



# **Independent Democratic Conference**

## **Erin Merryn's Law: Breaking the Silence**

April 30<sup>th</sup>, 2012

## **I. Introduction**

On September 16<sup>th</sup>, 2011 a young women named Erin Merryn contacted the Independent Democratic Conference to ask for help. The story she relayed in her email was horrifying, but unfortunately one that has frequented our media reports and world too many times. She described being sexually abused as a child and the pain and heartache that she experienced throughout her life. Her mission to overcome this personal tragedy? To make sure that no child would experience what she had to suffer through during her own childhood. And she had a specific plan to achieve this mission. Erin wanted to pass a law in all 50 states to ensure that children in all grade levels would be taught awareness about sexual abuse and how to tell someone if they felt uncomfortable. Her challenge to the Independent Democratic Conference was simple. Hear my story and listen to my life's journey and help me achieve my goal. And that is exactly what the IDC did, one month later, in Syracuse, New York, unveiling its intent to introduce legislation that would require some form of child sexual abuse teaching in all grades in all schools. On April 30<sup>th</sup> 2012, the New York State Senate will bring "Erin Merryn's Law" to the floor for a vote, in honor of Erin and Child Abuse Awareness Month 2012.

## **II. Erin's Story in her Own Words<sup>1</sup>**

My name is Erin Merryn. As a child growing up in Illinois schools, every year I participated in tornado drills, bus drills, fire drills, and learned about stranger danger and how to resist initiation of drug or alcohol use through DARE curriculum. I never had to duck and cover from a real tornado, escape a real bus emergency, or run out of a burning building. I knew not to talk to strangers or answer the door when my parents were not home. I knew the eight ways to say no to drugs, but where were the eight ways on, "How to get away or tell today?" They never came. I was molested and then raped from age 6 to 8 ½ by an adult neighbor and then molested from age 11 to 13 by an older cousin. I listened to the only message I was getting, and that came from my abusers, who told me this was "our secret." I was told that nobody would believe me, and that I would destroy our family if I told our secret. I stayed silent. These men had silenced my voice, killed my innocence, and took my trust.

Had my parents or teachers taught me about "safe touch" / "unsafe touch", "safe secrets" / "unsafe secrets", and empowered me with a voice, I would have been saved years of sexual abuse. I would have been educated to tell someone instead of staying silent. The only way I could express my secrets was through anger, because I did not have the vocabulary to tell someone. Weeks after I was raped, my sister pulled off my shoes the same way my rapist did triggering a flashback of being raped again. Because I didn't have the vocabulary to tell someone

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<sup>1</sup> Erin's Law Task Force, Final Report to Governor Quinn, Draft 3/9/2012

the secrets I carried, I put my hand through a window that night and nearly died. I was labeled with an “emotional and behavior disorder” at age seven. Chronic sexual abuse affected my grades throughout school. Nightmares affected my sleep and flashbacks distracted me in school. Specialists spent thousands of hours working with me, but never asked the important and hard questions. I felt so alone in my pain and confusion. Little did I know that sitting among me were other girls and boys who were keeping the same secrets, because nobody was teaching us to use our voice. We were too busy learning about “stranger danger” every year, when 93% of the time, children are sexually abused by *someone they know and trust*.

I cannot change the past, so I focus on the future. We need change to protect children. I envision a future where children in my state, country, and across this world are not failed the way I was failed as a child. I do not want to see another generation go uneducated on how to report sexual abuse to an adult until it stops. Every child deserves the right to have their minds, bodies, and innocence protected. They just need to be educated on how.

Once children are educated, sexual abuse will no longer be a taboo topic. This law will not only lead to the developmentally appropriate education of children, but it will educate society in its entirety. I want to move the conversation about childhood sexual abuse prevention from one that occurs between perpetrator-victim to the classrooms in all schools and homes. The same way we would want a child to escape a burning building and say no to drugs, we want to teach school children how to say no to a sexual predator and escape further harm, or tell immediately after something happens instead of staying silent out of fear.

### **III. Legislative History of Erin’s Law Nationwide**

In May of 2010 Erin started her crusade in her home state of Illinois. She testified before the Illinois’ Senate education committee where Erin’s Law passed unanimously. It then went on to pass the full senate 54-0. In November of 2010 Erin testified before the Illinois House education committee and all members there voted yes. Even one member of the house began telling her fellow lawmakers she was a victim of incest. It went to the house floor where all 110 members voted yes. Erin's law never got a single no vote. Governor Quinn signed Erin's law February 14th of this year. It will bring age appropriate curriculum pre-k through 5th grade on sexual abuse.<sup>2</sup>

In the State of Missouri, one Senator heard about what Erin did in the State of Illinois and he decided to take up Erin’s cause in the Missouri State Legislature. They showed Erin’s videotaped testimony in the Missouri Senate and House. Erin's law was passed and signed by Missouri Governor Jay Nixon on July 14<sup>th</sup>, 5 months after passage in the State of Illinois.

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<sup>2</sup> According to the Erin’s Law Task Force, Final Report to Governor Quinn, it is already mandated at the secondary level for schools in IL to teach sexual assault prevention.

Recently, Governor Daniels of Indiana where Erin testified in February of 2012 to the Senate Education Committee was signed into law by the on April 11th making it the third state. Erin 's Law has also been passed by the Senate and House in Maine and is headed to the Governor's desk.

#### **IV. New York's Erin Merryn's Law (S. 6182/A.8993)**

Currently in New York State Education Law, Section 803-a already requires all public school students in grades K-8 to receive instruction designed to prevent child abduction. Erin Merryn's law includes in this existing provision the additional requirement to receive instruction in child sexual abuse as well. Under the provisions of Section 803-a, the instruction must be given under the direct supervision of a regular classroom teacher, even if outside speakers are used. This requirement ensures the quality of the instruction and that the time spent on these important lessons counts as classroom instructional time. It requires the commissioner to provide technical assistance to assist in the development of curricula for such courses of study which shall be age appropriate. Section 803-a also lays out the goals of the curriculum as one that provides awareness skills, information, self confidence and support in the prevention of child sexual abuse.

One concern that the Independent Democratic Conference took into consideration when agreeing to introduce Erin Merryn's law in New York was the impact it would have on school districts throughout New York State. That is why Section 803-a was carefully selected and amended to include this added educational requirement of child sexual abuse. Expanding the required instruction under 803-a to include child sex abuse prevention will require the state education department to make minor revisions to its many technical advisories but it need not require districts to devote any additional time or resources to existing student safety instruction. Awareness of child sexual abuse has come a long way since 1994 and most school safety programs have already evolved to teach children that strangers are not the sole source of danger. Updating the language of this requirement to reflect a more modern understanding of the dangers of child predation will help ensure that all children receive practical and age-appropriate safety tips that they can incorporate into their daily lives.

#### **V. The Need for Erin Merryn's Law**

##### ***a. Child Sexual Abuse Statistics***

“Accurate statistics on the prevalence of child and adolescent sexual abuse are difficult to collect because of problems of underreporting and the lack of one definition of what constitutes such abuse. However, there is general agreement among mental health and child protection professionals that child sexual abuse is not uncommon and is a serious problem in the United

States.”<sup>3</sup> Even if the true prevalence of child sexual abuse is not known though, most researchers will agree that there will be 500,000 babies born in the US this year that will be sexually abused before they turn 18 if we do not prevent it. <sup>4</sup> This number is based on adult retrospective studies which show that 1 in 4 women and 1 in 6 men were sexually abused before the age of 18. This fact translates into the shocking realization that there are more than 42 million adult survivors of child sexual abuse in the U.S.<sup>5</sup>

### ***b. The Financial Cost of Sexual Abuse***

In the U.S. reported cases of child sexual abuse represent the second most expensive victim crime behind murder, costing the U.S. \$35 Billion annually according to the National Institute of Justice.<sup>6</sup> Using this figure, Darkness to Light, a non for profit organization leading the way in reducing the incidence of child sexual abuse through public awareness, created a formula by which states can determine the approximate financial impact of child sexual abuse on their economy. In essence they took the substantiated incidents of child sexual abuse in the US annually (233, 000) and divided it into the US population according to the 2008 Census Numbers. ( 305,000,000). This determines that the annual number of US incidents of child sexual abuse is approximately .076% of the total population. Multiplying the population of any community by .076% you can determine the approximate incidences of child sexual abuse in that community.

Using the incidence number one can approximate the immediate and long term economic impact of child abuse. Immediate economic impacts come from the costs associated with medical care/ambulance, mental health care, police and fire services, social and victim services, as well as the cost to the criminal justice system. <sup>7</sup> Long term economic impact on the other hand includes future lack of productivity, continued long term poor physical health, high risk behaviors such as alcohol and drug abuse, behavioral problems such as adult criminality or juvenile delinquency as well as long term mental health costs as the child develops into adulthood. <sup>8</sup>

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<sup>3</sup>“Understanding Child Sexual Abuse: Education, Prevention and Recovery”. Prepared by the American Psychological Association

<sup>4</sup> Darkness to Light (2012). [On-line]

[http://www.d2l.org/site/c.4dICIJOkGcISE/b.6035035/k.8258/Prevent\\_Child\\_Sexual\\_Abuse.htm](http://www.d2l.org/site/c.4dICIJOkGcISE/b.6035035/k.8258/Prevent_Child_Sexual_Abuse.htm)

<sup>5</sup> Center for Disease Control and Prevention (2006). Adverse Childhood Experiences Study: Major Findings. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. [On-line] Retrieved from [www.cdc.gov/nccdphp/ace/findings.htm](http://www.cdc.gov/nccdphp/ace/findings.htm).

<sup>6</sup> Darkness to Light (2012). [On-line] Retrieved from

[http://www.d2l.org/site/c.4dICIJOkGcISE/b.6069261/k.E915/The\\_Economic\\_Impact\\_of\\_Child\\_Sexual\\_Abuse.htm](http://www.d2l.org/site/c.4dICIJOkGcISE/b.6069261/k.E915/The_Economic_Impact_of_Child_Sexual_Abuse.htm)

<sup>7</sup> National Institute of Justice Research Report Victim Costs and Consequences :A New Look, , January 1996

<sup>8</sup> Prevent Child Abuse America, Chicago Illinois Total Estimated Cost of Child Abuse and Neglect in the United State Economic Impact Study (September 2007)

To determine the immediate and long term economic impact of child sexual abuse on New York State, again using the accepted methodology employed by Darkness to Light, you can multiply the amount of incidences in New York State by the immediate cost for each incident of Child Sexual Abuse as determined again by the National Institute of Justice. This figure is approximately \$14,345 in today's dollars. **Therefore, the immediate economic impact of child sexual abuse on New York State is \$211,313,526.11.** In order to calculate the long term economic impact of child sexual abuse on New York State one must use a different multiplier. As mentioned earlier, in today's dollars, the indirect and long-term expenses (including quality of life) of child sexual abuse costs the US \$35 billion annually, again according to the National Institute of Justice. This is 10.3 times the immediate and tangible costs indicated earlier. Therefore, to determine the annual long-term and indirect costs to a community, you simply multiply the annual immediate and tangible costs to that community by 10.3. **Thus, for New York State the long term economic impact of child sexual abuse is a staggering \$2,176,529,326.43 annually.**

Using this same methodology, the Independent Democratic Conference further analyzed the economic impact of child sexual abuse by computing the immediate and long term economic impact in each county. ( See Appendix B). Since the economic impact is directly driven by population numbers it is no surprise that those counties with the highest population s will see a higher level of economic impact than others. However, even the counties with the lowest populations, for example Hamilton County at a reported population of approximately 4,836, still potentially could see a long term economic impact of over a half a million dollars from the effects of child sexual abuse.

#### **ECONOMIC IMPACT OF CHILD ABUSE BY REGION IN NEW YORK STATE**

<b>NY State Region</b>	<b>Counties</b>	<b>Immediate Economic Impact</b>	<b>Long Term Economic Impact</b>
<b>Western New York</b>	Allegany, Cattaraugus, Chautauqua, Erie, Niagra	\$15,259,558.59	\$157,173,453.48
<b>Long Island</b>	Suffolk and Nassau	\$30,884,646.14	\$318,111,855.24
<b>New York City</b>	Bronx, Kings (Brooklyn), Richmond ( Staten Island), New York (Manhattan), Queens	\$89,126,935.00	\$918,007,430.5
<b>Southern Tier</b>	Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins	\$7,172,655.51	\$73,878,351.76
<b>North Country</b>	Jefferson, St. Lawrence, Lewis, Hamilton, Essex, Clinton, Franklin	\$ 4,722,756.00	\$48,644,394.18
<b>Central New</b>	Cayuga, Cortland, Madison,	\$ 8,633,877.37	\$88,928,936.91

<b>York</b>	Onondaga, Oswego		
<b>Finger Lakes</b>	Orleans, Genesee, Wyoming, Livingston, Ontario, Monroe, Wayne, Seneca, Yates	\$ 13,269,678.14	\$136,677,684.85
<b>Mid Hudson Valley</b>	Sullivan, Ulster, Orange, Dutchess, Putnam, Westchester, Rockland	\$24,975,315.76	\$257,245,752.33
<b>Mohawk Valley</b>	Oneida, Herkimer, Otsego, Schoharie, Fulton, Montgomery,	\$5,502,373.03	\$56,674,442.31
<b>Capitol Region</b>	Warren, Washington, Saratoga, Schenectady, Columbia, Rensselaer, Greene, Albany	\$11,765,730.57	\$121,187,024.87
<b>Totals</b>	<b>New York State</b>	<b>\$211,313,526.11</b>	<b>\$2,176,529,326.43</b>

What these shocking statistics and economic impact statements show us is that it is incumbent upon us to do everything in our power to stop the progression of child sexual abuse in our country and our state. However, no matter how substantial these costs are, it is “essential to recognize that it is impossible to calculate the impact of the pain, suffering and reduced quality of life that victims of child abuse experience.”<sup>9</sup> There are however numerous organizations devoted to studying, teaching and employing strategies in working to help children avoid the traumas of child sexual abuse. One strategy that has been identified as successfully mitigating the risks of a child suffering sexual abuse is education. This is why the Independent Democratic Conference hopes to see Erin Merryn’s Law successfully employed in all schools across New York State.

## **VI. Teaching Child Sexual Abuse in Our Schools**

As stated earlier in this paper, one concern that the Independent Democratic Conference took into consideration when crafting this legislation was the impact on school districts by adding this topic to their curriculum. A second concern that the Independent Democratic Conference had to consider as well was the question of the appropriateness and necessity of kindergarten through 8 sexual abuse education in our schools.

### ***a. Necessity of School- Based Education***

A recent study showed that only 63 percent of girls and 50 percent of boys reported that their parents had ever talked with them about sexual abuse prevention.<sup>10</sup> Therefore, the need for

<sup>9</sup> Prevent Child Abuse America, Chicago Illinois Total Estimated Cost of Child Abuse and Neglect in the United State Economic Impact Study (September 2007)

<sup>10</sup> Sexual Assault and Trauma Resource Center of Rhode Island, 1999

school based education is there. Education in schools is an effective method for preventing children from falling prey to sexual abuse or staying silent if it does occur. When a child is sexually abused they are scared, frightened, and don't know what to do. In recent studies, 73% of child victims do not tell anyone about the abuse for at least a year. 45% of victims do not tell anyone for at least 5 years. Some never disclose.<sup>11</sup> Children who are sexually abused often don't tell anyone they have been sexually abused, because they feel ashamed and guilty, they fear that they will anger their abuser, or because their perpetrators threaten them to stay quiet and/or telling the child that no one will believe them, which can often times lead for the abuse to last for years at a time.

More than 90% of all sexual abuse victims know their perpetrator. Almost 50% of the offenders are household members, and 38% are already acquaintances of the victims.<sup>12</sup> Therefore a lot of the times child sexual abuse victims don't have a home structure that is conducive to telling them what is a good touch and a bad touch. As a result, the Independent Democratic Conference feels it is vital to pass Erin's Law to prevent more children from becoming victims of sexual abuse, so that schools can teach children in a child friendly manner about what is a good touch and a bad touch and when someone touches them in a bad way, that it is never okay, it's not their fault, and that they need to tell a responsible adult.

### ***b. Age Appropriateness of School Based Education***

There have been many debates about the age appropriateness for learning such a topic. A study conducted by Pam Harvey of the Houston Drug Council and Rex Forehand of the University of Georgia determined, after selecting seventy-one kindergarten children from a rural, low, and lower-middle class and assigning them either to a child abuse prevention program or a placebo control group, that after the program at a three week post follow up and a seven week follow up, children participating in the prevention program demonstrated more knowledge about preventing abuse. What's even more important is that the results further indicated that children as young as kindergarten age can be taught skills to prevent sexual abuse.

Also, after a comprehensive search of sexual abuse curriculums across the country, the majority of child sexual abuse prevention programs start at the pre-kindergarten/kindergarten level. In fact, "current child abuse prevention programs are focused primarily on educating preschool and elementary school children on how to recognize in stances of abuse and teaching them personal safety skills".<sup>13</sup> In New York State, there are prevention programs already being utilized in our schools and communities which are having a positive impact on our students in middle school

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<sup>11</sup> J.J. Broman-Fulks, K.J. Ruggiero, R.F. Hanson, D.W. Smith, H.S. Resnick, D.G. Kilpatrick *et al.* "Sexual assault disclosure in relation to adolescent mental health: Results from the National Survey of Adolescents", *Journal of Clinical Child & Adolescent Psychology*, 36 (2) (2007), pp. 260–266

<sup>12</sup> US Department of Justice

<sup>13</sup> [http://www.preventchildabuse.org/advocacy/downloads/child\\_sexual\\_abuse.pdf](http://www.preventchildabuse.org/advocacy/downloads/child_sexual_abuse.pdf)



and secondary schools. The McMahon/Ryan Advocacy Site located in Syracuse New York uses the High Five! Abuse prevention program starting in grades as young as kindergarten. Also, Vera House, an organization dedicated to ending domestic & sexual violence, conducts an abuse prevention program which in 2011 was offered to over 1,339 elementary school children and 2,123 middle school children in the Syracuse area.

Furthermore, there are options a school district or school may use if the question of age appropriateness becomes a factor for parents when implementing a sexual abuse curriculum. Some school districts send home the materials to be taught to parents ahead of time to make them comfortable with the subject matter. Some school districts across the nation allow parents to opt out of the child participating in the child abuse prevention lesson plans. Whatever may be the case of how a school integrates the child sexual abuse prevention into their curriculum, the fact remains that this education is important and necessary for the welfare of our children.

## **VII. Conclusion**

Erin Merryn's story not only highlights the frightening prevalence of child sexual abuse in our society, it also serves to bring to focus the underlying message that many children are unaware of the threat that sexual abuse poses, and are uneducated on how to stop the abuse from happening to them. The statistics gathered on sexual abuse occurrence reveal the harsh reality that sexual abuse is occurring, especially to victims under 18, and that many of these unlawful acts go forever unreported. It is therefore our duty to take proactive steps toward changing our state's response to this disheartening trend by directing our education efforts to the very individuals who are most at risk—our youth. By utilizing education to teach children what constitutes sexual abuse, we are equipping children with the knowledge to prevent themselves from falling victim to rape, incest and inappropriate touching, while also ensuring that past, present and future victims are empowered with the understanding and confidence required to come forward and report their attackers. With simple adjustments and alterations to the K-8 instruction regarding child abduction, as already required in Section 803-a, it is possible to educate the most vulnerable potential victims of sexual assault. By simply building upon the education programs and mechanisms that already exist in many schools throughout our state, it is possible to incorporate basic sexual abuse prevention programs into every school district in New York.

## Appendix One

### ECONOMIC IMPACT OF CHILD SEXUAL ABUSE ON NYS COUNTIES

**Table One**

County	Population	Immediate Economic Impact	Long Term Economic Impact
Albany County	304,204	\$3,316,492.85	\$34,159,876.36
Allegany County	48,946	\$533,619.08	\$5,496,276.52
Bronx County	1,385,108	\$15,100,724.44	\$155,537,461.73
Broome County	200,600	\$2,186,981.32	\$22,525,907.6
Cattaraugus County	80,317	\$875,632	\$9,019,009.6
Cayuga County	80,026	\$872,459.46	\$8,986,332.44
Chautauqua County	134,905	\$1,470,761.29	\$15,148,841.29
Chemung County	88,830	\$968,442.43	\$9,974,957.03
Chenango County	50,477	\$550,310.35	\$5,668,196.61
Clinton County	82,128	\$895,375.88	\$9,222,371.56
Columbia County	63,096	\$687,885.21	\$7,085,217.66
Cortland County	49,336	\$537,870.94	\$5,540,070.68
Delaware County	47,980	\$523,087.56	\$5,387,801.87
Dutchess County	297,488	\$3,243,273.67	\$33,405,718.8
Erie County	919,040	\$10,019,557.89	\$103,201,446.27
Essex County	39,370	\$429,219.61	\$4,420,961.98
Franklin County	51,599	\$562,542.62	\$5,794,188.99
Fulton County	55,531	\$605,410.07	\$6,235,723.72
Genesee County	60,079	\$654,993.27	\$6,746,430.68
Greene County	49,221	\$536,617.19	\$5,527,157.06
Hamilton County	4,836	\$52,723.04	\$543,047.31
Herkimer County	64,519	\$703,399.04	\$7,245,010.11
Jefferson County	116,229	\$1,267,151.8	\$13,051,663.54
Kings County	2,504,700	\$27,306,740.34	\$281,259,425.5
Lewis County	27,087	\$295,307.89	\$3,041,671.27
Livingston County	65,393	\$712,927.56	\$7,343,153.87
Madison County	73,442	\$800,679.37	\$8,246,997.51
Monroe County	744,344	\$8,114,987.16	\$83,584,367.75
Montgomery County	50,219	\$547,497.58	\$5,639,225.07
Nassau County	1,339,532	\$14,603,845.77	\$150,419,611.43

## ECONOMIC IMPACT OF CHILD SEXUAL ABUSE ON NYS COUNTIES

**Table Two**

County	Population	Immediate Economic Impact	Long Term Economic Impact
New York County	1,585,873	\$17,289,504.62	\$178,081,897.59
Niagara County	216,469	\$2,359,988.33	\$24,307,879.8
Oneida County	234,878	\$2,560,686.93	\$26,375,075.38
Onondaga County	467,026	\$5,091,610.86	\$52,443,591.86
Ontario County	107,931	\$1,176,685.35	\$12,119,859.11
Orange County	372,813	\$4,064,481.89	\$41,864,163.47
Orleans County	42,883	\$467,519.04	\$4,815,446.11
Oswego County	122,109	\$1,331,256.74	\$13,711,944.42
Otsego County	62,259	\$678,760.07	\$6,991,228.72
Putnam County	99,710	\$1,087,058.36	\$11,196,701.11
Queens County	2,230,722	\$24,319,777.39	\$250,493,707.12
Rensselaer County	159,429	\$1,738,126.84	\$17,902,706.45
Richmond County	468,730	\$5,110,188.21	\$52,634,938.56
Rockland County	311,687	\$3,398,074.01	\$35,000,162.3
St. Lawrence County	111,944	\$1,220,435.88	\$12,570,489.56
Saratoga County	219,607	\$2,394,199.44	\$24,660,254.23
Schenectady County	154,727	\$1,686,864.7	\$17,374,706.41
Schoharie County	32,749	\$357,036.15	\$3,677,472.35
Schuyler County	18,343	\$199,979.05	\$2,059,784.22
Seneca County	35,251	\$384,313.45	\$3,958,428.54
Steuben County	98,990	\$1,079,208.78	\$11,115,850.43
Suffolk County	1,493,350	\$16,280,800.37	\$167,692,243.81
Sullivan County	77,547	\$845,432.9	\$8,707,958.87
Tioga County	51,125	\$557,374.98	\$5,740,962.29
Tompkins County	101,564	\$1,107,271.04	\$11,404,891.71
Ulster County	182,493	\$1,989,575.18	\$20,492,624.35
Warren County	65,707	\$716,350.86	\$7,378,413.86
Washington County	63,216	\$689,193.48	\$7,098,692.84
Wayne County	93,772	\$1,022,321.1	\$10,529,907.33

Westchester County	949,113	\$10,347,419.75	\$106,578,423.43
Wyoming County	42,155	\$459,582.24	\$4,733,697.07
Yates County	25,348	\$276,348.97	\$2,846,394.39