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In a review of national jurisdictions that recently implemented or updated their Structured Decision Making (SDM) screening assessment, alleged perpetrator is defined by terms such as parents, legal guardians, custodians, caregivers and persons responsible for the care of a child. Of seven jurisdictions reviewed, four specifically included "adult" in definition of caregiver or person responsible. One that did not include the term "adult" had specific criteria for alleged offender "person 14 years or older entrusted with childcare"

Reviewing recently completed SDM screening tools:

- 1) Arkansas SDM definition (2019): "person 14 years or older entrusted with childcare"
- 2) California SDM definition (2021): "An adult, parent, or guardian in the household who provides care and supervision for the child."
- 3) Connecticut SDM definition (2018) and Kentucky SDM definition (2021) are nearly identical:
 - a. **A person responsible for a child's health, welfare, or care**, including the child's parent, guardian, foster parent; An employee of a public or private residential home, agency, or institution; Any other person legally responsible under state law for the child's welfare in a residential setting; or Any staff person providing out-of-home care, including center-based child daycare, family daycare, or group daycare.
 - b. **A person given access to a child**, defined as someone permitted personal interaction with a child by the person responsible for the child's health, welfare, or care, or by a person entrusted with the care of a child.
 - c. **A person entrusted with the care of a child**, defined as someone given access to a child by a person responsible for the health, welfare, or care of a child for the purpose of providing education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring, or mentoring.

Refer information to law enforcement if perpetrator does not meet definition of person responsible.

- 4) District of Columbia (DC) SDM definition (2015): When the alleged perpetrator is not the parent, guardian, or custodian, then the allegations should be forwarded to law enforcement.

Custodian means a person or agency other than a parent or legal guardian:

- a) To whom the legal custody of a child has been granted by the order of a court;
- b) Who is acting *in loco parentis* (in the place of a parent; a person who assumes parental status and discharges parental duties); or

- c) Who is a daycare provider or an employee of a residential facility, in the case of the placement of an abused or neglected child.

Please note that for allegations of failure to protect or unexplained physical injury, the “perpetrator” may be unknown or may be the parent, guardian, or custodian who failed to protect, rather than the person who inflicted the injury.

- 5) Indiana SDM definition (2021): Alleged perpetrator is a parent, guardian or custodian as defined by Indiana law OR the report includes allegations of sexual abuse. Any report that includes sexual abuse allegations requires screening against the sexual abuse criteria and the different relationships between alleged perpetrator and alleged victims detailed in those criteria. For non-sexual abuse allegations, the alleged perpetrator must have a parental, guardian, or custodial relationship with the alleged victim as defined in Indiana law, which includes but may not be limited to biological and adoptive parents; court-appointed guardians; foster parents; owners, operators, employees, and volunteers of residential child care facilities, child care centers, child care homes, child care ministries, and school; child caregivers (babysitters or nannies); or household members of non-custodial parents.
- 6) Michigan SDM definition (2021, not yet implemented) Parent/legal guardian; adult who resides in the home; non-parent adult; licensed foster parent or unlicensed caregiver; Teacher, teacher’s aide, or clergy member; Any referral called in by law enforcement alleging a child is involved in human trafficking.
- 7) South Carolina SDM definition (2021): The alleged perpetrator is a parent, guardian, or other person responsible for the child’s welfare; or the perpetrator is unknown, and there is a need to screen for physical abuse, sexual abuse, and/or human trafficking.

A “person responsible for the child’s welfare” includes the child’s parent, guardian, or foster parent; an operator, employee, or caregiver of a public or private residential home, institution, agency, or childcare facility; or an adult who has assumed the role or responsibility of a parent or guardian for the child but who does not necessarily have legal custody of the child. A person whose only role is as a caregiver and whose contact is only incidental with a child, such as a babysitter or a person who has only incidental contact but may not be a caregiver, has not assumed the role or responsibility of a parent or guardian.

An investigation pursuant to Section 63-7-920 must be initiated when the information contained in a report otherwise sufficient under this section does not establish whether the person has assumed the role or responsibility of a parent or guardian for the child.

APPENDIX: TYPICAL AND ABUSIVE SEXUAL BEHAVIORS

Table A compares examples of typical sexual behaviors with what is considered abusive sexual behavior for different age groups. For screening purposes, presume against screening in reports of relatively minor incidents (e.g., unwanted kissing, inappropriate touching, or self-exposure between peers) where the incident appears to be isolated, and caregivers of both the perpetrator and victim are responding appropriately.

TABLE A	
AGE-TYPICAL SEXUAL BEHAVIORS VERSUS ABUSIVE SEXUAL BEHAVIORS	
TYPICAL SEXUAL BEHAVIORS	ABUSIVE SEXUAL BEHAVIORS*
Ages 0–5	
<ul style="list-style-type: none"> • Masturbation as self-soothing behavior. • Touching self or others in exploration or due to curiosity. • Sexual behavior without inhibition. • Intense interest in bathroom activities. 	<ul style="list-style-type: none"> • Curiosity about sexual behavior becomes obsessive preoccupation. • Exploration becomes reenactment of specific adult sexual activity. • Behavior involves injury to self or others. • Behavior involves coercion, threats, secrecy, violence, aggression, or developmentally inappropriate acts.
Ages 6–10	
<ul style="list-style-type: none"> • Fondling/touching own genitals and masturbation. • More secrecy regarding self-touching. • Interest in others’ bodies expressed as game playing rather than exploratory curiosity (e.g., “I’ll show you mine if you show me yours.”) • Comparing penis size. • Extreme interest in sex, sex words, and dirty jokes. • Seeking information or pictures that explain bodily functions. • Touching that involves stroking or rubbing. 	<ul style="list-style-type: none"> • Sexual penetration. • Genital kissing. • Oral sex. • Simulated intercourse. • Behavior involves coercion, threats, secrecy, violence, aggression, or developmentally inappropriate acts.
Ages 11–12	
<ul style="list-style-type: none"> • Continuation of masturbation. • Focus on establishing relationships with peers. • Sexual behavior with peers, such as kissing and fondling. • Sexual behavior may be heterosexual or otherwise. • Interest in others’ bodies that may take the form of looking at photos or other published material. 	<ul style="list-style-type: none"> • Sexual play with younger child (e.g., inappropriate touching of private areas or exposure of private areas to others). • Any sexual activity between youth of any age that involves coercion, bribery, aggression, or secrecy or involves a substantial peer or age difference.

TABLE A

AGE-TYPICAL SEXUAL BEHAVIORS VERSUS ABUSIVE SEXUAL BEHAVIORS

TYPICAL SEXUAL BEHAVIORS	ABUSIVE SEXUAL BEHAVIORS*
Ages 13–17	
<ul style="list-style-type: none"> • Masturbation in private. • Mutual kissing. • Sexual arousal. • Sexual attraction to others. • Consensual sexual activity among peers. • Behavior that contributes to positive relationships. 	<ul style="list-style-type: none"> • Masturbation causing physical abuse or distress to self and others. • Public masturbation. • Unwanted kissing. • Voyeurism, stalking, or sadism (gaining sexual pleasure from others' suffering). • Non-consensual groping or touching of others' genitals. • Coercive sexual intercourse/sexual assault/oral sex • Rape

*Behavior that isolates youth and is destructive of their relationships with peers and family.

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