

OPEN LETTER TO MASSACHUSETTS LEGISLATORS

September 12, 2023

Massachusetts has a black eye. While the state holds the prestigious rank of first in the U.S. for overall child well-being, according to the latest National Kids Count report, it is not among the 38 states, including all other New England states, with laws requiring schools and youth organizations to educate their employees and students about how to prevent child sexual abuse.

More states are enacting laws to strengthen the screening of prospective school employees to weed out those with histories of sexual misconduct and abuse. Others are meeting the federal requirement that schools may not aid an individual engaged in sexual misconduct to secure a position in another school – a practice known as “*passing the trash.*” Massachusetts is not among them. It continues to rely solely on background checks, which national risk assessment experts admit, while necessary, are insufficient to identify those who pose a sexual risk to our children.

Some states have increased legal penalties for educators and persons in positions of authority who sexually abuse children in their care. Still others are closing the “age of consent loophole” that prevents law enforcement from investigating cases involving persons who engage sexually with students over age 16, if the youth was manipulated to believe it was consensual and refuses to press charges. Despite urgings from parents, child advocates and the MA Association of Chiefs of Police for over a decade, the Legislature has taken no action to close this loophole.

Since 2015, citizens have been pressing Massachusetts legislators to pass a package of bills that would help prevent child sexual abuse in schools - a problem the U.S. Department of Education reports is affecting 1 in 10 students. This means **100,000 of Massachusetts’ one million students are at risk of some form of direct or indirect sexual misconduct or abuse by an adult in their school sometime between K – 12th grade.** Passage of these prevention bills in 2015 when they were first introduced would have resulted in the Commonwealth leading the nation in its efforts to prevent child sexual abuse; instead, today we are among states like Arkansas, Idaho, Kentucky, North Dakota, etc. that are trailing far behind.

How can this be? Legislators have been brought to tears by survivors who, year after year, testify at Public Hearings about the impact sexual abuse has had on their physical and mental health, their families, their relationships, and their careers. Child advocates

have worked tirelessly to educate policymakers and citizens about the human and fiscal costs of failing to adopt comprehensive strategies to prevent sexual crimes against children. Brave survivors of childhood sexual abuse, like Senator Joan Lovely, have spoken publicly about the long-term trauma caused by sexual abuse. Other survivors within the Legislature are still wrestling quietly about the impact sexual abuse has had on their lives.

It is estimated that 20% of Americans today have experienced some form of sexual misconduct, abuse or exploitation as children. Despite the thousands of victims and survivors in every city and town and within every legislative district, the Massachusetts Legislature has failed to act. As a result, we face another Legislative Session when **Massachusetts remains stuck between its ranking as the best state for children and its less than poor showing when it comes to protecting them from this major safety threat.**

Despite the challenges, survivors and advocates refuse to accept the status quo. We remain committed to spreading the good news that **child sexual abuse can be prevented** by educating parents, training professionals, implementing prevention policies in schools and youth-serving organizations, and passing comprehensive legislation.

As one survivor remarked: "I often hear how compelling my story is, how more people need to hear it so things will improve. It's a funny thing...I'd lived my entire life believing that if anyone found out what happened to me the world would literally collapse around me. I can report that this did not happen. Surreally, and not just in my case, nothing much happens at all. For the most part when survivors of child sexual abuse tell their stories, no behaviors change, no new laws go on the books, and children are not better protected. Stories are powerful, but we need legislative action if we want to stop increasing the numbers of sexually abused children and the wounded adults they grow up to be."

We, the undersigned, represent over 200 citizens from every corner of the Commonwealth. We urge you to **"Pass the Prevention Package!"** of bills on child sexual abuse prevention **THIS SESSION.**

- **Require education about child sexual abuse prevention** for all schools and youth organizations, and require them to adopt abuse prevention policies. **S314, H194**

- **Strengthen screening of applicants** for positions in schools to identify any past sexual misconduct; Prohibit the practice of “passing the trash” – aiding and abetting a school employee engaged in sexual misconduct with a student to secure a position in another school. **S1040, H434**
- **Close the “age of consent loophole”** that has been providing legal protection for individuals engaged in sexual relations with youth 16-18 years of age; Increase penalties for educator-specific sexual misconduct and for persons in positions of authority over a child who commit child sexual abuse. **S1036, S106, H1537, H1538**

Delay is no longer defensible. Our children are waiting...

This **Open Letter to Legislators** is part of the
“Pass the Prevention Package!” Campaign organized by

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