
3. Implement training for all staff and volunteers working with minors regarding abuse and congregational policy.
4. Accept and review applications of every person desiring to become an Approved Adult.
5. Obtain a criminal background check and Sex Offender Registry check for every applicant.

6. Oversee personal interviews of candidates. Ensure a robust interview process for all candidates by, for example, creating a list of suggested questions and post-interview forms to be completed by interviewers.
7. Monitor Approved Adults to ensure that policies are being followed.
8. Maintain a file of all permission slips for events for minors. Permission slips shall be kept for three years following an event. If an incident of abuse relating to a specific event is reported, the permission slips for that event shall be maintained indefinitely.
9. Regularly apprise the board of all activities of the Committee. Publish periodic updates regarding the activities of the committee in the congregation's publications.
10. Maintain a current list of Approved Adults.
11. Determine appropriate actions in response to a violation of the Child Protection Policy.
12. Conduct a periodic review of the policy and make recommendations to the board for its amendment.

## **Guidelines for Screening and Selecting Employees and Volunteers**

All persons who desire to work with minors shall be screened. In formulating screening steps, it is important to: (1) Create a fully executable process, and (2) Resolve that there be no exceptions to this process.

This screening includes:

1. **Six Month Rule.** No person shall be considered for a volunteer position involving contact with minors until s/he has been involved with the congregation for a minimum of six months.
2. **Written Application.** Any person seeking to work with minors must complete a written application that includes: Previous experience with minors, previous synagogue affiliations, professional references and employment information, and disclosure of any previous criminal convictions.
3. **Personal Interview:** Upon completion of the application, a face-to-face interview shall be conducted with the applicant.
4. **Reference Checks:** At least two of the applicant's professional references will be checked before an applicant is approved to work with minors. These references shall be of an institutional nature, preferably from organizations where the applicant has worked with minors in the past. Reference checking shall also include people not listed by the individual.
5. **Criminal Background Check:** Following the signing of an authorization form, a national criminal background check shall be conducted for all employees (regardless of position) and volunteers. Individuals who decline to sign an authorization form shall not work with minors. The background check process shall include a review of the state/ national sex offender database and the state-based sex offender database in every state in which the applicant lived or worked.
6. The congregation shall conduct a review of the applicant's social media postings.
7. **Signed Child Protection Covenant:** Signed by staff and volunteers acknowledging that they received training and have read and agreed to follow all policies and procedures associated with the Child Protection Policy.

## **Confidentiality and Record Retention**

All applications, authorizations, background checks, and documentation shall be retained with due regard for the confidentiality and safety of private information.

The CPPC shall develop and implement protocols to protect the privacy and security of the information collected about individuals.

## **Mandatory Training and Supervision**

1. Training is mandatory for the rabbi, all congregational employees and volunteers before they commence their responsibilities – whether or not they work directly with minors.
2. Anyone hired or volunteering for the congregation between annual training sessions must undergo training before commencing his or her responsibilities.
3. In addition to the initial training, an annual refresher training session for all staff and volunteers is mandatory.
4. Training must be offered by qualified experts. and shall include such topics as sexual, physical, and emotional abuse, harassment, mandatory reporting, boundaries, and bullying prevention.
5. Congregants shall also be educated in matters of abuse through lectures, sermons, and publications.
6. This policy shall be posted on the congregation's website.

## Child Safety: Guidelines for Abuse Prevention

Please note: These guidelines represent an optimal approach to child safety. They may be adapted to reflect a congregation's context and capacity.

### Programming for Minors

1. Programming Offered in the Synagogue shall be subject to the following rules:

- a. Team Approach – The Two-Person Rule: Two Approved Adults, Adult Volunteers or Youth Volunteers shall be present during all activities involving minors. When a child is present, either a door shall remain open, or a window shall allow easy observation of any room.
- b. Oversight of Youth Volunteers/ volunteers shall be provided by an Approved Adult who monitors activities and interactions by regularly circulating among the rooms in which programming is taking place.
- c. Minors five-years-old or older may use a “buddy system” when traveling through the building for activities such as using the restroom or locating a parent.
- d. Minors under the age of five shall be accompanied to the restroom by at least one Approved Adult or Youth Volunteers, although ideally there should be two. **The adult will remain outside of the restroom.** If a child requires help in the bathroom, the minor's parent shall be called to assist their minor. Absent a medical or safety emergency, no Approved Adult or Youth Volunteers shall help a minor in a restroom.
- e. Programs that involve minors will always include adequate supervisory personnel. Supervision will be maintained before and after the event until all minors are in the custody of their parents or legal guardians. Adequate provision is a minimum of two Approved Adults or Youth Volunteers, with additional support as needed.
- f. Empty Room Policy: After an activity, rooms will be checked to ensure that all participants have vacated the room and that the door is locked.
- g. Minimize One-Child-One Staff/ Volunteer Situations: All interactions between minors and staff/ volunteers must be visible to others, with more than one staff/ volunteer and more than one child present. If private conversation is required, it shall occur out of earshot, but not out of sight, of others. Activities shall always be observable and interruptible.

2. Use of Appropriate Discipline and Expressions of Affection.

Adults must use caution and common sense when expressing affection toward minors. It is recommended that in interactions with minors, adults use warm and caring verbal comments.

Side hugs and other physical contact shall be used sparingly as they may be uncomfortable for a child and perceived as a boundary violation. A child's refusal of affection shall always be respected; a child shall never be made to feel uncomfortable.

The following are prohibited: Body-to-body hugs, touching private areas (those areas covered by a bathing suit), a lingering touch, tickling, wrestling, lap sitting, and kissing (even on a cheek).

### 3. Acceptable and Unacceptable Disciplinary Language and Behavior

Comments that are demeaning or blaming, verbal put-downs, foul language, and corporal punishment shall never be used by Approved Adults and Youth Volunteers. Constructive, age-appropriate discipline suited to the behavior and appropriate to the minor shall be used when necessary. Withholding of food and isolation shall never be used as forms of discipline.

### 4. Accommodations for Overnight and Offsite Events

- a. Only Approved Adults shall supervise overnight and off-site activities.
- b. An overnight trip must be supervised by multiple Approved Adults.
- c. Permission Slips: Written parental permission is required for their child to participate in overnight or offsite programs and activities is required.
- d. Housing: Each minor must have his or her own bed or sleeping bag. Every attempt must be made to provide teens with suitable accommodation to safeguard their personal space.
- e. No staff member, Approved Adult, Adult Volunteer or Youth Volunteers may share a bed or room with a minor.
- f. Host families and other adults staying overnight in local homes shall be screened in order to ensure that no one is a registered sex offender.
- g. Efforts shall be made to provide two staff members or volunteer advisors in each house. If the host family has teenage children that are not part of the program, it is preferable that the host family's children and the program participants be accommodated on different floors of the house.
- h. Boundaries in rooming: No Volunteer Advisor or staff person shall be alone with a minor in a bedroom. In the case of individuals with special needs, appropriate approved accommodation shall be made.
- i. Waking up a minor: Except in the event of an emergency, minor participants shall be awakened by staff or volunteers only by knocking on their door or calling out to them; they shall not be awakened through physical contact. If a minor refuses to wake up or to attend a program, two staff members or volunteers shall remain with the minor.

5. Transportation of Children

- a. No staff member or Approved Adult shall be alone in a car with a minor that is not his/her own, except as may be required in an emergency.
- b. Minors shall be transported in groups of at least three, with at least one Approved Adult per vehicle. The driver must be at least 18 years old and have a valid driver's license and insurance per applicable state regulations.
- c. Ideally, drivers shall not make unauthorized or unplanned stops. Best practice requires the program leader or designee to document departure and arrival times, destinations, mileage, and names of passengers and Approved Adults. In addition, the expected arrival and change of custody of the minor shall be communicated to parents or guardians.

6. Pickup/ Release from Program: Minors aged 13 and under shall only be released from a program to a properly identified parent, legal guardian, or another preauthorized adult.

## **Bullying and Harassment**

### Strategies for Bullying Prevention and Intervention

The congregation is committed to providing a safe, caring, and positive environment for all. Each member of the congregation must take personal responsibility for the emotional and physical safety of one another and for the tenor of the environment. Bullying and harassment will not be tolerated, and bullying shall not be dismissed as normal behavior (“boys will be boys” and “girls will be girls”).

1. The CPPC will develop protocols for the prevention of bullying in the congregation’s programs and for redressing issues of bullying.
2. Clear and accessible means shall be offered for individuals to report bullying.
3. When observing bullying behavior, congregational staff and volunteers shall intervene as quickly as is reasonably possible to stop the behavior. The parties should be separated from each other and be spoken with separately.

## **Covenant for Facility Use**

1. Contractors
  - a. All contractors, e.g., caterers and music bands, must be informed of the congregation’s Child Safety Policy.
  - b. Contractor staff shall be observed by an Approved Adult. It is best practice that contractors and their employees have criminal and sex offender background checks, and this information should be on file with the congregation.
2. Youth Groups Using the Synagogue to Hold an Event
  - a. Youth groups that use the synagogue as the venue for an event must be informed of the Child Safety Policy.
  - b. Youth group employees shall have current criminal background and Sex Offender Registry checks on file with the congregation and be supervised by an Approved Adult.

## **Insurance Coverage**

The congregation shall maintain proper and appropriate insurance coverage.

## **Managing Allegations of Abuse, Grooming, and Boundary Crossing Behavior**

Every person affiliated with the congregation – congregant, clergy, professional staff, or volunteer — shall call the police or the appropriate law enforcement agency if s/he has “reasonable cause to suspect abuse” of a minor.

### Key definitions

- a. **Reasonable Cause:** Reasonable cause to suspect means that there is a valid reason to believe or suspect that abuse may have occurred or is occurring. Reasonable cause may be based on hearsay. Certainty is not required; neither is being an eyewitness to the incident. One does not need “evidence” nor “proof” for a reasonable cause. Examples include:
  - i. A minor reports having been abused by an adult or another minor
  - ii. An individual — adult or minor — reports that a minor has been abused
  - iii. One overhears a minor discussing an incident or interaction that is believed to be abuse – even if it is about another minor.
  - iv. A minor exhibits “red flags” of abuse, e.g., bruises, wounds, a terrified affect around an individual.

For additional details on different forms of sexual abuse, please see Appendix F. For additional signs of abuse, please see Appendix G.

- b. **Grooming:** Grooming occurs when an adult establishes a close connection to a minor through breaking down the natural and appropriate boundaries normally present in an adult-child relationship for the purpose of engaging in sexual conduct with the minor. Classic signs of grooming include:
  - i. An adult paying unusual or excessive amounts of attention to a minor
  - ii. An adult paying attention to a minor away from other adults or minors
  - iii. An adult who behaves secretively with a child. e.g., encouraging the keeping of secrets from others
  - iv. An adult offering alcohol, pornography or illicit drugs to a child or telling a child that they can break their parents’/ guardians’ rules.
  - v. An adult making sexual comments to a child in person, in writing, on the telephone, or over electronic media.

## Reporting Procedures

### 1. Initial Reporting:

Any adult in a position of responsibility for a child who has reasonable suspicions of abuse must personally report those suspicions to the police or the child welfare agency. Reporting shall not be left for another, even a supervisor or congregational official.

If an allegation has reached the CPPC that a child in the Synagogue has been physically or sexually abused or that abuse is likely to occur and the incident has not been reported to the police or the child welfare agency, the CPPC shall report the suspected abuse to the proper authorities immediately.

If a congregant who is not a mandated reporter has reasonable cause to suspect that a child has been physically or sexually abused or that abuse is likely to occur, the individual is encouraged to contact the police or the child welfare agency directly and inform the CPPC. If the congregant chooses to inform the CPPC, the CPPC shall report the suspected abuse to the proper authorities immediately.

- a. When There is Reasonable Cause: Congregational staff and the CPPC must report a reasonable suspicion of abuse even if they are not designated mandated reporters by their local jurisdiction.
  - b. When There Is a Boundary Violation: If the information reported to the CPPC reflects boundary violations, or grooming, the CPPC shall report the incident to local law enforcement.
  - c. The CPPC is neither legally empowered nor properly trained to investigate or determine whether abuse has occurred. Its responsibilities include protecting minors, reporting reasonable suspicions of abuse, and ensuring compliance with the congregation's policy and all applicable laws.
  - d. Reporting suspected abuse to a Jewish organization, even a Jewish welfare organization or Bet Din, is not an appropriate alternative to reporting to the police or a child welfare agency.
  - e. Parents may never prevent the CPPC, the president, the rabbi, or other congregational staff or member from calling the police or child welfare agency to report suspected abuse.
2. Maintain Records: The CPPC shall keep a record of all allegations, concerns, and actions taken. If law enforcement becomes involved, it must inform law enforcement of the documentation, and share the documentation unredacted.
3. Apprise Synagogue Leadership:

- a. The CPPC shall inform the president of the congregation of the allegation or concern, except when the president is the suspected abuser.
- b. The CPPC shall inform the rabbi of the allegation or concern, except when the rabbi is the suspected abuser.

4. Inform the Victim's or Grooming Target's Parent(s) or Guardian(s)

The CPPC, the president, or the rabbi shall immediately share the allegation with the minor's parent or guardian, except when the parent or guardian is the suspected abuser.

- a. The phone call or visit to the parents shall be documented.
- b. If a parent or guardian is the suspected abuser, no representative of the congregation shall contact the parent or guardian before the police or law enforcement agency has conducted its investigation. The law enforcement agency shall be consulted as to protocol regarding informing parents and guardians.

The CPPC shall inform the parents of any child it suspects has been subject to grooming behavior as soon as the CPPC learns of it. It shall share the information in a transparent manner, including sharing the identity of who may be grooming their child.

5. Procedures To Be Followed Immediately After Reporting Abuse Allegations:

After reporting suspicions of abuse to law enforcement, it is the responsibility of the rabbi, president, and board, along with the CPPC, to support the physical and emotional safety and well-being of congregants of all ages.

- a. After the CPPC has made a report, the congregation shall cooperate fully with the authorities responsible for investigating and adjudicating the alleged abuse and must coordinate any follow-up with the police or government child welfare agency. The congregation and its leaders shall cooperate with those authorities in determining if there are additional victims.
- b. Even in cases in which the police or child welfare authorities do not act on the expressed concerns of boundary violation or grooming, the CPPC shall document all information and impose appropriate restrictions on the suspected offender. Such restrictions may include limiting a suspected offender's access to minors or to certain areas of the premises, suspension from participation in congregational activities, or banning the individual from the Synagogue completely – even to attend services on the occasion of a *yahrzeit*. If the suspected offender is a member of the congregation's staff, those restrictions may impact his/her professional status (see below).
- c. The CPPC will notify the parents or guardians of other minors who may be victims of the alleged abuser or may have been exposed to the alleged abuser. In addition the CPPC will recommend a communication to the entire synagogue community with information of who the designated law enforcement point person is, so that any potential victim they do not know about has a way to contact law enforcement directly.

- d. A designated representative of the congregation shall notify the congregation's insurance broker and/or carrier when the reporting procedures have been initiated. The phone call or written report shall be documented. If the original notice is by phone, a letter memorializing that report shall be sent to the insurance broker and/or carrier.
- e. The board, in consultation with its insurance carrier, shall engage legal counsel.
- f. The board shall appoint an official spokesperson for the congregation who shall be the only one authorized to speak to the media on behalf of the congregation.
- g. If an arrest occurs, all communications to the congregation regarding the report of suspected child abuse shall make every effort to protect the dignity and privacy of the victim/survivor while remaining as transparent as possible. (See also section on Confidentiality and Communications.) Each communication should identify by name and phone number which law enforcement officer or detective people can connect with if they want to report additional information.
- h. If no arrest occurs, there may still need to be communication to the congregation relaying the steps that have been taken, and who from law enforcement people can connect with if they want to report additional information
- i. If there is an adjudication, the CPPC and the board shall communicate the findings and actions of the CPPC to the congregation, explicating the nature of the misconduct. This communication shall not identify either the person making the complaint or the victim/survivor, without their consent.
- j. There should never be a situation where the first communication to the congregation takes place after an adjudication. Once the allegations are known – communication should occur.

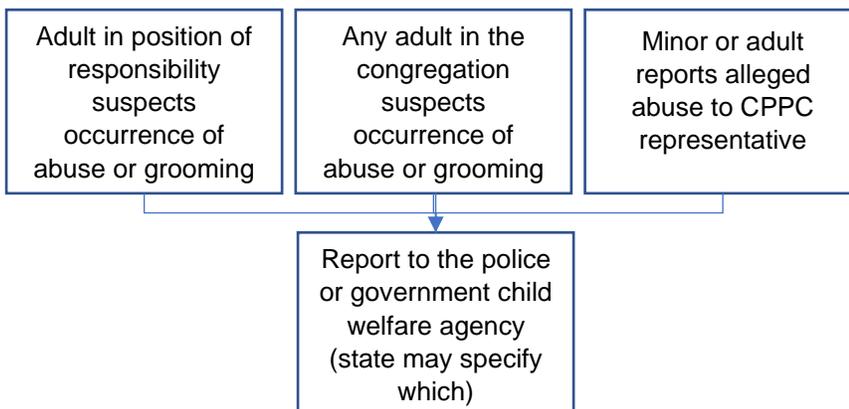
## 6. Bring in a Therapeutic Response Team

Many people are affected by abuse including the immediate victims/survivors, friends and family of the victim, others who were victims/survivors of abusers earlier in their lives who may be retraumatized by the current situation, and others who may be disturbed that a member of the congregation has been abused or is an abuser.

To address the complex feelings of the congregation, congregational leadership shall bring in an independent, properly trained, licensed mental health expert to meet with congregants and others and to work with the CPPC and the board to offer programs that may be beneficial to address the needs of the community.

## Reporting Procedures

### 1 Initial Reporting



### 2 Maintain Records

CPPC to maintain record of allegations and steps taken, and share with law enforcement

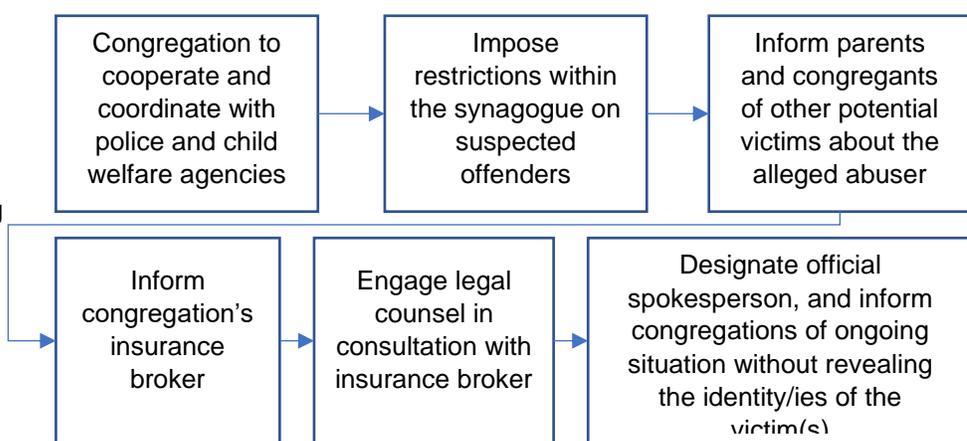
### 3 Apprise Synagogue Leadership

CPPC to inform both the President and Rabbi of allegations, unless one is the suspected abuser

### 4 Inform the Victim or Grooming Target's Parents or Guardians

The CPPC, President or Rabbi to notify that parent(s) or Guardian(s) of the suspected abuse or grooming behavior

### 5 Procedures to be Followed Immediately After Reporting Abuse Allegations



### 6 Bring in a Therapeutic Response Team

Congregational brings in independent, properly trained, licensed mental health expert to meet with and to work with CPPC and develop and deliver programs as needed

## **Managing Allegations of Misconduct Against the Rabbi or Synagogue Staff**

### **Reporting Procedures**

Procedures for reporting the suspected abuse of a minor by a rabbi or other staff member are the same as procedures for reporting the suspected abuse of a minor by anyone else.

### **Removing Access**

In accordance with best practices, during the police investigation, the rabbi or staff member shall be put on paid leave, removing access to the alleged victim and other potential victims.

1. The rabbi or staff member shall sign an agreement to suspend all activities in the synagogue and avoid all contact and activities with minors that may take place outside the synagogue, e.g., private Bar Mitzvah lessons or tutoring. The agreement shall include a statement that will be shared with the congregation that states that the rabbi/staff person was placed on a leave of absence, pending the outcome of an investigation.
2. The CPPC and board shall publicize the existence of an ongoing investigation, without publicizing the name(s) of the victim(s), and will include in every communication, the name and contact information of the law enforcement officer or detective that people can contact directly.
3. If the rabbi or staff member is employed elsewhere in the community in a role that gives him/her access to minors, e.g., as a teacher in a local school, the CPPC or board president shall communicate in writing to the other institution the status and nature of the ongoing investigation, and the steps undertaken by the congregation.

If the CPPC determines that the behavior of the rabbi or staff member constitutes a boundary violation, the CPPC and congregational leadership shall follow the guidelines for cases of suspected abuse, or they may impose modified guidelines as they deem appropriate.

## **Synagogue Access for Sex Offenders**

The primary responsibility of a congregation is to ensure the physical and emotional safety and wellbeing of its members including the victims and survivors of sexual abuse by the immediate perpetrator, , potential victims, minors and their parents, and victims and survivors of other instances of sexual abuse.

One of the most difficult challenges for congregations in dealing with abusers is that of granting access to the synagogue to registered sex offenders, to those suspected of abuse, and to those charged with abuse but not convicted for a variety of reasons.

## **Managing Access of Sex Abusers to Synagogues**

A person convicted or under suspicion of sexual abuse shall not be allowed access to the synagogue. This information will be shared with other synagogues in the community.

If desired, a private minyan which is not held in the synagogue and which is attended exclusively by adults may be organized. Likewise, an abuser may be permitted to attend a Synagogue in which no minors are present.

## APPENDIX A

### ABUSE AND COMMUNAL RESPONSIBILITY – A HALACHIC PERSPECTIVE

The Torah prescribes the duty to protect all members of our community, especially the most vulnerable, including children and adults who are victims of sexual, physical, emotional, and spiritual violence, abuse, and impropriety. Failure to protect another in need is a violation of the biblical verses, "You shall not stand idly by the blood of your neighbor" (Lev. 19:16) and "And you shall love your friend as yourself" (Lev. 19:18). Failure to act can constitute a *Hillul Hashem*, a desecration of God's Name.

The Torah expresses the obligation to help those under assault or subject to abuse through both positive and negative precepts: "Thou shalt not stand by the blood of thy neighbor" (Lev. 19:16) and "And you shall restore him to himself" (Deut. 22:2). The Talmud, Sanhedrin 73a, states that while the latter verse teaches that all must intervene personally, the former expands that responsibility; no one may just stand around idly while someone is being hurt. Rather, there is an obligation to call others to do whatever is necessary to help those who require it.

Clear from the Talmudic account is the obligation to help others whether their lives are in mortal danger or whether they are "merely" under physical, sexual, emotional, or spiritual assault. *Piskei ha-Rosh, Baba Kama*, ch. 3, no. 13: "If a person sees a Jew attack another and he cannot rescue him without hitting the attacker, even though [the attacker's] blow is not lethal, he can strike the attacker to prevent him from committing the crime." The obligation pertains even if one is in doubt as to whether or not there is clear and present danger and even when one is not fully aware of the circumstances of the attack (*Hiddushei ha-Ran*). (While we are not advocating physical assault, the lesson is clear.)

These same verses are cited in the Talmud as sources for the law of a *Rodef*, someone who is pursuing another with the intention of murder or sexual assault. Those who observe or are aware of such pursuit are obligated to intervene and save the life or well-being of the pursued. Due to the severity of such assaults, Jewish law authorizes this third party to do whatever is necessary to save the pursued.

We may not ignore the cries of someone who needs help. The principle enunciated in the lost-object mandate applies here as well: "You may not ignore it" (Deut. 22:3). We may not close our eyes or ears and pretend as if we are unaware of the loss, thus exempting ourselves from getting involved. Furthermore, the very language of the neighbor's blood verse warns us not "to stand" on another's blood. Standing is a passive act, and we are not permitted to remain passive. There is no such thing in Jewish law as an "innocent bystander." Unless intervention is hazardous to the witness—in which case the witness must call others to help—the witness is obligated to get involved or is otherwise guilty.

The Torah, in commanding us "Take utmost care and guard yourself scrupulously" (Deut. 4:9), requires that we avoid dangerous situations, and in commanding us to enclose the roofs of our houses with fences (Deut. 22:8) requires us also to remove existing hazards from our homes and protect against potentially hazardous conditions (*Hil. Rotzei'ah u-Shemirat ha-Nefesh* 11:4). These requirements apply in both life-threatening and non-life-threatening situations.

Contemporary authorities cite these sources in order to support an employer's responsibility for occupational safety at work (*Piskei Uziel*, no. 47) and in order to restrict reckless driving (*Minhat Yitzhak*, VIII, no. 148). To say the least, the physical, emotional, and spiritual dangers that result from perpetrators of abuse and violence are at least as dangerous as those with which these sources are concerned and obligate each of us to protect potential victims from them.

The obligation to come to the aid of those in distress falls not only on individuals; the community qua community has obligations to protect the welfare of its members. The biblical commandments to establish courts, enforce laws, and pursue justice define these obligations. “Justice, justice you shall pursue” (Deut. 16:20) is complemented by the commandment “judges and officers shall you appoint in all your gates, which the Lord your God gives you, throughout your tribes; and they shall judge the people with just judgment” (16:18).

### **Reporting to the Civil Authorities Law Enforcement and Child Protective Services**

In a ruling of great significance for victims of abuse, Rema, *Hoshen Mishpat* 388:7, writes, “A person who attacks others shall be punished. If the Jewish authorities do not have the power to punish him, he must be punished by the civil authorities.” According to Rema, the victim has the right to go to the civil authorities (Law Enforcement and Child Protective Services) not just to prevent an attack, but to seek punishment and justice for an attack that has already taken place (*Darkei Moshe*, *Hoshen Mishpat* 388 and *Teshuvot Maharam MiRizbork* cited by *Shakh*).

*Nishmat Avraham*, *Hoshen Mishpat* 388, pp. 207-211, cites Rabbi Shalom Yosef Elyashiv, Rabbi Shlomo Zalman Auerbach, and Rabbi Eliezer Waldenberg as affirmatively asserting the obligation to report abusers to civil authorities (Law Enforcement and Child Protective Services) in order to protect innocent victims. In an often-cited letter, Rabbi Shalom Yosef Elyashiv ruled that one may report a child abuser to the civil authorities Law Enforcement and Child Protective Services in America when he is certain about the abuse. He warns that if there is no *Raglayim La-Davar*, no reasonable cause to suspect that abuse occurred, reporting is prohibited (*Yeshurun* XV, p. 641). (As will be seen below, this is consistent with the secular legal requirement to report suspected abuse.)

Furthermore, a child abuser is worse than a *Meitzar* (public menace) and is in the category of *Rodef* concerning whom one is permitted to do anything to stop the attack, including reporting the perpetrator to the civil authorities Law Enforcement and Child Protective Services (R. Moshe Halberstam, *Mesirah Le-Shiltonot Be-Mi She-Mit'olel Be-Yeladav* in *Yeshurun* 5765, p. 646).

R. Yitzchak Weiss avers that the state has an interest in the safety and welfare of its citizens, and one may report those who are endangering that safety (*Minhat Yitzhak* VIII:148). Rabbi Herschel Schachter stated that the prohibition of *Mesirah* applies only when testimony assists civil authorities in illegally obtaining the money of, or excessively punishing, another Jew. It does not apply when it aids a non-Jewish government in fulfilling such rightful duties as collecting appropriate taxes or punishing criminals. When the information concerns the criminal activities of a fellow Jew—as long as the Jewish criminal has also violated a Torah law and even if the punishment will be more severe than the Torah prescribes—the concern of *Mesirah* does not apply (“*Dina De-Malchuta Dina*,” *Journal of Halachah and Contemporary Society*, I:1, 1981, p. 118).

R. Gedalia Dov Schwartz, citing *Arukh haShulhan, Hoshen Mishpat* 388:7, maintains that *Mesirah* was prohibited because of the nature of the autocratic governments under which Jews lived throughout much of history. Such informing often led to dangerous persecution of the entire Jewish community. He holds that this injunction does not apply to those societies in which the government is generally fair and nondiscriminatory (“The Abused Child: Halakhic Insights,” *Ten Da’at*, Sivan 5748, p. 12).

In all states there are mandated reporters—generally those who work with minors in some sort of professional capacity—who are obligated by civil law to report abusers. But even those not mandated by state law to report are obligated by Jewish law to do so. “You shall not stand by the blood of your neighbor” (Lev. 19:16) is not limited to professionals; it applies to everyone. One shall report directly to the police or the appropriate civil authorities, Child Protective Services; any delay may prove dangerous.

## Hillul Hashem

Although we are instructed to “expose hypocrites to prevent the desecration of the Name (*Yoma* 86b),” many have advocated cover-ups of scandals in which Jews are involved because of concerns of *Hillul Hashem*. However, this concern about protecting the reputation of God and the Jewish people by repressing public discussion of behaviors and actions that may be deemed a “*Shandah*”, scandalous and disreputable, may in fact itself be a *Hillul Hashem*. First, unethical behavior in and of itself is a desecration of God’s Name. It is the abuser and not the abused that has committed *Hillul Hashem*, and it is those who cover up and silence victims, not those who seek justice and the protection of innocent victims, that desecrate God’s Name.

The initial denials and suppression are bad enough. When these efforts are exposed, the scandal is even greater. All *Hillul Hashem* will eventually be exposed, despite efforts to keep it hidden.

When faced with actions that are, in and of themselves, shameful desecrations of God’s Name, there is much precedent not only to allow its exposure, but to require it. For example, prohibited *Sha’atnez* is forcibly and publicly removed from a person in the street (*Berakhot* 19a) following the precedent of the biblical Judah, who, despite the shame he brought to himself, publicly admitted his sin with Tamar, thereby sanctifying God’s Name (*Sotah* 10b).

In addition, if *Hillul Hashem* creates a godless vacuum in the world and in people’s lives, then the assault that abuse victims suffer not only on their bodies, but on their psyches and their souls, is itself a tremendous *Hillul Hashem*. Many victims of abuse have been exploited first by their Jewish perpetrators and then have been betrayed by the reaction of the family and community they thought would help them, nurture them, and find them justice. In many cases, these victims lose faith in themselves, in the community, and in God. Those who do not reject their Judaism find strength in their faith, despite all that has been done to them. But in many cases victims are disillusioned by the institutions and leaders they thought they could trust. Too many of them abandon *mitzvah* observance and their connections to the Jewish community are weakened. This is the real *Hillul Hashem*.

The great *Shandah* occurs not when abuse is revealed, but when it is systematically denied or covered up by Jewish leaders and communities. Improper, indecent, immoral behavior can

destroy not only our reputations, but God's as well. Improper and immoral actions can further victimize those who are victims of violence and abuse, further inflicting their psychological and spiritual well-being.

Furthermore, there are many who are afraid to speak because of the damage it may do to their reputations, the acceptance of their families in their communities, or the ability of their children or siblings to find appropriate marriage partners. We must reevaluate our values and the priorities of our community. These victims are innocent. They did nothing and should not have to pay this heavy price nor carry this onerous burden. If anything, they should be admired for their courage in facing up to and overcoming adversity. The *Hillul Hashem* is when the community, one that aspires to be comprised of *Rahmanim Bnei Rahmanim*, does not live up to its responsibility to protect innocents.

## APPENDIX B

### UNDERSTANDING PHYSICAL ABUSE

Physical abuse can be understood as non-accidental physical impact and/or injury directed at a minor. This may include hitting, kicking, punching, burning, biting, striking, scalding, or beating with or without an object, severe physical punishment, and violent shaking

Some indicators of physical abuse

- Signs of unexplained physical injuries
- Delayed or inappropriate treatment of the injury
- Conflicting or changing stories about how the injury occurred
- A fear response around a particular individual

A child who has been physically abused may exhibit suspicious injuries. The injuries attributable to normal childhood “wear and tear” are usually found on the leading edges of the body – shins, elbows, and forehead. Injuries associated with physical child abuse may be located in the soft tissues of the abdomen or on the back, or on backs of arms and legs – places not usually affected by normal childhood mishaps.

- Burns: Burns that may indicate a child has been abused include cigarette or cigar burns on the soles of the feet, palms of the hands, the back or genital areas. Other burns associated with abuse are friction or tether burns on the wrists, ankles or around the neck caused by rope used to tie the child. Wet burns on the hands and feet that appear glove-like or sock-like are caused by forcing the child to bathe in water that is too hot. Dry burns leave distinctive marks in the shape of the instrument used to inflict them, commonly electric irons, radiator grates and kitchen range heating elements.
- Bruises: Bruises of a variety of colors (black, blue, yellow, and green) that point up different stages in healing and thus infliction at different times may indicate abuse. Varied colored bruises on the abdomen, back or face are especially suspicious. Bruises, similar to burns, may also reflect the shape or pattern of the weapon used to inflict them.
- Lacerations and abrasions: Minors usually have scraped knees, shins, palms, or elbows injuries that are very predictable. Cuts and abrasions in soft tissue areas on the abdomen, back, backs of arms and legs, or on external genitalia may be strong indicators of physical abuse. Human bite marks, especially when they are recurrent and appear to be adult-sized, strongly suggest abuse.
- Fractures: Unexplained fractures generally signal abuse. A child with multiple fractures occurring at different times is almost certain to be a victim of abuse. Other signs include swollen or tender limbs and spiral fracture caused by jerking of the arms.

(See: Nonprofit Risk Management Center, The Season of Hope: A Risk Management Guide for Youth-Serving Non-Profits, 52-53.)

## APPENDIX C

### UNDERSTANDING EMOTIONAL ABUSE

Emotional abuse may be the most common form of abuse in youth-serving organizations. Although emotional abuse can seriously harm a child, it leaves no physical scars and very little other evidence. The abuse is most often verbal, making it very difficult to detect. Minors themselves may simply quit a program, if they can, rather than submit to the abuse or report it.

The five forms of abuse listed by James Garbarino in *Emotional Maltreatment of Children* cover a wide range of actions. Each can hurt a child.

- **Rejecting:** Belittling, degrading and other forms of overtly hostile or rejecting treatment; shaming and/or ridiculing the child for showing normal emotions such as affection, grief or sorrow; consistently singling out the child to criticize, punish or to perform most of the household chores; publicly humiliating.
- **Terrorizing:** Placing the child in unpredictable or chaotic circumstances, such as witnessing domestic violence; placing a child in a dangerous situation. Setting unrealistic expectations and threatening harm or danger if they aren't met; exploiting a child's fears and vulnerabilities; threatening violence against the child, the child's loved ones or objects.
- **Isolating:** Confining the child or placing unreasonable restrictions on the child's freedom; placing unreasonable restrictions on the child's social interactions within the home or in the community or with another person responsible for the child's welfare.
- **Corrupting:** Encouraging antisocial behavior such as criminal activities, prostitution, pornographic performances, or corrupting others.
- **Ignoring:** Failure to express affection, caring and love for the child; being emotionally unavailable or uninvolved.

In most cases of emotional abuse, there are no physical signs of abuse.

#### Possible behavioral indicators of emotional abuse

- **Developmental disorders:** Deficits in growth or development
- **Habit disorders:** Thumb-sucking, head-banging, or rocking
- **Conduct disorders:** Antisocial or destructive behavior
- **Reactive behaviors:** Hysteria, phobias, compulsions, and hypochondria
- **Adaptive behavior:** Inappropriately adult or infantile behavior
- **Neurotic behaviors:** Speech disorders and sleep disturbances

- **Dramatic changes in school performance:** Drop in grades, attendance problems or general functioning.
- **Suicidal behavior:** Talking about, threatening, or attempting suicide

As with indicators for general childhood stress, these behaviors are indicators of a problem. The behavior may be caused by emotional abuse, or it may be induced by problems other than abuse. One way of checking is to call the parents' or caregivers' attention to the problem behavior and evaluate the reaction. If the parents/caregivers reject efforts to help the child or their response is apathetic or indifferent there may be grounds to make a report of suspected abuse.

(See: Nonprofit Risk Management Center, The Season of Hope: A Risk Management Guide for Youth-Serving Non-Profits, 53-55.)

## APPENDIX D

### UNDERSTANDING SEXUAL ABUSE

“Sexual abuse occurs whenever anyone with less maturity or power is tricked, trapped, coerced, or bribed into a sexual experience. It occurs whenever anyone disempowered by handicap, age, or situation is involved in an activity that is sexually stimulating to the perpetrator and which the victim does not fully comprehend or to which [he or] she is unable to give informed consent. The imbalance of power between victim and perpetrator is critical in the determination of abuse. The power imbalance may result from the perpetrator’s greater age, size, position, experience, or authority. Most sexual abuse does not involve physical violence. It usually involves some form of coercion and a misrepresentation of the activity. Coercion is fueled by the perpetrator’s desire for secrecy, which is necessary to prevent intervention and also to allow him [or her] continued access to the victim.” (Heggen, Carol Holderread. *Sexual Abuse in Christian Homes and Churches*. 20-21)

Sexual abuse occurs with Children as early as infancy. This abuse isn’t limited to penile penetration and encompasses acts that many of us have difficulty imagining. Nonetheless, molesters may commit any of the acts listed, which are based on the research of Kathleen C. Faller, a University of Michigan social work professor and a prosecution consultant on child molestation, who has been studying victims and perpetrators for many years.

#### Non-contact acts

- Sexual comments to the child - either electronically, in notes and letters, in person or through online services
- Exposure, such as the offender exposing his or her genitals to the child and masturbating in front of the child
- Voyeurism, in which the offender secretly observes the child for sexual gratification
- Showing pornographic material to the child
- Inducing the child to undress and masturbate in front of the offender

#### Sexual contact (above or beneath clothing)

- Sexual contact includes: Fondling or touching the child’s genitals, breasts or buttocks; inducing the child to touch the offender’s intimate parts; or rubbing his or her genital against the child’s clothing or skin (called frottage).
- Penetration: penetration includes: Digitally (finger) penetrating the child’s vagina or anus; inducing the child to place his or her finger in the offender’s vagina or anus; placing an object into the child’s vagina or anus; or having the child place an object into the offender’s vagina or anus.
- Oral Sex: Oral sex includes: Tongue kissing; breast sucking, licking, and/or biting; cunnilingus or the licking, kissing, sucking, or biting of the vagina, or placing the tongue

in the vaginal opening; fellatio or licking, kissing, or sucking the penis; or anilingus or licking or kissing the anal opening.

- Penile Penetration: Penile penetration includes vaginal intercourse; anal intercourse, or intercourse with animals by offender in front of victim.

### **Possible physical indicators of child sexual abuse**

Physical evidence of sexual abuse, if present at all, tends to be temporary. These signs could include the following:

- Difficulty in walking
- Torn, stained, or bloody underwear
- Pain or itching in the genital area
- Pregnancy
- Bruises or bleeding of the external genitals
- Sexually transmitted diseases

### **Possible behavioral indicators of child sexual abuse**

The behavioral signs of sexual abuse are likely to be present longer and more conspicuously than physical signs. Many sexually abused minors exhibit the signs of childhood stress in addition to the behaviors associated with child sexual abuse.

The presence of any of these indicators signals the *possibility* that sexual abuse has occurred. The indicators alone aren't conclusive evidence that a child has been molested.

- Exhibiting apprehension when sexual abuse is brought up
- Wearing lots of clothing, especially to bed
- Defecating or urinating in clothes or in their beds past the typical developmental age of accidents
- Unwillingness to be left alone with a particular person
- Inappropriate understanding of sex for the child's age, specifically the ability to describe the senses involved with sexual activity such as smell and taste, or a description that involved a gag reflex.
- Drawing pictures with genitals

- Drawing pictures of sexual acts
- Fearing touch
- Abusing animals
- Persisting in inappropriate sex play with peers or toys
- Masturbating in public
- Engaging in prostitution

## APPENDIX E

### UNDERSTANDING BULLYING AND HARASSMENT

#### **Bullying Definition**

Bullying can take different forms; it is important to differentiate bullying from normal games or banter. Bullying has the following characteristics:

- **Planning:** Bullying is planned aggressive behavior, where the victim is carefully selected from the most timid and solitary of a group to minimize retaliation. Furthermore, the bully awaits the right moment, when there is less adult supervision, to carry out his/her act(s).
- **Power:** The Bully is stronger than the victim, not necessarily in terms of physical strength but socially. The bully has a group of friends/accomplices with whom s/he acts, while the victim is alone, vulnerable, and unable to defend him/herself.
- **Rigidity:** The role of the bully and the victim are fixed.
- **Pack bullying / mobbing:** Acts of bullying are more and more executed by small “gangs”.
- **Fear:** Both the victim and peers who assist in acts of bullying are afraid. They are afraid that talking about it with adults will only worsen the situation because they fear retaliation. They prefer to undergo the situation in silence in the hope it will stop by itself.

#### **Bullying Can Take Different Forms**

- **Physical bullying:** Aggressive acts directed towards the victim (kicking, punching etc.), damaging his/her personal property, intentional theft.
- **Verbal bullying:** Overt -- intended to mock, humiliate, devalue, criticize, accuse etc. Or hidden, e.g., spreading false rumors, gossip, or other provocations.
- **Emotional bullying:** Social (ostracizing the victim from the group, cyber bullying etc.) or engaging in manipulative acts (interfering in and/ or breaking up friendships in which the victim is involved).
- **Cyber bullying:** Several scientific studies have shown that children are very quick to copy their parents' and friends' behavior. They have excellent technical skills but at the same time do not yet think critically about the consequences of digital technology and are not aware of the risks of the digital world. This on-line playground can become a place where bullying starts or is continued. Active adult guidance, focusing on moral values and provoking critical thought helps minors to become more aware of the risks, challenges, and the opportunities of the digital world.

## APPENDIX F

### **SIGNS OF CHILDHOOD STRESS**

- Dramatic changes in school performance. A sudden drop in participation or grades, punctual child becoming tardy or skipping school.
- Changes in behavior. Either regressive, in which the child reverts to behavior typical of a younger age, or precocious, in which the child acts much older than his or her chronological age.
- Sleep disturbances. Nightmares, insomnia, fear of the dark, fear of sleeping alone or excessive sleeping.
- Changes in eating behavior. Anorexia, bulimia, and sudden increases or decreases in appetite.
- Inappropriate fears. Fear of a person, familiar place, or activity.
- Hostile language or aggressive behavior. Swearing, verbally wishing harm to others; or tripping, pushing, hitting, biting.
- Overly compliant behavior. Willing to do whatever is asked, even if it is harmful to the child.
- Depression. Hopelessness, withdrawal from family or friends, threats or attempts at suicide.
- Delinquency or running away from home. Stealing from friends, shoplifting, spray painting graffiti on buildings.