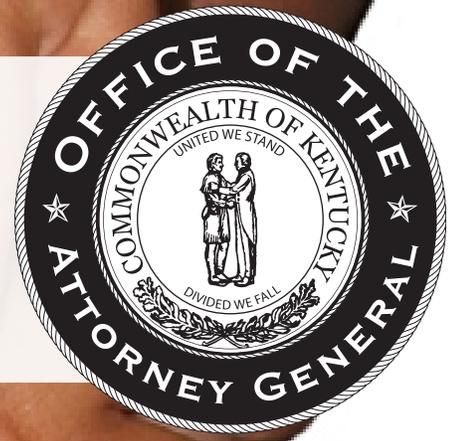


# 2009 Biennial State Plan

Child Sexual Abuse & Exploitation Prevention Board



*Jack Conway*  
Jack Conway, Chair  
Attorney General

Hon. Steve Beshear, Governor  
Commonwealth of Kentucky  
State Capitol Building, Suite 100  
Frankfort KY 40601

Hon. David L. Williams, Senate President  
Hon. Greg Stumbo, Speaker of the House  
702 Capital Avenue  
Frankfort, KY 40601

Dear Governor Beshear, President Williams and Speaker Stumbo,

As chairman of Kentucky's Child Sexual Abuse and Exploitation (CSAEP) Board, I am pleased to present the 2009 Biennial Report of the Child Victims' Trust Fund (CVTF). Kentucky's CSAEP Board, which administers the CVTF, is an autonomous body within the Office of the Attorney General that exists with the mission to reduce child sexual abuse and encourage education, awareness and prevention programs throughout the Commonwealth. In fact, Kentucky holds the distinction of being the only state with a Children's Trust Fund devoted solely to the prevention of child sexual abuse.

Because the consequences of child sexual abuse are significant and can last a lifetime, even one child victim of sexual abuse is too many. I am proud of the leadership and support the CSAEP Board has provided to sexual abuse prevention programs across the state. Our accomplishments will better protect Kentucky children from sexual abuse and ensure that citizens are armed with the knowledge to combat this horrendous crime.

This report describes the work undertaken by the Board during the past two years to accomplish its statutorily assigned duties. Members of the Board volunteer their valuable time to ensure the prevention of child sexual abuse through funding of prevention programs, through the education of service providers of victims of abuse, and through public awareness.

I respectfully offer this report as a comprehensive public record of the CSAEP Board's fiscal activities, efforts to raise awareness of child sexual abuse and commitment to protecting the children of this Commonwealth.

Sincerely,

A handwritten signature in black ink that reads "Jack Conway". The signature is fluid and cursive, with the first name "Jack" being more prominent than the last name "Conway".

Jack Conway  
Attorney General

# CHILD SEXUAL ABUSE AND EXPLOITATION PREVENTION BOARD BIENNIAL STATE PLAN

## I. OVERVIEW INFORMATION

### A. History of Children's Trust Funds

To understand the importance of Children's Trust Funds, one must recognize and appreciate the progression of child abuse prevention efforts. Prior to the 1960's, child abuse fell under the legal category of criminal assault. During the 1960's, the Women's Liberation and Civil Rights movements raised public awareness on the need for rape and domestic violence laws. State legislatures also began to enact child abuse and neglect statutes as criminal and civil violations of the law. Child sexual abuse did not receive recognition as a serious problem until the 1970's, when the federal Child Abuse Prevention and Treatment Act of 1974 championed the need for child sexual abuse prevention work (Abrams, Ramsey, 2000). In response to federal law, child advocates began to lobby for tougher state laws to criminally punish persons who physically and sexually abuse children, thus starting the child abuse prevention movement.

The concept of Children's Trust Funds originated with the late Ray E. Helfer, M.D., a nationally recognized pediatrician in the field of child abuse and its prevention. Dr. Helfer reasoned that since trust funds exist to care for our nation's highways and endangered wildlife species, states should also establish a nationwide network of trust funds dedicated to the prevention of child maltreatment. Dr. Helfer's model served as the catalyst for the coordination of community-based prevention programs that have been initiated by state trust and prevention funds across the country.

Children's Trust Funds (CTF) are state level organizations dedicated to the prevention of child abuse and neglect. Currently, there are 52 trust and prevention funds in operation—one in every state of the union and in the District of Columbia and Puerto Rico. Kansas was the first state to establish a CTF in 1980.<sup>1</sup> Kentucky followed shortly thereafter, creating a trust fund in 1984. Children's Trust Fund programs strive to enable states, local communities, families and individuals with the resources to ensure the safety and well-being of our nation's children.

Trust funds create a vital public-private partnership. Each state administers its trust fund a little differently. In most states, boards of directors, including representatives of the government and private citizens, administer CTFs. Trust funds may be situated within the state government (located administratively through various state agencies), or may be established as a private non-profit. The Commonwealth of Kentucky holds the distinction of being the only state trust fund to focus solely on the prevention of child sexual abuse (CSA).

### B. Child Sexual Abuse Statistics

Rates regarding child victims of rape or sexual assault range from 1.2 to 1.9 children per 1000 in the United States, and these are only reported cases (*Douglas, Finkelhor, 2005*). According to the U. S. Department of Health and Human Services, the National Child Abuse and Neglect Data System (NCANDS) listed more than 83,000 cases of confirmed or substantiated child sexual abuse nationally in 2007. It has been estimated that only one in 10 victims ever discloses the abuse (*Janssen, 1984*).

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<sup>1</sup> Pennsylvania Children's Trust Fund Annual Report – 2001

Studies have found that the percentage of victims who are female range from 78% to 89%. While most sexual abuse and sex crimes are committed by people who know the victims, boys are more at risk of victimization by a stranger (*Douglas, Finkelhor, 2005*). Disturbingly, studies reveal that child victims of abuse are at greater risk of being adult victims and/or perpetrators (*American Psychological Association, 2001*).

In Kentucky, the ever-increasing volume of child sexual abuse allegations dictated the focus of the Child Sexual Abuse and Exploitation Prevention Board (CSAEP Board, or “the Board”) since its inception in 1984. In 2008, Kentucky’s Cabinet for Health and Family Services cited 3,382 cases of reported child sexual abuse; of this number, 25% were substantiated.

Regarding prosecution of such cases, “The Child Sexual Abuse Data Annual Report 2007” notes that child sexual abuse multi-disciplinary teams<sup>2</sup> opened and reviewed 2,048 cases with 694 of these cases reaching prosecution.<sup>3</sup> This report further reveals that 73 percent of these child victims were female.<sup>4</sup> By age: 53 percent were 10 years old or younger (16 percent four years of age or younger, 25 percent between five and eight years of age, 11 percent between the ages of nine and 10), 40 percent were between 11 and 15 years old, 7 percent were over the age of 15.<sup>5</sup>

The true bottom line for the CSAEP Board is that even one child victim of sexual abuse is too many; and therefore, the Board’s mission must continue.

### **C. Legislative History**

In 1984, the passage of House Bill (HB) 486 established the Kentucky CSAEP Board and Child Victims’ Trust Fund (CVTF). The Board is an autonomous body within the Office of the Attorney General and exists as the sole organization in Kentucky with the statewide mission to prevent CSA. The organizational structure and duties of the Board are set forth in KRS 15.900 to 15.940.

### **D. Board Members**

The composition of the Board is predetermined by statute, however, the specific knowledge and areas of expertise held by individual Board members varies at any given time, giving the Board a fluid and flexible approach to its work.

According to KRS 15.910, the CSAEP Board shall be composed of the following members:

- The secretary of the Cabinet for Health and Family Services, the secretary of the Finance and Administration Cabinet, the chief state school officer, the commissioner of the State Police and the Attorney General or designees authorized to speak on their behalf;
- Ten (10) public members appointed by the Governor. It is recommended that, as a group, the public members shall demonstrate knowledge in the area of child sexual abuse and exploitation prevention; shall be representative of the demographic composition of this state;

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<sup>2</sup> KRS 620.040(7) defines the duties and membership of multidisciplinary teams. Multidisciplinary teams *may* review child sexual abuse cases referred by participating professionals, including those in which the alleged perpetrator does not have custodial control or supervision of the child.

<sup>3</sup> Prosecutors Advisory Council, Child Sexual Abuse Data Annual Report 2007

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

and, to the extent practicable, shall be representative of all the following categories: parents, school administrators, law enforcement, the religious community, the legal community, the medical community, professional providers of child sexual abuse and exploitation prevention services and volunteers in child sexual abuse and exploitation prevention services.

- The term of each public member shall be three years. A public member shall not serve more than two consecutive terms whether partial or full. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.

The following list reflects the membership of the CSAEP Board during the relevant period of this Biennial Report:

| Board Member   | Affiliation                                 | Status/Term      |
|--|---|------------------|
| <p><b>Gregory D. Stumbo</b> (2007)<br/>Proxy: Vickie Wise, Director of Victims Advocacy Division</p> <p><b>Jack Conway</b> (2008-Present)<br/>Proxy: Nicole Pang, Executive Director, Office of Victims Advocacy</p>   | Office of the Attorney General              | Ex-Officio/Chair |
| <p><b>Kevin M. Noland</b>, Interim Commissioner of Education (2007)<br/>Proxies: Mary Jo Rist, Libby Taylor</p> <p><b>Dr. Jon Draud</b>, Commissioner of Education (2007-2009)<br/>Proxy: Jamie Keane, April Pieper</p> <p><b>Elaine Farris</b>, Interim Commissioner (2009)<br/>Proxy: April Pieper</p> | Education and Workforce Development Cabinet | Ex-Officio       |
| <p><b>Mark D. Birdwhistell</b>, Secretary (2007)<br/>Proxy: Sherry Rock</p> <p><b>Janie Miller</b>, Secretary (2008-Present)<br/>Proxy: Sherry Rock</p>  | Cabinet for Health & Family Services        | Ex-Officio       |
| <p><b>John Farris</b>, Secretary (2007)<br/>Proxy: Yvette Smith</p> <p><b>Mike Burnside</b>, Secretary (2007)<br/>Proxy: Yvette Smith</p> <p><b>Jonathan Miller</b>, Secretary (2008-Present)<br/>Proxy: Yvette Smith</p>  | Finance & Administration Cabinet            | Ex-Officio       |
| <p><b>John “Jack” Adams</b>, Commissioner (2007)</p>   | Kentucky State Police                       | Ex-Officio       |

|   |   |                                    |
|---|---|------------------------------------|
| Proxy: Deborah Campbell<br><b>Rodney Brewer</b> , Commissioner<br>(2008)<br>Proxies: Deborah Campbell, Lt. Tony<br>Edwards, Major Bill Payton |   |                                    |
| <b>Board Member</b>   | <b>Affiliation</b>                                    | <b>Status/Term</b>                 |
| Ann L. Gutierrez  | Public Member- Lexington                              | 9/20/05-9/20/08<br>9/20/08-9/20/11 |
| Camie R. Meece  | Public Member- Somerset                               | 9/20/05-9/20/08                    |
| Angela M. Funk  | Public Member- Lexington                              | 9/20/08-9/20/11                    |
| Margaret Neil Middendorf  | Public Member- Fort Mitchell                          | 9/20/05-9/20/08                    |
| Eugene H. Foster, Ed.D.   | Public Member- Louisville                             | 9/20/08-9/20/11                    |
| William C. "Chip" Adams, III  | Public Member- Murray                                 | 9/20/06-9/20/09                    |
| Kimothy M. Sparks   | Public Member – Lexington                             | 9/20/06-9/20/09<br>(resigned 2008) |
| Eugene Slone  | Public Member- Cromona                                | 9/20/08-9/20/09<br>9/20/09-9/20/12 |
| Jill Seyfred  | Public Member- Lexington                              | 9/20/04-9/20/07                    |
| Mona Baker  | Public Member-Lexington                               | 9/20/07-9/20/10                    |
| Melissa Warriner  | Public Member- Russell Springs                        | 9/20/03-9/20/06<br>9/20/06-9/20/09 |
| Candace Glassmeyer  | Public Member – Buffalo<br>Public Member – Louisville | 9/20/03-9/20/06<br>9/20/06-9/20/09 |
| Bertie K. Salyer  | Public Member – Salyersville                          | 9/20/04-9/20/07<br>9/20/07-9/20/10 |
| Nancy Swikert, MD   | Public Member – Florence                              | 9/20/06-9/20/07<br>9/20/07-9/20/10 |

Staff:

- Lyn Bruckner
- Sara Gibson-West
- Terri Jacobs
- Lana Grandon
- Lindsey Crawford (former)

## E. Mission Statement and Goals

In December 2005, the CSAEP Board adopted the following mission statement and goals:

### ***Mission Statement***

“Working to reduce child sexual abuse by encouraging education, awareness and prevention programs throughout the Commonwealth.”

### ***Goals***

- To promote public and professional education on the nature and scope of child sexual abuse and related issues, indicators, laws, roles and resources.
- To promote awareness that it is adults' responsibility to provide a safe community for children.
- To reduce the incidence and impact of child sexual abuse by promoting, supporting and/or funding effective programs.
- To establish procedures to generate and oversee effective and efficient use of Child Victims' Trust Fund monies.

## II. PROGRAM INFORMATION

### A. CSAEP Board History

Since its inception in 1984, the Kentucky CSAEP Board has strived to support high quality prevention programs across the Commonwealth. Assistance for programs has taken many forms, most notably financial support for prevention projects. Grants funded through the CVTF have been awarded to community and professional organizations throughout Kentucky, with technical assistance and operation oversight provided to the recipients. The Board is increasingly aware of the need for enhancing prevention programs, community education and public awareness.

While a variety of programs have been funded in the last 20 years, the most common approach has been primary prevention, educating children on sexual abuse victimization and employing strategies to avoid it. Additional funding recipients provide training for adults who interact with children in an attempt to expand child victim advocacy and prevention opportunities.

The Board also supports the regional Children Advocacy Centers (hereinafter CAC) throughout the Commonwealth by providing supplemental funding for child sexual abuse medical examinations. Due to the rising cost of health care, many private insurance companies and Medicaid plans do not cover the entire cost of a sexual assault medical exam. Consequently, the CVTF reimburses the CACs for outstanding costs of the sexual abuse examinations not paid by victims' insurance plans to

ensure all child victims receive needed medical services, without the concern of additional financial burdens.

Another important component of the Board's prevention efforts is public awareness of CSA and the CSAEP Board. Countless citizens have been reached through county child abuse councils, speakers' bureaus, funding the production and distribution of prevention materials, and creation of a Board/Trust Fund brochure and Web page on the Office of the Attorney General Web site. As the Board increases its public awareness campaigns, further defines its goals, and provides more opportunity for community education, CSA and exploitation prevention will continue to expand and reach all Kentucky communities.

Pursuant to KRS 15.935(1)(a)(4), granting the Board authority to attach conditions to funding as it deems appropriate, the Board has identified and prioritized the types of prevention programs eligible, along with the criteria these agencies/organizations must meet, to collect funds. Recognizing the overall goal to reduce the incidence of child sexual abuse and exploitation, the Board utilized the definitions and categorizations of prevention suggested by the Centers for Disease Control and Prevention (CDC) and provided information concerning grant funding and the projects eligible for such funding in the following manner:

The CDC advocates a public health approach to prevention that stresses building partnerships within communities to improve the efficacy of prevention programming not just for individuals but for communities. The public health approach also demands that many aspects of programming be carefully considered to ensure that each program is best suited to the target population and outlines the time at which prevention programming occurs.

As a result, each of the questions, "When does the prevention program take place?" and "Who does the prevention program target?" has three possible answers or categories of prevention programming.

Accordingly, the question of **when** the prevention program occurs refers to the **type of prevention**. There are three types of prevention categories describing when the intervention occurs: **primary**, **secondary** and **tertiary** as defined by the CDC<sup>6</sup>.

1. **Primary Prevention:** Primary prevention takes place **before** child sexual abuse has occurred, to prevent initial perpetration or victimization. This type of programming includes any public or generally offered program on child sexual abuse prevention.
2. **Secondary Prevention:** Secondary prevention occurs shortly **after** child sexual abuse has occurred, to deal with the short-term consequences of violence and prevent additional abuse or related trauma. This type of programming is often provided to clients in sexual abuse treatment settings.
3. **Tertiary Prevention:** Tertiary prevention programs are long-term

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<sup>6</sup> Centers for Disease Control and Prevention (2004). Sexual violence prevention: Beginning the Dialogue. Atlanta, GA: Centers for Disease Control and Prevention. Available for download in PDF format at: <http://www.cdc.gov/ncipc/dvp/SVPrevention.pdf>.

responses **after** child sexual abuse has occurred, to deal with the lasting consequences. This category also includes sexual offender treatment prevention interventions.

Thereafter, the CVTF will refer to the question of “**for whom**” the prevention program is intended as the “**prevention approach.**” Prevention approaches are categorized by the CDC as follows: **universal, selective, and indicated prevention approaches.**

1. **Universal Prevention Approaches:** Universal prevention targets the **general public regardless of individual risk of victimization or perpetration.** Groups may be defined by geography (i.e. city, county or region), by grouping (i.e. school, grade or classroom) or characteristics (i.e. age, gender, ethnicity or profession). Common examples of such approaches are:
  - a. Prevention education programs for children, adolescents, or parents provided through public or private schools, church or civic groups, recreational or health organizations, child-care centers, or other community settings frequented by the general population.
  - b. Programs targeting professionals working with children, adolescents or parents, focusing on increasing their awareness of child sexual abuse and exploitation. Projects may include, but are not limited to, education for legal and law enforcement personnel, teachers, child-care workers, etc. and/or development of local protocols for such professionals.
  - c. Programs designed to increase public awareness of and knowledge about the problem of child sexual abuse. These may include public service announcements; development of public education materials such as posters, brochures, etc.; funding of a community theatrical production on child sexual abuse prevention, etc.
2. **Selective Prevention Approaches:** Selective preventive intervention refers to services provided to persons who are considered at a **heightened risk for child sexual abuse and exploitation or perpetration** even though it is not known if abuse has occurred. Examples of selective prevention programs include one that teaches personal safety to children of women served by spouse abuse shelters, prevention programs for children attending after-school child-care, prevention programs for youth leaving juvenile justice diversion programs, and programs for people with special needs (i.e. the deaf, people with physical disabilities or people with developmental disabilities).
3. **Indicated Prevention Approaches:** Indicated preventive intervention refers to services provided to children or families

***who have already experienced sexual abuse as victims or perpetrators.*** The focus of these services should be on education and prevention of re-victimization. Examples of indicated prevention programs include: educational programs for non-offending parents of child sexual abuse victims or perpetrators, programs for survivors of child sexual abuse, and programs for adolescent perpetrators of sexual abuse.

## **B. Programs Funded by the Board**

In FY 2008, year-end reports reflected 37,234 children received training through individual grantee programs across the Commonwealth. Grantees were also required, as recipients of the award, to distribute information at community events and to advertise the license plate and state income tax refund check-off programs. In FY 2009, grantees estimated funding enabled them to reach approximately 53,479 children and thousands of adults through CSA prevention training, education awareness and community events.

Enhancing the Board's prevention and public awareness goals, the following agencies implemented successful CSA prevention programs through CVTF awards:

Grantees for FY 2008 include:

- Family Advocacy Center, Madisonville  
FAC is a regional child abuse prevention agency. "Kids on the Block" program utilizes child-sized puppets to present the issues of physical and sexual abuse in a non-threatening way to older elementary children.
- Women's Crisis Center, Covington  
WCC is a regional center committed to advocating for the empowerment of adults and children who have survived domestic violence, sexual abuse or rape. Public education conducts age-appropriate personal safety programs on child sexual abuse in elementary schools and relationship abuse and non-stranger rape programs in junior and senior high schools.

Grantees for FY 2009 include:

- Women's Crisis Center, Covington  
*See above.*
- South Central Kids on the Block, Bowling Green  
SC-KOB is a statewide non-profit, nationally trained, educational puppet troupe of more than 30 puppets that offers K-6 children programs on **physical challenges, medical conditions, and social and safety issues**. Kids on the Block (KOB) is a highly praised organization that teaches children how to accept differences in others and themselves and how to make safer and healthier life choices
- Center for Women and Families, Louisville  
CWF is a statewide agency that has been helping victims of [intimate partner abuse](#) since 1912. The Center's Community Education team has unveiled an innovative new project called Step In + Speak Up that's currently being presented to schools in the community. In collaboration with local filmmaker Pam Swisher and with help from talented actors at duPont Manual's Youth Performing Arts School, CWF created Step In + Speak Up. It is a video, accompanying curriculum and poster series that aim to

prevent seeds of violence from sprouting well before students enter high school. Based on the bystander intervention model of bullying prevention, the program explores dynamics of bullying and helps participants develop practical solutions based on individual experiences in their school communities.

- Kentucky Child Now, Frankfort  
KCN is a statewide program (now defunct) which promotes the healthy development of Kentucky's children and youth through advocacy, consulting, training, and coordination, empowering them to become successful adults. KCN's i-Jam program educates children and adults about the dangers lurking in online communities.
- Kentucky Association of Sexual Assault Providers and Kentucky Domestic Violence Association "Ending Domestic Violence and Sexual Assault Conference"- sponsored child sexual abuse education and prevention track.
- Sponsored the Prevent Child Abuse Kentucky "Kids are Worth it Conference" workshop sponsorship and sponsored scholarships for conference attendees.
- Sponsored the Victims Assistance Conference organized by the Office of the Attorney General and underwrote the the Justice Cabinet keynote speaker at the conference.
- Kentucky Youth Advocacy - Children's Advocacy Day sponsor.

The following grantees have received CVTF awards for FY 2010:

- Women's Crisis Center, Covington
- Family and Children's Place, Louisville
- University of Louisville Pediatrics, Louisville
- Lake Cumberland Community Action Agency, Inc. , Jamestown
- Prevent Child Abuse Kentucky "Kids are Worth it Conference", Lexington
- Kentucky Association of Sexual Assault Providers and Kentucky Domestic Violence Association "Ending Domestic Violence and Sexual Assault Conference"

### **C. Grant Award Funding Criteria**

As previously stated, the CSAEP Board concentrates its efforts on awarding grant funding for the implementation of CSA prevention programs across the state and reimbursement funds to pay a portion of the costs associated with CSA medical examinations not covered by Medicaid or private insurance.

#### **1. Statutory Language**

With respect to funding CSA prevention programs, the Kentucky Revised Statutes provide the following directive:

### **KRS 15.935: Purposes for disbursement of funds**

(1) The state board may authorize the disbursement of available money from the trust fund, upon legislative appropriations for exclusively the following purposes, which are listed in the order of preference for expenditure:

- (a) To fund a private nonprofit or public organization in the development or operation of a prevention program, if at least all of the following conditions are met:
  - 1. The appropriate local task force has reviewed and approved the program. This subparagraph does not apply if a local task force does not exist for the geographic area to be served by the program;
  - 2. The organization agrees to match fifty percent (50%) of the amount requested from the trust fund. At least ten percent (10%) of the amount requested shall be matched through dollars, and the remaining match shall be through in-kind contributions. The type of contributions shall be subject to the approval of the state board;
  - 3. The organization demonstrates a willingness and ability to provide program models and consultation to organizations and communities regarding program development and maintenance; and
  - 4. Other conditions that the state board may deem appropriate.
- (b) To fund the cost of medical examinations of victims of suspected child sexual abuse to the extent the fee for an examination is a service not eligible to be paid for by Medicaid or private insurance. The fees paid for this examination shall not exceed reasonable, usual, and customary charges as set by the state Board;
- (c) To fund the cost of counseling and other mental health services to victims of child sexual abuse to the extent the fees for counseling and mental health services are services not eligible to be paid for by Medicaid or private insurance. The fees paid for counseling and mental health services shall not exceed reasonable, usual, and customary charges as set by the state Board;
- (d) To fund local task forces;
- (e) To fund a statewide public education and awareness campaign on child sexual abuse, making use of electronic and print media to inform the public about the nature of child sexual abuse, legal reporting requirements, victim rights, legal remedies, agency services, and prevention strategies;

- (f) To fund and evaluate the comparative success of statewide comprehensive approaches to prevention education making use of multiple approaches; . . . .

## 2. Grant Funded Prevention Programming

The Board describes the applicants eligible for funding consideration through the competitive grant application process in the following manner:

- The Board disburses CVTF monies to private nonprofit organizations, local task forces, and, with discretion, to public agencies as directed by KRS 15.935. Private nonprofit organizations must be certified by the IRS as having tax-exempt status, i.e. 501(c) (3).
- Applications for funding from a CVTF task force must be accompanied by appropriate approval as demonstrated by the signature of the appropriate task force member.
- Applications from public agencies may be assigned a lower priority than other eligible applicants. Acceptable projects from public agencies include those that reach a large audience and are unlikely to be funded from other sources.

## 3. Reimbursement Award Funding

The Board continues its support of the 15 designated regional Children’s Advocacy Centers (CAC) located across Kentucky. Through the medical examination reimbursement program, grantees are provided \$75 per qualifying child sex abuse medical examination to be used to offset the administrative costs incurred by the CAC. In FY 2008, 864 exams were funded (corresponding to providing services to 864 children), at a cost of \$64,800. The number of exams funded at CACs during FY 2009 was 641<sup>7</sup> (corresponding to providing services to 641 children), at a cost of \$46,825 - bringing the total number of exams for the two year period to 1,505. Consequently, statutory directives and administrative guidelines also establish reimbursement funding for the portion of costs associated with CSA medical examinations not covered by Medicaid or private insurance. KRS 15.935(1) (b) provides:

To fund the cost of medical examinations of victims of suspected child sexual abuse to the extent the fee for an examination is a service not eligible to be paid for by Medicaid or private insurance. The fees paid for this examination shall not exceed reasonable, usual, and customary charges as set by the state board.

In addition to the statutory authority found in KRS 15.935(1) (b), the Kentucky Administrative Regulations identify the allowable fees eligible for reimbursement.

### **40 KAR 6:020. Funding assistance for child sexual abuse medical examinations.**

RELATES TO: KRS 15.900, 15.920, 15.935(1) (b), 41.400

STATUTORY AUTHORITY: KRS 15.180

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<sup>7</sup> The decline in the number of exams is not indicative of the actual number of CSA cases at the Children’s Advocacy Centers. Various factors affect the number of examinations funded by the CSAEP Board, including failure to use approved physicians, agency’s underestimating financial needs and/or failure to adhere to grant conditions.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.935(1)(b) authorizes the Child Sexual Abuse and Exploitation Prevention Board to fund, from the Child Victims' Trust Fund created pursuant to KRS 41.400, the cost of child sexual abuse medical examinations to the extent the fee for an examination is a service not eligible to be paid for by Medicaid or private insurance. The function of this administrative regulation is to establish standards and criteria governing the allocation of funding assistance for the case management aspects of child sexual abuse medical examinations in accordance with KRS 15.935.

Section 1. Definitions. (1) "Applicant" means an eligible provider applying for child sexual abuse medical examination funding assistance.

(2) "Case management" means the administrative aspects of the child sexual abuse medical examination and includes the following:

- (a) Transcription of records;
- (b) Scheduling appointments;
- (c) Coordination of services;
- (d) Making referrals for services; and
- (e) Consultation with multidisciplinary teams, court personnel, officers of the court, parents or guardians, social workers, law enforcement and any other party involved in the treatment or protection of the child.

(3) "Child" is defined by KRS 15.900(1).

(4) "Child sexual abuse medical examination" means a complete physical examination of a child with a special focus on the anal or genital area or oral cavity, and the case management associated with the physical examination.

(5) "Eligible provider" means a private, nonprofit agency whose primary purpose is to provide, either directly or through contract, prevention, intervention, and treatment services to sexually abused children and their families, employing a child-focused multidisciplinary team approach.

(6) "State Board" is defined by KRS 15.900(4).

#### **4. Discretionary Grant Awards**

The CSAEP Board is also authorized to fund discretionary grants for statewide programs. Potential Grantees may apply for Discretionary Grant funding at any time during the fiscal year provided that the program for which they seek funding will be completed within the funding year. In addition to the criteria explained in Section III (A), KRS 15.935(1) (e) describes an eligible program in the following manner:

- (e) To fund a statewide public education and awareness campaign on child sexual abuse, making use of electronic and print media to inform the public about the nature of child sexual abuse, legal reporting requirement, victim rights, legal remedies, agency services, and prevention strategies.

### III. FINANCIAL INFORMATION

#### A. Statutory Authority for Child Victims' Trust Fund Revenues

As previously noted, the CSAEP Board administers the CVTF pursuant to KRS 15.920. The Trust Fund consists of revenues derived from the sale of the **"I Care About Kids"** license plates, donations from the State Income Tax Refund Check-off Program and private contributions. (KRS 186.1867; KRS 141.440; KRS 41.400, respectively).

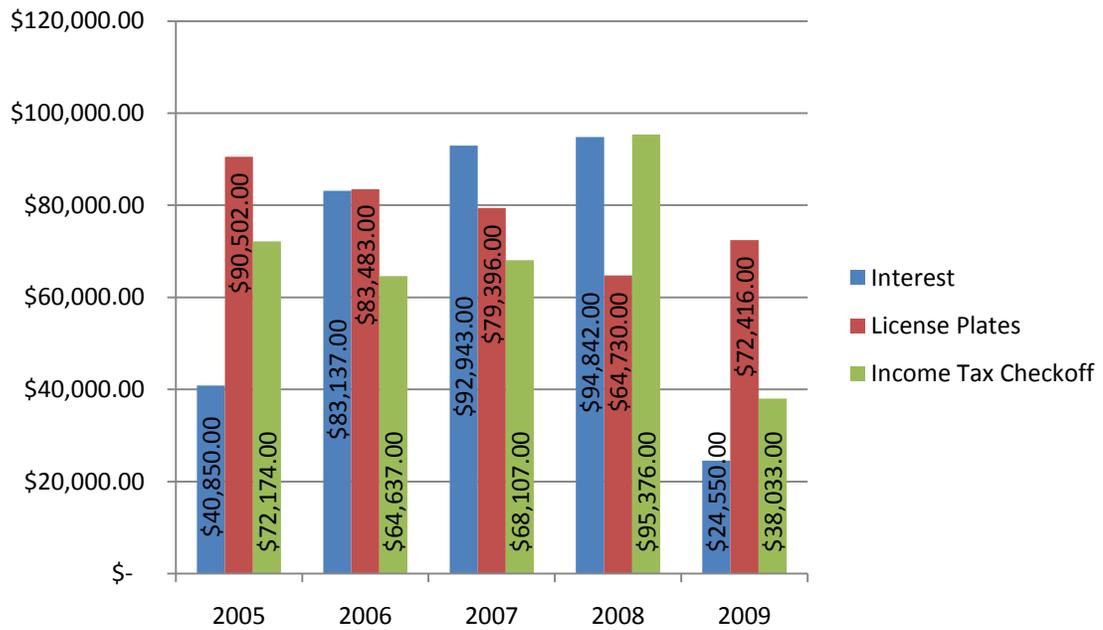
The **"I Care About Kids"** license plate may be initially purchased for \$38 and renewed annually for \$20. The Trust Fund receives \$10 from each initial purchase and \$5 for each renewal purchase. Additional proceeds from the sale and renewal of the specialty license plates are held by the Transportation Cabinet and disbursed at the end of the Fiscal Year. Any and all interest earned on the proceeds of the sale of the Child Victims' Trust license plate is kept by the Department of Transportation for further administrative costs. The **"I Care About Kids"** license plate was one of the first specialty license plates. The Transportation Cabinet now offers no less than 20 charitable or special interest license plates and the trust now faces more competition for license plate revenues. Proceeds from each license plate purchase assist in funding child sexual abuse prevention programs, and partially fund child sexual abuse medical exams not covered by private insurance or Medicaid.

#### B. Summary of Receipts 2007 - 2009

The following chart illustrates a decline in income, which is demonstrative of the financial hardship that the Board currently faces. The economy has greatly affected the amount of interest income and income tax donations on which the Trust Fund depends. Nevertheless, the Board is committed to continue funding prevention and reimbursement programs despite declining revenue. Notwithstanding the Board's eagerness to fund such programs, declining revenue is not the only restriction affecting spending. Statutory directives regulate trust fund expenditures. First, earned interest cannot be used in the year it is received. Likewise, only 50 percent of the funds received from private contributions and the income tax refund check-off program may be disbursed in the year in which it is received. In contrast, there is no such restriction on revenue received from license plates sales; however, as indicated by the "Trust Fund Revenue History" chart below, the decrease in income tax donations and interest income confirms the fact that the CSAEP Board must secure additional funding sources.

| <b>Total Revenue</b>                       | <b>2008</b>         | <b>2009</b>         |
|--|---------------------|---------------------|
| *Earned Interest <sup>8</sup>              | \$94,841.58         | \$24,549.97         |
| *Private Contributions <sup>9</sup>        | \$275.00            | \$100.00            |
| *Income Tax Refund Check-Off <sup>10</sup> | \$95,376.00         | \$38,033.00         |
| License Plates <sup>11</sup>               | \$64,730.00         | \$72,416.00         |
| <b>TOTAL RECEIPTS</b>                      | <b>\$255,222.58</b> | <b>\$135,098.97</b> |

**Trust Fund Revenue History**

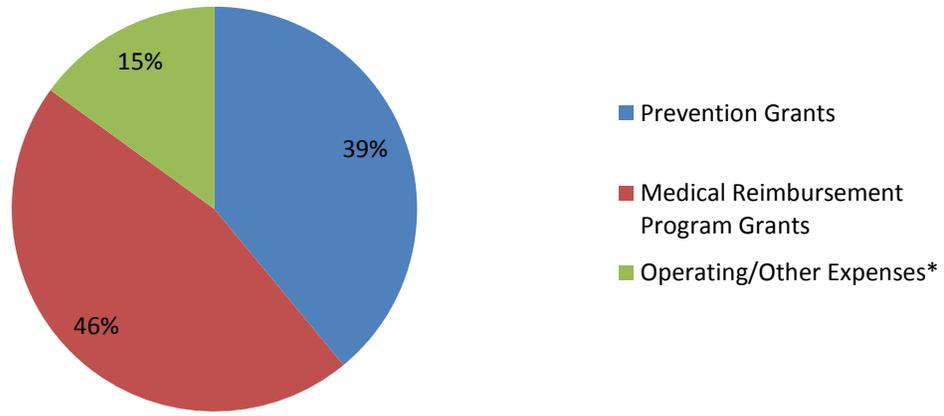


<sup>8-10</sup> All revenue is reported by fiscal year, beginning July 1 and ending June 30 of each respective year.

<sup>11</sup> These amounts include the lump sum transfers from the Transportation Cabinet pursuant to budget memoranda language. Transfer amounts are as follows: \$16,801.00(FY 08) and \$17,773.00 (FY 09).

### C. Summary of Expenditures 2008 and 2009

#### Child Victims' Trust Fund Expenditures Fiscal Years 2008 and 2009



In Fiscal Year 2008, the Board provided \$31,239.72 in funding for Child Sexual Abuse Prevention Programs throughout the Commonwealth. The Board also provided \$64,800 in Medical Reimbursement Grant funding. In Fiscal Year 2009, \$46,825 was provided in Medical Reimbursement Grants and \$62,337 in funds was provided for Child Sexual Abuse Prevention Programs.

Operating/Other expenses made up approximately 15 percent of the biennial budget. Included in the "Operating/Other" expenses are costs that cannot be classified as either Medical Reimbursement or Prevention Grant expenditures such as actual operating costs as well as funds used to promote public and professional education on the nature and scope of child sexual abuse. During the biennium period, the Board sponsored national speakers, informational booths, scholarships and/or programming at the Kentucky Association of Sexual Assault Providers and Kentucky Domestic Violence Association "Ending Domestic Violence and Sexual Assault Conference", the Victims Assistance Conference, and the "Kids are Worth it Conference." These sponsorship opportunities provide the Board with exposure as well as the ability to reach and educate large groups of professionals. National speakers included:

**Rebecca T. Leeb, PhD**- Epidemiologist with the Centers for Disease Control in the Division of Violence Prevention at the National Center for Injury Prevention and Control, whose area of focus is child maltreatment.

**Byron Hurt**- Filmmaker, nationally recognized speaker, writer, media activist, and commentator on issues related to gender, race, sex, violence, music, and visual media.

There are also other costs that are absorbed by the Office of the Attorney General and not charged to the Board as "Operating/Other" expenses. Although KRS §15.935 creates the CSAEP as an autonomous agency within the Office of the Attorney General (OAG), the Board is staffed by the Office of the Attorney General's Office of Victims Advocacy. None of the considerable hours worked by Victims Advocacy staff are billed to the Board as Operating

Expenses, nor are incidental costs, such as office supplies, printing and long distance phone calls.

#### **IV. BOARD STRUCTURE AND ACTIVITIES**

The Board has developed a structure and plan for on-going self-evaluation to ensure it carries out its legislative mandate. The Board's duties have been delegated to six different committees to ensure efficiency and effectiveness in the management of CVTF monies. The following standing committees make up the Board's structural core:

- Development and Public Relations
- Finance
- Grants Management
- Legislative
- Operations
- Research and Training

The following is an example of work being conducted by the standing committees:

##### **Development and Public Relations Committee**

- Met bi-weekly and then monthly to develop and strategize fundraising events. Proposed events included a 25<sup>th</sup> anniversary gala; a 5K run; a license plate contest; a cook-off/"throwdown"; a mass mailing to CPAs regarding tax check-off; and discussed developing a new Web page with a "Donate Now" button.
- Updated posters and brochures identifying the physical and behavioral indicators of child sexual abuse which are suitable for printing and posting in community businesses and the public sector.
- Created and purchased "I Care About Kids" lapel pins to raise public awareness surrounding the issue of child sexual abuse.
- Produced an elevator message, which incorporated a 60-second history and focus on the work of the CVTF Board.
- Research revealed that as a publicly formed statutory entity, the CVTF qualifies as a USC 170(C) (1) and donors can enjoy the same benefits as when donating to a 501(C)(3) charity. Staff drafted a letter for the Attorney General's signature regarding the Board's 170(C) (1) status for tax-deductible donations. The letter is now used to entice public and private donations.
- Required all Children's Advocacy Centers and grant recipient programs to provide a publicity plan that advertised the license plate and state income tax check-off programs.

- Strategized and finalized the logistics of an “I Care About Kids” license plate redesign contest that would be open to children grades K-6. The first place winner’s artwork would be depicted on the license re-plating.

#### **Finance Committee**

- Reviewed revenue and expenditures and made budget recommendations to the Board.
- Consolidated and revised revenue, expenditure and trust documents.
- Utilized reporting programs to increase the Board’s knowledge about operating and disbursement of trust fund monies.

#### **Grants Management Committee**

- Reviewed CSA prevention grants and CSAMR Program grants and made funding recommendations to the Board.
- Strengthened monitoring and site-review process for all CVTF-funded grantees.
- Reviewed and revised existing grant application evaluation process and created new assessment tool for CVTF Prevention and CSAMR Program grantees.
- Revised grant applications to make them more “user friendly” and to encourage a larger applicant pool.

#### **Legislative Committee**

- Reviewed legislation pertaining to child sexual abuse and exploitation and provided notice to the Board of such legislation and its status and began identifying key legislators who might support the Board’s legislative priorities and a process for contacting them.
- Reviewed other states for ideas on how to increase funding for the CVTF.

#### **Operations Committee**

- Drafted revisions to the bylaws for consideration and possible adoption by the Board.
- Drafted a new member handbook.

#### **Research & Training Committee**

- Discussed grant application process for future conferences to ensure that money is being spent on prevention and scholarships.

- Reviewed proposal requests from Kids are Worth It Conference, Victims Assistance Conference and the annual Ending Domestic Violence and Sexual Assault Conference as it relates to speakers, Board member participation, and booth availability.
- Discussed money allocated for strategic planning purposes.
- Discussed new Board member training and development of materials.
- Regularly sought training opportunities for Board member participation.
- Discussed other sources of potential revenue for the CVTF.

## **V. CONCLUSION**

The Year 2009 marked the Child Sexual Abuse and Exploitation Prevention Board's 25<sup>th</sup> Anniversary. In 1984, the Board's founders recognized the need to focus attention on services and prevention programs addressing child sexual abuse. During the ensuing 25 years, the Board has used the Kentucky Child Victims' Trust Fund monies to fund numerous regional and statewide prevention programs, all of which have been monitored to ensure that they address the Board's specific goals and increase public awareness.

All 50 states in the United States plus Puerto Rico and the District of Columbia similarly support their own Children's Trust Funds which are dedicated to the prevention of child abuse and neglect. Recent data indicates that programs funded by the state Child Trust Funds, along with the multitude of prevention and awareness programs conducted by other charitable and/or private agencies, have made significant headway in decreasing the incidence of child sexual abuse.

The United States Department of Health and Human Services has just issued its 2010 fourth installment of the National Incidence Study of Child Abuse and Neglect using data collected in 2005-2006. The study, mandated by Congress, was last updated in 1996 using data collected in 1993. The changes seen in the 12 years between studies are both surprising and encouraging. The number of children, estimated at 553,000, suffering physical, emotional or sexual abuse in 2005-06 is down 26 percent from the estimated 743,200 victims in 1993. In what can only be seen as a sign that the proliferation of child sexual abuse prevention and awareness efforts begun in the 1980s and 1990s has been successful, the number of child sexual abuse victims dropped 38 percent, from an estimated 217,700 in 1993 to an estimated 135,300 in 2005-2006.

Despite the heartening news contained in the latest Health and Human Services Report, the CSAEP Board recognizes that it has an even greater responsibility to the children of Kentucky to try to maintain the positive outcomes seen in this latest study. The data used in the 2010 report comes from a time of economic prosperity and does not include present day data from the recession that currently affects the United States. One need look no further than the "Total Receipts" chart contained in this report to see how the CVTF has fared. Nevertheless, the Board recognizes its responsibility of continuing to fund quality prevention programs with CVTF monies and to continue to provide funding to the Children's Advocacy Centers to assist with the administrative costs associated with the child sex abuse medical examinations conducted at the centers. To that end, the Board has begun to look at alternative ways to raise funds and has

restructured its grant applications to make the applications more user friendly and to encourage a greater number of applicants. The Board is confident the end result will be the funding of cutting-edge programs that will effectively serve the children of the Commonwealth for many years to come.

The OAG does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or in the provision of services and provides upon request, reasonable accommodation necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.