

# TESTIGOS CRISTIANOS DE JEHOVÁ

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September 1, 2017

TO ALL BODIES OF ELDERS

Re: Protecting Minors From Abuse

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Dear Brothers:

1. This letter replaces the letter dated August 1, 2016, to all bodies of elders regarding protecting minors from abuse and has been added to the list of policy letters cited in *Index to Letters for Bodies of Elders* (S-22). Please read the entire letter and take careful note of the updated direction outlined in paragraphs 3, 7, 13, and 14. Be sure to update your copy of the *Shepherding* textbook as outlined in paragraph 26. While the following information refers to an accused in the masculine gender and to the victim in the feminine gender, it applies equally regardless of the gender of the accused or the gender of the victim. References to parents and family heads apply equally to legal guardians.

2. Child abuse includes the sexual or physical abuse of a minor. It would also include the extreme neglect of a minor by her parent. Child *sexual* abuse is a perversion and generally includes sexual intercourse with a minor; oral or anal sex with a minor; fondling the genitals, breasts, or buttocks of a minor; voyeurism of a minor; indecent exposure to a minor; or soliciting a minor for sexual conduct. Depending on the circumstances of the case, it may include involvement with child pornography or “sexting” with a minor. “Sexting” describes the sending of sexually explicit messages or images electronically.

3. From the Bible’s standpoint, child sexual abuse is a gross sin. (Deut. 23:17, 18; Gal. 5:19-21; *ks10* chap. 5 par. 10; *w97* 2/1 p. 29; *g93* 10/8 p. 10, fn.) Jehovah’s Witnesses abhor child sexual abuse. (Rom. 12:9) Thus, the congregation will not shield any perpetrator of such repugnant acts from the consequences of his sin. The congregation’s handling of an accusation of child sexual abuse is not intended to replace the secular authority’s handling of the matter. (Rom. 13:1-4) Therefore, the victim, her parents, or anyone else who reports such an allegation to the elders should be clearly informed that they have the right to report the matter to the secular authorities. Elders do not criticize anyone who chooses to make such a report.—Gal. 6:5.

4. The Scriptures place the responsibility on parents for teaching and protecting their children. (Eph. 6:4) As spiritual shepherds, elders can help parents to shoulder their Scriptural responsibility. Our publications and website contain much helpful information to assist parents.—*w10* 11/1 p. 13; *w08* 10/1 p. 21; *g* 10/07 pp.

3-11; *lr* pp. 170-171; *g99* 4/8 pp. 8-11; *g97* 4/8 p. 14; *w96* 12/1 pp. 13-14 pars. 18-19; *fy* pp. 61-62 pars. 24-26; *g93* 10/8 pp. 5-13; *g85* 1/22 pp. 3-10.

5. **Legal Considerations:** Child abuse is a crime. In some jurisdictions, individuals who learn of an allegation of child abuse may be obligated by law to report the allegation to the secular authorities.—Rom. 13:1-4.

6. To ensure that elders comply with child-abuse reporting laws, two elders should *immediately* call the Legal Department at the branch office for legal advice when the elders learn of an accusation of child abuse. A call should be made even when both persons involved are minors. The elders should *not* ask an alleged victim, the accused person, or anyone else to call the Legal Department on the elders' behalf. The elders should call the Legal Department even in the following situations:

- The alleged abuse occurred many years ago.
- The alleged abuse is based on the testimony of only one witness.
- The alleged abuse is believed to be a repressed memory.
- The alleged abuse involved perpetrators or victims who are deceased.
- The alleged abuse is believed to have already been reported to the secular authorities.
- The alleged perpetrator or victim is not a member of your congregation.
- The alleged perpetrator is a non-Witness associating with the congregation.
- The alleged abuse occurred before the alleged perpetrator or victim was baptized.
- The alleged victim is now an adult.
- The alleged abuse occurred in the past, and it is unclear whether your congregation elders ever called the Legal Department for direction.

7. The Legal Department will provide legal advice based on the facts and the applicable law. If the individual who is accused of the child abuse is associated with your congregation, the two elders calling should provide the Legal Department with the individual's date of birth and, if applicable, his date of baptism. After speaking with the Legal Department, the call will be transferred to the Service Department at the branch office.

8. Two elders should *immediately* call the Legal Department regarding any prison inmate, baptized or unbaptized, who has been accused of child abuse and who is now associating with a congregation. This would include his attending congregation meetings held in the prison. In some cases, elders may not be permitted to inquire about the offense that an inmate may have committed. However, if the elders learn that the alleged offense has to do with child abuse, they should *immediately* call the Legal Department.

9. If the elders become aware of an adult associated with a congregation who has been involved with child pornography, two elders should *immediately* call the Legal Department. Likewise, if the elders become aware of an adult or a minor associated with a congregation who is "sexting" with a minor, the Legal Department should be called *immediately*. The Legal Department does not need to be called when the elders receive reports of adults "sexting" one another.

10. **Congregation Considerations:** When discussing child sexual abuse from a congregation standpoint, we are not discussing a situation in which a minor who is a willing participant and who is approaching adulthood is involved in sexual activity with an adult who is a few years older than the minor. Nor, generally speaking, are we discussing situations in which only minors are involved. (See paragraphs 24-25.) Rather, we are referring to an adult guilty of sexually abusing a minor who is a young child, or an adult guilty of sexual involvement with a minor who is approaching adulthood but was not a willing participant.

11. **Providing Spiritual Assistance to Victims:** As elders provide ongoing spiritual shepherding, it is especially important that they demonstrate empathy and compassion to victims of child sexual abuse and their

families. (Isa. 32:1, 2) Helpful suggestions and guidelines can be found in the *Shepherding* textbook, chapter 4, paragraphs 21-28. The elders should carefully review this material when helping victims of child sexual abuse. When shepherding a child abuse victim who is still a minor, an elder should never meet alone with the minor but should always involve another elder and another adult member of the congregation, preferably the minor's parent(s). (Deut. 6:6, 7; Eph. 6:4) If it is not possible to include the parent (for example, if the parent is the accused), then another adult member of the congregation who is a confidant of the victim should be included. In addition to the spiritual shepherding provided by the elders, the victim or her family may desire other assistance. For example, the victim or her family may decide to consult a mental-health professional. This would be a personal decision for them to make.

12. When an elder is approached by an adult who is concerned or distraught about past abuse, he should "speak consolingly" to the person. (1 Thess. 5:14) Elders should manifest an empathetic, compassionate, patient, and supportive response to those approaching them about such matters. An elder must never meet alone with or become the sole confidant of a sister to whom he is not closely related.

13. **Investigating Allegations:** The elders may learn of an allegation of child sexual abuse directly from the victim, through her parents, or through a trusted confidant of the victim. (See paragraph 3.) After receiving assistance from the branch office and if the accused is a member of the congregation, the body of elders will appoint two elders to conduct a Scriptural investigation. These elders should carefully follow Scriptural procedures and the Bible-based direction outlined in this letter and in the *Shepherding* textbook, particularly chapter 5. During the investigation process and during the judicial committee process, a victim of child sexual abuse is not required to make her allegation in the presence of the alleged abuser. Generally, elders should be able to obtain necessary information from the parents. In addition, sufficient evidence needed to establish wrongdoing on the part of an alleged abuser may already be available to the elders. (*ks10* chap. 5 pars. 37-39) In the exceptional event that the two elders believe it is necessary to speak with a minor who is a victim of child sexual abuse, the elders should first contact the Service Department.

14. **Judicial Committee:** If the body of elders concludes that there is sufficient Scriptural evidence to warrant the formation of a congregation judicial committee on the grounds of child sexual abuse, the coordinator of the body of elders should first contact the circuit overseer. (*ks10* chap. 5 par. 37; chap. 6 pars. 1-2) The circuit overseer will designate an experienced elder to serve as chairman of the judicial committee and, if needed, the appeal committee. If wrongdoing is established and the wrongdoer is not repentant, he should be disfellowshipped. (*ks10* chap. 7 par. 26) On the other hand, if the wrongdoer is repentant and is reproofed, the reproof should be announced to the congregation. (*ks10* chap. 7 pars. 20-21) This announcement will serve as a protection for the congregation. Victims of child sexual abuse are not handled judicially. However, if the body of elders believes that congregation action may be warranted in the case of a mature minor who was a willing participant in wrongdoing, two elders should call the Service Department before proceeding.

15. **Reinstatement Committee:** If a person who has been disfellowshipped for child sexual abuse applies for reinstatement, the coordinator of the body of elders should contact his circuit overseer and provide the names of those who served on the original committee. The circuit overseer will designate an experienced elder to serve as chairman of the reinstatement committee. If the decision is to reinstate, two elders should *immediately* call the Service Department. This call must be made before the reinstatement is announced to the congregation.—*ks10* chap. 11 pars. 1-6, 11-15.

16. If a person who has been disfellowshipped for child sexual abuse has moved and applies for reinstatement in a different congregation, the coordinator of the body of elders of the new congregation should contact his circuit overseer. The circuit overseer of the new congregation will designate an experienced elder to serve as chairman of the reinstatement committee in the new congregation. If that committee recommends that the person be reinstated, the committee should contact the coordinator of the body of elders of the original congregation, who should then contact his circuit overseer and provide the names of those who served on the original judicial committee. That circuit overseer will designate an experienced elder to serve as chairman of

the reinstatement committee in the original congregation. If that committee agrees to reinstate, two elders from each congregation should *immediately* call the Service Department. These calls must be made before the reinstatement is announced in both congregations.—*ks10* chap. 11 pars. 7-10, 13.

17. **Restrictions:** The elders should carefully adhere to all direction provided by the Service Department regarding steps that should be taken to protect minors from one who has engaged in child sexual abuse. For example, the Service Department will provide direction when (1) a congregation judicial committee determines that one guilty of child sexual abuse is repentant and will remain in the congregation, (2) one disfellowshipped for child sexual abuse is reinstated, (3) an unbaptized publisher or a baptized member of the congregation who denies an accusation of child sexual abuse is convicted by the secular authorities, or (4) one viewed as a child molester by the community or the congregation becomes a publisher or becomes a baptized member of the congregation.

18. In such cases, direction from the Service Department to the elders will include restrictions imposed on the individual's activities within the congregation, on his participation in the field ministry, and on his interaction with minors. The elders will be directed to caution the individual never to be alone with a minor, not to cultivate friendships with minors, not to display affection for minors, and so forth. The Service Department will direct the elders to inform family heads of minors within the congregation of the need to monitor their children's interaction with the individual. The elders would take this step *only* if directed to do so by the Service Department. If the body of elders has questions about a past case, two elders should be assigned to call the Service Department for direction. The coordinator of the body of elders should ensure that newly appointed elders and elders who move into the congregation are made aware of the Service Department's direction regarding such individuals.

19. One who has engaged in child sexual abuse does not qualify to receive *any* privileges in the congregation for many years, if ever; this includes minor privileges. Elders should keep in mind what is stated in the January 1, 1997, *Watchtower* article "Let Us Abhor What Is Wicked," page 29, paragraph 2: "Child sexual abuse reveals an unnatural fleshly weakness. Experience has shown that such an adult may well molest other children. True, not every child molester repeats the sin, but many do. And the congregation cannot read hearts to tell who is and who is not liable to molest children again. (Jeremiah 17:9) Hence, Paul's counsel to Timothy applies with special force in the case of baptized adults who have molested children: 'Never lay your hands hastily upon any man; neither be a sharer in the sins of others.' (1 Timothy 5:22)." Therefore, if the body of elders believes that one who has engaged in child sexual abuse decades ago may now qualify for minor privileges, such as carrying or adjusting microphones, operating audio/video equipment, or assisting with accounts, literature, magazines, or territories, they should assign two elders to call the Service Department. The assigned elders should call the Service Department before any congregation privileges are extended.

20. **Filing:** Information concerning individuals associated with the congregation and accused of child sexual abuse (established or not), including letters of introduction, should be placed in an envelope labeled with the individual's name and marked "Do Not Destroy." This envelope should be kept in the congregation's confidential file. This would include *Notification of Disfellowshipping or Disassociation (S-77)* forms on individuals who have committed child sexual abuse, even if later reinstated.

21. **Moving to Another Congregation:** When an individual who has been accused of child sexual abuse (established or not) moves to another congregation, two elders from the congregation the individual moves *from* should *immediately* call the Legal Department. The elders should be prepared to provide the name of the new congregation, if known. This should be done even if the individual is disfellowshipped or is in prison and is transferred to another facility or is released. The Congregation Service Committee should not send any information to the new congregation until after receiving legal advice from the Legal Department and direction from the Service Department.

22. When the elders are informed that an individual who has been accused of child sexual abuse (established or not) has moved *into* the congregation, two elders should *immediately* call the Legal Department. This should be done even if the individual is disfellowshipped or is in prison and has transferred from another facility or is released. If the individual is disfellowshipped and living within the congregation's territory, the elders should list that address on the appropriate congregation territory card as a "Do Not Call."

23. **Notification by Secular Authorities:** From time to time, secular authorities may inform the elders that a sex offender is living in the area. The notice may provide the address of the individual and may state the nature of his criminal activity. In such a case, the elders should list that address on the appropriate congregation territory card as a "Do Not Call."

24. **Sexual Misconduct Involving Only Minors:** What steps should elders take when minors engage in sexual misconduct with one another? As stated in paragraph 6, two elders should *immediately* call the Legal Department even when both persons are minors. Minors who engage in sexual misconduct with one another are not generally considered by the congregation as having engaged in child sexual abuse. However, regardless of the ages of those involved, such misconduct is serious and may even warrant congregation judicial action. The body of elders should work with the parents to ensure that the minors receive spiritual assistance. If elders have questions regarding a specific case, they should call the Service Department.—*ks10* chap. 5 par. 61; chap. 6 par. 14.

25. The potential serious consequences associated with "sexting" highlight the importance of Christian parents supervising their children's use of electronic devices. When baptized minors become involved in "sexting," the elders must use good judgment in determining whether the wrongdoing has escalated to a point warranting congregation judicial action. Helpful information can be found in "Questions From Readers" in the July 15, 2006, issue of *The Watchtower*. Please review this material carefully before concluding that a baptized minor is guilty of gross uncleanness or brazen conduct. (*ks10* chap. 5 par. 9) If the baptized minor has been previously counseled and persists in the wrong course, in most cases, congregation judicial action is taken. Each case must be evaluated on its own merit. In all cases, the body of elders should work with the parents to ensure that the minors receive spiritual assistance. (*ks10* chap. 6 par. 14) If elders have questions regarding a specific case, they should call the Service Department.

26. **Notations in the *Shepherding* Textbook:** In view of the foregoing, each elder should adjust the notation next to chapter 3, paragraph 20; chapter 5, paragraph 10, second bullet; chapter 7, paragraph 20, second bullet; chapter 10, paragraph 2; and chapter 12, paragraph 18, of the *Shepherding* textbook to read: "See letter dated September 1, 2017, to all bodies of elders." Additionally, each elder should cross out chapter 12, paragraph 19. Paragraphs 20-21 should already be crossed out.

27. It is imperative to adhere to the direction in this letter each time a matter involving child abuse comes to your attention. This will serve to uphold the sanctity of Jehovah's name and to protect minors. (1 Pet. 2:12) Your full cooperation with this direction is appreciated. May Jehovah grant you knowledge, wisdom, and discernment as you care for this and other weighty matters in connection with the flock of God entrusted to your care.—Prov. 2:6; 1 Pet. 5:2, 3.

Your brothers,

*Testigos Cristianos de Jehová*

c: Circuit overseers