

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Vice-Chairman Lance Kinzer at 3:30 P.M. on January 22, 2007 in Room 313-S of the Capitol.

All members were present except:

- Kevin Yoder- excused
- Mike O'Neal- excused

Committee staff present:

- Jerry Ann Donaldson, Kansas Legislative Research
- Athena Andaya, Kansas Legislative Research
- Jill Wolters, Office of Revisor of Statutes
- Duston Slinkard, Office of Revisor of Statutes
- Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

- Tim Madden, Kansas Department of Corrections
- Representative Terrie Huntington
- Representative Ann Mah
- Dr. Mark Schutter, Superintendent of Larned State Hospital
- Doug Vance, Kansas Recreation & Parks Association
- Dale Goter, City of Wichita
- Secretary Roger Werholtz, Kansas Department of Corrections
- Callie Denton-Hartle, Kansas Trial Lawyers

Representative Watkins requested a bill relating to the chief judge being elected by judges in that judicial district. He moved to have his request introduced as a committee bill. Representative Patton seconded the motion. The motion carried.

Tim Madden, Kansas Department of Corrections, requested three bills:

1. Relating to sentencing to provide for equal treatment of persons committing crimes while on release from other jurisdictions
2. Amendments to the unlawful sexual relations act to include volunteers
3. Providing authority to the Secretary of Corrections to cancel revocation hearings

Representative Kinzer made the motion to have the requests introduced as committee bills. Representative Watkins seconded the motion. The motion carried.

Representative Terrie Huntington appeared before the committee with a bill request to automatically increase child support payments with the same increase as the cost of living adjustment. Representative Watkins made the motion to have the request introduced as a committee bill. Representative Colloton seconded the motion. The motion carried.

Representative Ann Mah appeared before the committee with three bill requests:

1. Child in need of care reporting requirements be provided to the district attorneys office
2. Allow for flexibility in sentencing those with suspended licenses
3. Increase the penalties for theft

Representative Patton made the motion to have the requests introduced as committee bills. Representative Owens seconded the motion. The motion carried.

Representative Owens requested a bill that would allow courts to retain jurisdiction of Child In Need of Care cases until the child has completed high school. He made the motion to have his request introduced as a committee bill. Representative Whitham seconded the motion. The motion carried.

Representative Kiegerl requested a bill that would make child support continue to the age of 23 if the child is enrolled in college full time. Representative Watkins made the motion to have the request introduced as a committee bill. Representative Wolf seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on January 22, 2007 in Room 313-S of the Capitol.

The hearing on **HB 2001- civil commitment of sexually violent predators**, was opened.

Dr. Mark Schutter, Superintendent of Larned State Hospital, appeared as a proponent to the bill. He proceeded to explain that there are three major points of the bill:

- allowing the Secretary of Corrections to establish rights & rules for the Sexual Predator Treatment Program residents
- section 3 excludes those individuals who have been civilly committed as a sexually violent predator
- clarifies the roles and responsibilities with respect to costs incurred in providing treatment & care and requiring them to share the burden of the cost of treatment. (Attachment 1)

The hearing on **HB 2001** was closed

The hearing on **HB 2088 - criminal trespass against children**, was opened.

Doug Vance, Kansas Recreation & Parks Association, appeared as a proponent to the proposed bill which would give facility management supervisors the legal authority to provide written notice to sex offenders to leave the property. The bill is patterned after a Washington statute. The proposed bill would basically deny sex offenders access to parks, pools, playgrounds, day care facilities and public libraries. (Attachment 2)

Dale Goter, City of Wichita, also appeared in support of the proposed bill which would provide safe places for children to play outside their home. (Attachment 3)

Secretary Roger Werholtz, Kansas Department of Corrections, voiced some concerns with the proposed bill and the policy that targets all sex offenders when a majority do not necessarily pose the biggest threat to children. Strangers are not the biggest threat, individuals who are known to that child are. He suggested that the committee might want to look at managing sex offenders and what type of risk they would impose. If their previous crimes are against children, there might need to be restrictions as to where they can frequent. (Attachment 4)

Callie Denton- Hartle, appeared as an opponent of the bill because it encourages people to become vigilantes. (Attachment 5)

The hearing on **HB 2088** was closed.

The committee meeting adjourned at 4:20 p.m. The next meeting was scheduled for January 23, 2007.

**Kansas Department of Social and Rehabilitation Services
Don Jordan, Acting Secretary**

House Judiciary Committee
January 22, 2007

HB 2001 - Rights and Rules of Sexual Predator Treatment Program Residents

Chairman O'Neal and members of the Committee I am Dr. Mark Schutter, Superintendent of Larned State Hospital. Thank you for allowing me to speak with you today.

In carefully considering House Bill 2001, I think it is critical to remember that patients receiving services in the various programs at the different state hospitals are very different from one another. We ought to think about each patient group separately when making decisions impacting community safety, the safety of our hospital employees, the safeguarding of patient rights, and the responsible use of the state's resources. This bill preserves the rights of patients with a serious mental illness or a developmental disability, gives professionals the means to better ensure the safety of children in our communities and employees at our state hospitals, and permits better clinical and fiscal management of certain patient situations.

Please join me in looking at some of the changes that HB 2001 proposes. Section 1 (a) specifies that the rights and rules of conduct for Sexual Predator Treatment Program residents will be established by the Secretary. This is in recognition of the fact that compared to individuals with severe and persistent mental illness in LSH and OSH's other programs, or individuals with developmental disabilities at KNI or Parsons, the vast majority of SPTP residents function at a high cognitive level and are not mentally ill outside the area of their sexual offending. These are individuals who do not need the same safeguards with respect to patient rights that other patients do. The legislature recognized that sexually violent predators are different in important ways from most with a mental illness or developmental disability when the Violent Sexual Predator Act was created in 1994. The vast majority of SPTP residents are diagnosed as pedophiles and over 50% are also diagnosed with anti-social personality disorder. Only about 2% of residents are diagnosed with a serious mental illness. The Bill of Rights for Mentally Ill Patients does not fit the treatment and security needs of the Sexually Violent Predator population. Other states have recognized this fact and have adopted a separate bill of rights for SVP's. Looking at two examples, we find that Wisconsin's bill of rights is very detailed, while New Jersey's simply acknowledges the differences in populations and directs their Secretary to design rules and regulations based on the needs and characteristics of that population, similar to what is proposed in Kansas House Bill 2001.

While Section 1 (c) has been expanded to include all SRS employees working at any

state hospital, it will not infringe on the rights of mentally ill or developmentally disabled patients. Patients whose actions are substantially driven by their mental illness or developmental disability are unlikely to be found competent to stand trial. Each battery and each patient will be considered on a case by case basis, with a focus only on those patients who are clinically considered to be responsible for their actions. In Larned, the County Attorney often inquires about the severity of a patient's illness before filing charges. While civilly committed patients in the Psychiatric Services Program at Larned (which treats patients with mental illness) commit substantially more assaults and batteries than individuals in the Sexual Predator Treatment or State Security Programs, only a subset of them would be seen as potentially competent and/or criminally responsible.

Section 3 (d) states clearly that the rights afforded residents of the SPTP program need to be considered separately from those patients whose low functioning calls for special protection of their rights. SVP's, due to their personality structure and tendencies toward criminal thinking and behavior, need to be managed differently. For example, while it is important to preserve the confidentiality of mail for mentally ill and developmentally disabled individuals, SVP's have at times abused this right. In one LSH example, SPTP residents sent phone cards to developmentally disabled females in the community who they then attempted to coerce into engaging in phone sex with them. Some SPTP residents at LSH have also been able to use their right to confidential use of the mail to contact and harass prior victims. Under current guidelines, LSH was powerless to stop these acts. In yet another example, SPTP residents at LSH who pose an extremely high risk to the community are also protesting the use of handcuffs when taking them into town for medical appointments – though that measure is necessary to assure the safety of children.

Section 4 (2) offers a safe and more cost effective approach for dealing with SPTP residents who have become so irreversibly infirm that they can neither complete the program nor offend against another person. We currently have at least two such individuals who could be cared for in a nursing home at significantly reduced cost to the state. As the SPTP resident population continues to age, keeping such individuals in the SPTP program will result in increasing demands on scarce clinical and financial resources, and will achieve no practical security benefit over other options.

Section 5 (a) (b) clarifies roles and responsibilities with respect to costs incurred in providing care and treatment for committed persons, and for providing transportation and security for patients going to court hearings. Several SPTP residents are contesting the practice of requiring them to share the burden of the cost of treatment. This past year, LSH paid approximately \$101,000 in SPTP resident wages and recouped roughly \$32,000 to pay their bills. Section 5 (c) helps the state avoid an unreasonable drain on state resources due to patient-initiated court involvement. These changes are particularly important with respect to the residents in the SPTP program who are more litigious than any other patient population. There are now

several court petitions or lawsuits filed by SPTP residents who consistently see themselves as victims of the State of Kansas and who wrongfully proclaim that their rights have been violated because they are not allowed sufficient freedom to do as they like, or that their accommodations are not adequate.

In closing, HB 2001 does not detract from the preservation of the rights of individuals with a mental illness or a developmental disability whose level of functioning calls for special sensitivity to and protection of those rights. It does allow for a more appropriate balance between patient rights and the rights of community members and state employees to be protected from harm, and it helps ensure wise use of scarce resources.

I will be happy to answer any questions from the Committee.

**Testimony on HB 2088-A safe environment for children
To the
House Committee on Judiciary
By
Doug Vance
Executive Director
Kansas Recreation and Park Association**

January 22, 2007

Mr. Chairman and members of the committee, thank you for the opportunity to provide testimony on HB 2088. I'm here today representing the Kansas Recreation and Park Association in support of House Bill 2088 which would prohibit convicted child sex offenders from having access to parks, pools, playgrounds, day-care facilities, libraries or any entity that caters to children at play or in a learning environment.

At the heart of this legislation is a philosophy that values children's safety in public areas as paramount in the concept of sex offender management.

Just as I wouldn't want my family on the same highway with a drunk driver, I don't want my children or my grandchildren in the same park, playground or ball field with someone who has a criminal history of this crime.

I am aware of instances in state or local parks in the past where an individual that has been classified as a sex offender by the State of Kansas has taken advantage of children. I've been told by park law enforcement officials, as an example, of a park in which there is one of these individuals who frequents the park several times a week.

This bill would give facility management supervisors the legal authority to have an individual identified as a convicted sex offender to be removed from the property if they deemed them as a threat to the safety of their patrons. If nothing else, this law will serve as a strong deterrent in preventing offenders from being in locations they are known to troll for victims.

The bill is patterned after legislation passed in the state of Washington after a parks director in a Seattle suburb voiced frustration about not being able to do anything about known sex offenders watching children in public parks.

According to the Kansas Bureau of Investigation, there are over 4,500 registered offenders in the state of violent and sex crimes. Of that number, nearly 95 percent are convicted sex offenders.

House Judiciary
Date 1-22-07
Attachment # 2

Our focus is to create a barrier of protection and minimize the risk our children face when they are active at play. Reducing that risk should be fundamental in the laws we create as we strive to prevent children from becoming victims of this horrendous crime.

This is particularly important in playgrounds, ball fields, swimming areas, trails and public restrooms because parents or adults are not always there to keep a close eye on children.

I would not view this as extended punishment for offenders, but as extended protection for children. For the same reasons we have a sex offender registry, this – in my opinion – is a part of the consequences that should come with being convicted of this crime.

According to the National Conference of State Legislatures, “new means to supervise and protect the public from sex offenders were top anti-crime priorities of state legislatures in 2005.” State legislatures passed more than 100 sex offenders laws in 2005.

The surging legislative activity continued into 2006 and it’s my hope that we continue to find new methods to combat this growing problem in 2007.

Thank you Mr. Chairman and I will be glad to answer any questions the committee may have.



Dale Goter
Government Relations Manager

TESTIMONY

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Kansas House House Committee on the Judiciary

House Bill 2088 Criminal trespass against children by sex offenders; penalties therefor; notification; immunity from liability

January 22, 2007

The City of Wichita is supportive of House Bill 2088 and its intent to provide a safer community for our children.

Our support is based on the following principles and assumptions:

- Parents expect their children to be safe outside their own homes.
- In order to reduce childhood obesity, children must be active and where they go must be safe.
- Park and Recreation Departments must have tools at their disposal that will remove potential threats from their facilities.
- Inappropriate behavior is on the rise in most municipal park facilities.

The Wichita City Council has formally endorsed this legislation as part of its official 2007 Kansas Legislative Agenda.

House Judiciary
Date 1-22-07
Attachment # 3

Secretary Ross
DeVerholy
of
Corrections

CENTER FOR SEX OFFENDER MANAGEMENT
Educating the Community about Sexual Assault and the Management of Sex Offenders in the Community
A Training Curriculum

CSOM
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A Project of the Office of Justice Programs, U.S. Department of Justice

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Section 4: Lecture Content and Teaching Notes

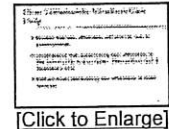
The Role of the Community

25 minutes

TOPIC: HOW CAN COMMUNITY MEMBERS HELP SUPPORT THE GOALS OF SEX OFFENDER MANAGEMENT? (5 minutes)



> Use Slides #7-8: How Community Members Can Help



Community members may be involved in the following ways:

The Trainer should be prepared to field many questions from participants about their role in the management of sex offenders, and about the specific practices in place in this jurisdiction. Allow time for discussion.

- Accept that sex offenders will and do live in communities. As has been stated repeatedly today, it is not feasible to incarcerate all offenders for life. Therefore, we must recognize that sex offenders living among us is a fact of life and we should be proactive in responding to that fact.
- Understand that safely supervising sex offenders in communities is complex but necessary. The strategies that are emerging as promising for preventing individual offenders from reoffending are not simple. Unfortunately, there is no single solution for ending sexual assault.
- Refrain from ostracizing sex offenders or their families. When sex offenders or their families are ostracized, the stress that is created can only slow their progress in treatment and may jeopardize their willingness to comply with registration laws and/or conditions of supervision.
- Use available channels for expressing concerns. If community members have a concern about a particular sex offender, the information should be brought to the attention of the offender's supervision officer or other legal authorities immediately. If there is not a satisfactory response, call on the officer's supervisor. Attempts to confront, harass, or shame a sex offender into compliance can backfire. First, such efforts often have as great an impact on innocent family members as they do on the offender; and second, the kind of stress, fear, and humiliation of such experiences can increase the possibility of reoffense.

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 Attachment # 4

- Educate yourself and loved ones about the dangers of sexual assault. As was discussed earlier, many of us as parents and as women hold fears about sexual assault that are based on misconceptions. To protect yourself and loved ones it is important that you know what the actual dangers are.
- Help to educate neighbors and friends, in an attempt to give the sex offender a better chance at successful reintegration. It is essential, given the breadth of sexual assault, that sex offenders be given the tools and support to reintegrate and contribute productively to society.
- Assist key personnel in monitoring the offender's behavior and actions while residing in a community. This is not to put community members in a supervisory role, but to empower them to take responsibility for their community's safety as well as the offender's attempts to reintegrate into society in a safe and healthy manner. This work must be done in close collaboration with the community supervision agency, where such programs exist.

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You Can Protect the Ones You Love: Important Information about Child Sexual Abuse

Definition of Child Sexual Abuse

Child sexual abuse is any form of sexual activity imposed upon a child by an adult or other child in a position of power, authority, or influence.

Child sexual abuse can involve touching the intimate parts of a child's body, enticing or forcing the child to have sexual relations, or participating in non-touching offenses such as obscene phone calls or taking pornographic photos.

The Perpetrator of Child Sexual Abuse:

- is often a family member or someone who knows the child and family;
- may be male or female;
- may come from any socio-economic background, ethnic, or religious group; and
- may begin abusing others as a child or teenager.

The Child Victim:

- may be a boy or girl;
- in most cases knows and trusts the abuser;
- may be an infant, toddler, pre-school, or school aged child up to age 18;
- may come from any socio-economic background, ethnic, or religious group;
- is usually afraid to tell about the sexual abuse for fear of being blamed or punished; and
- rarely is abused by a stranger.

(Created for this curriculum by the Connecticut Sexual Assault Crisis Services, Inc.)

Listen and Talk With Children

Perhaps the best way to prevent child sexual abuse is for parents to communicate with their children. This is also a responsibility for other adults who have contact with children or adolescents. You may want to:

- Talk to children and take time to listen and observe. Learn as many details as you can about their activities and feelings. Encourage them to share concerns and problems with you;
- Explain that their bodies belong only to them and that they should tell you if someone wants to touch them in places that are not okay;
- Tell children that some people may try to hurt them and make them do things they do not feel comfortable doing. Tell them to say no, get away, and go tell someone;
- Explain about secrets. Some abusers tell children to keep the sexual activity a secret. Some abusers may even threaten children that their parents may be hurt or killed if the secret is shared. Explain that this is a secret not to be kept, one that should be told to someone they trust; and
- Tell children that people whom they know, trust, or love, like a parent, relative, babysitter, or even a teacher or member of the clergy, might try to do something like this.

Make sure children know that if someone does something confusing to them, you want to know about it. Reassure them and explain that they will not be blamed for whatever has happened. You also want to be told if they have seen something that disturbs them.

Try not to scare children—emphasize that the majority of people never do this and that most adults are deeply concerned about protecting children from harm.

You may be reminded of experiences you have had. There is help available if you would like to talk to someone about it.

Physical and Behavioral Signs

Children who may be too frightened to talk about sexual molestation may give no indication of it or may exhibit a variety of physical and behavioral signs. Any or several of these signs may be significant; they may also suggest problems other than sexual abuse. Adults should be alert to such symptoms, including:

- Extreme changes in behavior, such as loss of appetite;
- Fear of the dark or sleep disturbances—nightmares, bed-wetting, fear of sleeping alone, or loss of sleep;
- Regression to more infantile behavior such as thumb sucking or excessive crying;
- Expressing affection in ways inappropriate for a child of that age, unusual interest in or knowledge of sexual matters, or excessive masturbation;
- Vaginal or rectal bleeding, pain itching, swollen genitals, vaginal discharge, or sexually transmitted diseases;
- Fear or intense dislike of a particular person, or being left in a particular place;
- Change in school patterns; specifically, reduced attendance, inability to concentrate, excessive daydreaming, sudden changes in grades;
- Teenage pregnancy, prostitution;
- Suicide attempts, alcohol or drug use;
- Other behavioral signals, such as aggressive or disruptive behavior, withdrawal, running away, or delinquent behavior.

If You Think Sexual Abuse has Occurred

- Believe the child. Children rarely lie about sexual abuse.
- Praise the child for telling you about the experience.
- Show your support for the child. Children's greatest fear is that they are at fault and responsible for the incident. Reinforce the fact that the child is not at fault.
- Remain calm. Recognize that your attitude and acceptance are important signals to the child.

- Report the abuse to your Department of Children and Families, a state or local police department, or the local infoline number. Reporting is especially important for the protection of your children and other youngsters.
- Get help. Contact your community clinic, hospital emergency room or doctor, sexual assault crisis service, or social service agency to assist you.
- Do not blame yourself. Sexual abuse is a fact in our society. Many abusers choose work or community activities that give them access to children. Most abuse occurs in situations where children know and trust the abuser. Reporting may prevent further incidents.

What Will Happen Then?

A social worker from your Department of Children and Families and/or police officer will contact you about the report. He or she will talk to you and your child and ask questions about what happened. Depending on the circumstances, you may be asked to have your child examined by a physician if you have not already done so. The social worker may refer you to available services to help you and your child, and will continue to assist and support you if necessary.

Remember that child sexual abuse is an individual and community problem. It can be overcome. We must work together to protect and support our children.

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OTHER CSOM CURRICULA

Section 1: Lecture Content and Teaching Notes

What Community Members Need to Know about Sexual Assault and Sex Offenders

55 minutes



TOPIC: TIPS ON REDUCING YOUR AND YOUR LOVED ONES' RISK OF SEXUAL ASSAULT (15 minutes)

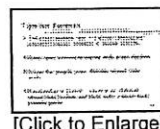
Refer to handout: *Reducing the Risk of Sexual Assault Packet (You Can Protect the Ones You Love, Know the Rules: Just in Case... Personal Safety Tips for Teens, Personal Safety Tips for Kids and Parents, Knowing My 8 Rules for Safety)*. Cite or draw participants' attention to the Bureau of Justice Statistics report entitled *Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault, 1997*. The complete text of the report can be found among the Section 1 "participant materials" included with this curriculum.

One of the major reasons why it is important to be informed about sexual assault is so that you can take steps to prevent it. And, there are indeed steps you can take to reduce your risk of sexual assault, your child's risk, or the risk facing others. Right now we are handing out a packet of information that provides guidance to parents about protecting their children and what to do if their child is sexually assaulted, including how to promote a positive healing process. There is also a handout from a nationally known coalition of sexual assault programs (CONNSACS) to help teens and adults reduce their risk. Some of the central themes of the risk-reduction material in general and in your packet, include the following:

FOR PARENTS:

- Inform children that it is wrong for adults to engage children in sexual activity.
- Stress to your child that he or she should feel comfortable telling you anything, especially if it involves another adult. And that if your child does not feel comfortable being completely honest with you, then together you should find another trusted adult your child can talk to in confidence.

Use Slides #17-20: Tips for Parents



[\[Click to Enlarge\]](#)

Encourage the audience to ask questions about these protection strategies. While there is no learning activity to accompany this information, it is important to make this section as interactive as possible.

Refer to handout: *A Parent Books List is included among the participant materials for this section of the curriculum. Encourage participants to consider it a resource in talking with their children about sexual abuse in age-appropriate ways.*

- Make an effort to know the people with whom your child is spending time.

- Knowledge is power. This is especially true for protecting children from sexual assault. Teach your children about their bodies, give them the correct language to use when describing their private parts. Emphasize that those parts are private.
- Make sure you know where each of your children is at all times. Know your children's friends and be clear with your children about the places and homes they may visit. Make it a rule that your children check in with you when they arrive at or depart from a particular location and when there is a change in plans. You should also let them know when YOU are running late or if your plans have changed so that they can see the rule is for safety purposes and not being used to 'check up' on them.
- Never leave children unattended in an automobile, whether it is running or not. Children should never be left unsupervised or allowed to spend time alone, or with others, in automobiles, as the potential dangers to their safety outweigh any perceived convenience or 'fun.' Remind children NEVER to hitchhike, approach a car or engage in a conversation with anyone in a car who they do not know or trust, or go anywhere with anyone without getting your permission first.
- Be involved in your children's activities. As an active participant, you will have a better opportunity to observe how the adults in charge interact with your children. If you are concerned about anyone's behavior, take it up with the sponsoring organization.
- Listen to your children. Pay attention if they tell you that they do not want to be with someone or go somewhere. This may be an indication of more than a personality conflict or lack of interest in the activity or event.
- Notice when someone shows one or all of your children a great deal of attention or begins giving them gifts. Take the time to talk to your children about this person and find out why the person is acting in this way.
- Teach your children that they have the right to say NO to any unwelcome, uncomfortable, or confusing touch or actions by others. Teach them to tell you immediately if this happens. Reassure them that you are there to help and it is okay to tell you anything.
- Be sensitive to any changes in your children's behavior or attitude. Encourage open communication and learn how to be an active listener. Look and listen to small cues and clues that something may be troubling your children, because children are not always comfortable disclosing disturbing events or feelings. This may be because they are concerned about your reaction to their problems. If your children do confide problems to you, strive to remain calm, non-

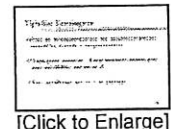
critical, and nonjudgmental. Listen compassionately to their concern and work with them to get the help they need to resolve the problem.

- Be sure to screen babysitters and caregivers. Many states now have public registries that allow parents to screen individuals for prior criminal records and sex offenses. Check references with other families who have used the caregiver or babysitter. Once you have chosen the caregiver, drop in unexpectedly to see how your children are doing. Ask your children how the experience with the caregiver was, and listen carefully to their responses.
- Practice basic safety skills with your children. Make an outing to a mall or a park a 'teachable' experience in which your children can practice checking with you, using pay phones, going to the restroom with a friend, and locating the adults who can help if they need assistance. Remember that allowing your children to wear clothing or carry items in public on which their name is displayed can bring about unwelcome attention from inappropriate people who may be looking for a way to start a conversation with your children.
- Remember that there is no substitute for your attention and supervision. Being available and taking time to really know and listen to your children helps build feelings of safety and security.
- Also remember that in the vast majority of cases (up to 90%), children are molested by someone they know. Your efforts at keeping your child safe must be informed by this fact and not focused exclusively on the danger that strangers may present.

FOR TEENAGERS:

- Adolescence is a scary time for children, and one in which they are most at risk for sexual assault. Prepare for the possibility that as adolescents, they may engage in some risk-taking behavior and try to minimize that risk by educating them about the danger of sexual assault by friends, acquaintances, or others. This danger is enhanced when teenagers are abusing drugs or alcohol.
- Encourage your teenager to trust her or his instincts and if a situation makes him or her uneasy, to get out of it.
- Stress to them that they can always talk to you if they have been hurt or scared (regardless of the circumstances surrounding the incident).

➤ Use Slide #21: Tips for Teenagers



FOR YOU:

4-9

Safety Tips for Kids and Parents

- Though well-meaning, the advice “Don’t talk to strangers” is ill-conceived. Most children are sexually abused by someone they already know, be it a family friend, a neighbor, a babysitter, a coach—even a family member.
- Pedophiles are notoriously personable with children and will go out of their way to put a child at ease. Even a complete stranger who engages a youngster in friendly conversation can quickly become someone that child “knows.”
- When talking to your children, avoid scare tactics. Explain that most adults would never do anything to hurt a child; those who prey on children are the exception.
- Teach your child basic sex education, i.e., the areas of the body covered by a bathing suit are private. Molesters admit that a child’s innocent curiosity and/or ignorance make that child easier to abuse.
- Establish that sexual advances from adults are against the law. This gives children the confidence to assert themselves with adults who seek to abuse them.
- Do not instruct children to “Give Uncle Jimmy a kiss” or “Give Aunt Susan a hug.” Allow children to express affection on their own terms.
- Develop strong communication skills with your children. Explain the importance of reporting abuse to you or another trusted adult.
- Stress that there should be no secrets from you, especially those involving another adult.
- Make a strong effort to know your children’s friends and their families.
- Volunteer to chaperone extracurricular activities like Boy Scouts and sporting events, especially those involving overnight trips.
- Do not rely entirely on “The Buddy System.” While it may make children (and parents) feel safer, its effectiveness is questionable. In many instances, sisters, brothers and playmates have been raped, abducted and even murdered when together.
- Make a commitment to spend more time with your child; the lonely and attention-starved child is an easy target.
- Instruct children never to go with or get in a car with anyone, unless you have given them direct permission.
- Above all, encourage children to recognize, trust and follow their instincts—and listen to your own instincts. If a situation or person makes you or your child uneasy, believe in your feelings and act on them.
- Make your child familiar with the common lures used by child molesters and abductors.

*Excerpted with permission from the Child Lures Parent Guide:
www.childlures.com/home/safety/index.html
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Knowing My 8 Rules for Safety

1. I always **CHECK FIRST** with my parents or the person in charge before I go anywhere or get into a car, even with someone I know.
2. I always **CHECK FIRST** with my parents or a trusted adult before I accept anything from anyone, even from someone I know.
3. I always **TAKE A FRIEND** with me when I go places or play outside.
3. I **KNOW** my name, address, telephone number, and my parents' names.
5. I **SAY NO** if someone tries to touch me or treat me in a way that makes me feel scared, uncomfortable, or confused.
6. I **KNOW** that I can **TELL** my parents or a trusted adult if I feel scared, uncomfortable, or confused.
7. It's **OK** to **SAY NO**, and I **KNOW** that there will always be someone who can help me.
8. I am **STRONG, SMART**, and have the right to be **SAFE**.

- **CHECK FIRST**
- **TAKE A FRIEND**
- **TELL SOMEONE I TRUST IF SOMETHING IS WRONG**
- **STAY STRONG, SMART, AND SAFE**

Source: The National Center for Missing and Exploited Children

Copies of these rules in English and several other languages (including Braille) can be ordered by contacting the National Center for Missing & Exploited Children (NCMEC), Charles B. Wang International Children's Building, 699 Prince Street, Alexandria, Virginia 22314-3175, **1-800-THE-LOST** (1-800-843-5678). The NCMEC also provides numerous other resources available on its web site
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Parent Book List*

Storybooks (Books for children to read with their parents, or to be read by parents to children)

It's My Body by Lori Freeman; "Beginner book for talking about sexual assault. This book does not have specific references or stories about sexual abuse. It discusses how feelings can help children make decisions about their bodies and how to communicate those decisions." Also available in Spanish. Age group 3-5 years. Produced by Parenting Press 800-992-6657; \$5.95 paperback, \$15.95 library.

Something Happened and I'm Scared to Tell by Patricia Kehoe; "With the help of a friendly lion, a young child sexual abuse victim is able to talk about sexual abuse and recover self esteem." Also available in Spanish. Age group 3-7. Produced by Parenting Press 800-992-6657, \$5.95 paperback, \$15.95 library.

Loving Touches by Lori Freeman; "Teaches children how to ask for and give loving touches. Also to learn how to respect their own and other's bodies." Age group 3-8. Produced by Parenting Press 800-992-6657, \$5.95 paperback, \$15.95 library.

The Trouble With Secrets by Karen Johnson; "Helps children distinguish between hurtful secrets and good surprises." Age group 3-8. Produced by Parenting Press 800-992-6657, \$5.95 paperback, \$15.95 library.

Telling Isn't Tatting by Kathryn Hammerseng; "Many children have trouble knowing the difference between telling and tattling. This book helps children learn when to tell an adult they need help and when to deal with problems themselves. It also helps adults learn when to pay attention to kids' requests for help. Thirteen stories portray typical examples of children telling and tattling. Each one ends with the question, 'Is she/he telling or tattling?' Alternatives to tattling and additional suggestions for telling round out each story." Age group 4-12. Produced by Parenting Press 800-992-6657; \$5.95 paperback, \$15.95 library.

it happens to BOYS too... by Jane A.W. Satullo; MA, Robertta Russell, Ph.D.; and Pat. A. Bradway; "Information for both parents and elementary school age boys about sexual abuse and how to get help." Age group 5-12. Produced by Rape Crisis Center for the Bershires Press, 18 Charles Street, Pittsfield, MA 01201.

A very Touching Book...for little people and big people... by Jan Hindman; "A very complete book that discusses types of touching, 'private parts', secrets, and when, who, and how to tell." Produced by AlexAndria Associates 541-889-8938.

I like You to Make Jokes With Me, But I Don't Want You To Touch Me by Ellen Bass; "An empowering book for young children about saying 'No' to unwanted touching." Age group 3-8. Produced by Lollipop Power Books/Carolina Wren Press.

Sarah by Illana Keets; "A story about a girl who after being sexually abused by her uncle, disassociates from her family until she is brought to her pediatrician who discovers what has been happening. He explains what steps need to be taken. Has an epilogue that discusses the issue of sexual abuse that can help parents talk to their children." Age group 8-12. \$16.95 available from Amazon.com.

When I Was Little Like You by Jane Poret; "A story written about the author's childhood experiences with sexual abuse. Discusses various issues regarding sexual abuse ranging from definitions and emotions of sexual abuse to who you can tell if it happens. Can be useful in attempts to initiate discussions with children." Age group 5-10. \$12.95 available from Amazon.com.

No More Secrets for Me by Oralee Wacheter; "A realistic book for elementary age children about sexual abuse and inappropriate touching of private parts." Age group elementary school. Produced by Little, Brown and Company. Available at Amazon.com

CENTER FOR SEX OFFENDER MANAGEMENT
 Educating the Community about Sexual Assault and the
 Management of Sex Offenders in the Community
A Training Curriculum
 A Project of the Office of Justice Programs, U.S. Department of Justice

CSOM
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Educating the Community Home Page
Outline
I. What Community Members Need to Know >
II. Conducting a Community Notification >
III. Managing Sex Offenders >
IV. The Role of the Community >
OTHER CSOM CURRICULA

Section 4: Lecture Content and Teaching Notes

The Role of the Community

25 minutes

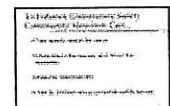


TOPIC: ENHANCING COMMUNITY SAFETY (5 minutes)

You may have to remind the audience that, as previously discussed, the management of sex offenders can be effective if it is coordinated with the community. As long as sex offenders are released back to the community, the community is needed to help create an environment that promotes safety.

TO ENHANCE COMMUNITY SAFETY, COMMUNITY MEMBERS CAN:

> Use Slides #4-6: To Enhance Community Safety Community Members Can...



[\[Click to Enlarge\]](#)

- Talk openly about the sexual assault of adults and children, men, women, boys, and girls.
- Understand the issues involved in sexual assault. Know the statistics.
- Assume preventing sexual assault is ours and not someone else's responsibility.
- Talk to your children about personal safety issues as they relate to child sexual abuse. Do this when you talk to your children about bike safety, crossing the street, or talking to strangers. It is, in many ways, just another personal safety rule about which children need to be aware.
- Increase your knowledge about risk reduction measures you can take to protect yourself.
- Invite your local law enforcement, probation/ parole department, rape crisis center, or child abuse prevention organization to a neighborhood discussion group to learn about the issue and to process people's emotions.
- Get to know your neighbors.
- Organize neighborhood block watches, if desired by your neighbors.
- Not wait until you are informed that a sex offender is living nearby to

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begin educating yourself and family on issues of sexual assault.

- Get involved in primary prevention, or educational efforts that seek to stop the behaviors and attitudes that allow sexual assault to occur. The packet you have just been given provides guidance to people who want to begin a sexual assault prevention program in the schools, a religious community, or other setting. **☞ Refer to handout: Developing Programs to Prevent Sexual Assault**
- Find out what the statistics on child sexual abuse, adult sexual assault, offender arrest, and incarceration are in your community.
- Beware of the media's ability to sensationalize the most horrific of stories concerning the sexual assault of children or adults. These stories, while real and very frightening, are not the norm.

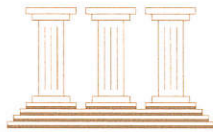
COMMUNITY RESOURCES

A number of local resources exist to help you answer these questions as well as help you get involved in educational and prevention activities about sexual assault in your community. We do not have time to review all of these resources now, but we have collected information from them so that you can contact them.

☞ Refer to handout: National Resources on Sexual Assault are included in the participant materials provided with this curriculum. However, it will be particularly important to refer to and distribute any materials from local organizations you have gathered in preparation for the training.

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KANSAS TRIAL LAWYERS ASSOCIATION

Lawyers Representing Consumers

To: Representative Mike O'Neal, Chairman
Members of the House Judiciary Committee

From: Callie Denton Hartle

Date: January 22, 2007

Re: HB 2088

I am submitting testimony on behalf of the Kansas Trial Lawyers Association, a statewide nonprofit organization of attorneys who serve Kansans who are seeking justice. I appreciate the opportunity to provide testimony in opposition to HB 2088.

HB 2088 permits an owner, employee, or agent of a "covered entity", upon following written notice procedures as outlined in the bill, to eject a sex offender from the premises of the covered entity. The bill provides immunity from civil liability for harm and injuries caused by the owner, employee or agent of the "covered entity" as a result of ejecting the sex offender, or failing to eject the sex offender, from the premises.

First and foremost, HB 2088 puts private citizens in the position of acting as law enforcement, which is neither safe nor sound public policy. Under the bill, representatives of the covered entity must personally serve on the sex offender written notice to leave the premises. If the sex offender fails to leave, HB 2088 authorizes private citizens to take steps to remove the sex offender. The bill does not limit the means by which the sex offender can be "ejected" from the premises. KTLA believes that it is unsafe and unwise to encourage and authorize private citizens to take on the role of law enforcement officers. The first—and best—line of defense should continue to be to notify the police if criminal trespass or endangerment of children is suspected.

Additionally, KTLA has specific concerns with the drafting of the bill. The definition of "covered entity" is so broad as to include not only public places where a child or children may be found, but private homes. The breadth of the definition needs greater consideration to determine if it is justified.

The bill also provides complete immunity from liability for an owner, employee, or agent of a covered entity for injury and harm caused not only from ejecting a sex offender but from *failing* to eject a sex offender. Currently, law enforcement officers must exercise reasonable care in using force to protect both the alleged offender and the public. By providing for complete immunity for representatives of covered entities, HB 2088 establishes a lower standard of care than what is required of police officers, or even

Terry Humphrey, Executive Director

House Judiciary

Date 1-22-07

Attachment # 5

private citizens making a lawful arrest. Instead, the bill protects covered entities and their representatives completely from injuries caused to the sex offender, or anyone in the vicinity—including a child—who is hurt as a result of the force used to remove the sex offender from the premises.

HB 2088 also provides complete immunity for any harm and injury caused by the covered entity's *failure to remove* the sex offender. Under the bill, a covered entity who knows that a sex offender is present and is causing harm would have no duty to even notify the police. This particular provision of HB 2088 seems to fly completely in the face of the bill's presumed purpose—to protect Kansas children.

Thank you for the opportunity to provide you with our testimony. On behalf of the members of the Kansas Trial Lawyers Association I strongly urge you to oppose HB 2088.