



Policy Regarding Clarification

The purpose of this section of the manual is to define clarification and generate protocols for this intervention in treating youth who have engaged in sexually abusive behaviors and their victims.

Introduction

The clarification process is typically referred to as *"...the process of making amends and paying some form of restitution to the victims of sexual offending behaviors (Rich, 2011)."* Clarification appears to be a frequently used intervention among professionals working with people who have engaged in inappropriate, illegal, or abusive sexual behaviors. For example, in a survey of 483 members of ATSA, 77 % of respondents reported having had experienced participation in a clarification process. In a recent survey conducted by NOJOS (2016):

- 48.1% of therapists working with victims only,
- 71.4% of therapists working with youth who engaged in sexually abusive behaviors only, and
- 77.8% of therapists working with both victims and youth who engaged in sexually abusive behaviors,

reported participating in at least one case that involved a clarification process during the previous year.

There is no current research to confirm or contest the effectiveness of clarification for either victims, perpetrators or their families. However, it appears professionals

in the field believe clarification is an important component in treatment. In the previously mentioned survey (NOJOS, 2016)

- 81.3% of respondents reported believing the clarification process is “important” or “very important” in the treatment of sexual abuse victims;
- 92.4% of all respondents indicated believing the clarification process is “important” or “very important” for perpetrators of sexual abuse.

Currently there is no formal policy to guide therapists in how to implement the clarification process. The purpose of this section is to formulate general protocols for the clarification process based on the experience and opinions of professionals working in the field. These protocols may be considered best practice when using the clarification as an intervention.

Definition

For the purposes of this discussion:

The clarification process involves all steps taken by the victim, perpetrator, or their respective treatment teams in preparing and participating in a formal clarification event.

The clarification event involves formal communication between the victim and his/her abuser for the purposes of clarifying important information regarding the abuse as a component to the treatment process.

Rational for Developing Protocols

Despite the evidence that clarification is frequently used as an intervention there are no formal protocols developed to formally guide this process. Such guidelines appear needed to:

- reduce the potential for harm to clients or their families when the clarification process is used in treatment;
- develop general agreement among professionals regarding what is considered best practice when using the clarification;
- account for what professionals considered important components in clarification;

- increase consistency in how clarification is used in treatment,
- establish roles and boundaries for professionals and their clients when using the clarification process.

Determining When to Use Clarification

The clarification process is not an intervention that is appropriate in all cases involving youth who have engaged in abusive sexual behaviors. There are cases in which the clarification is not an appropriate intervention and/or may be detrimental to the recovery of the victim, perpetrator, or their respective families. For example, clarification is not appropriate in cases where:

- the victim is at high risk of being further traumatized by contact with the offending youth;
- the offending youth continues to act in a delinquent, violent, or abusive manner;
- the offending youth fails to assume full responsibility for their abusive behaviors;
- the offending youth or the victim functions at a low developmental level, or lacks sufficient cognitive or language skills, to fully participate in clarification.

Clarification should not be utilized in cases where it is believed there is significant risk for potential harm. These protocols **do not** attempt to assess or determine if any particular case is appropriate for clarification. Rather, *these protocols provide general guidelines for facilitating cases where it is deemed appropriate by the treatment teams for both the victim and the offending youth.*

General Principles Regarding Clarification

Clarification as a process and event

Clarification is both a *process* and an *event*. Clarification is a process in that it begins with the onset of treatment and remains a focus throughout the course of treatment (when applicable or appropriate). Many of the goals and interventions used over the course of treatment facilitate progress in preparation for a formal clarification event. The event being a formal communication between the abuser

and the victim for the purposes of clarifying important information regarding the abuse. For example, DeMario et al. (2006) found that professionals rated the top two reasons for conducting a clarification session were:

- for the perpetrator to assume all responsibility for the abuse, and
- to decrease the level of self-blame of the victim.

Thus, the offending youth will work in treatment on becoming fully accountable for their abusive behaviors (*process*) in preparation for being able to communicate ownership of responsibility to the victim in a formal clarification letter and/or face-to-face session (*event*).

Clarification is victim centered

“Clarification is a process designed to benefit the victim in understanding and coping with what has happened. (Ryan, Leverage & Lane, 2011).” Thus, the clarification process is “victim centered.” The clarification process and event should be developed to best accommodate the needs of the victim while honoring the dignity of the offending youth. This means the victim’s therapist assumes the lead in facilitating the components, timing, and structure for the clarification process. The victim’s therapist also assumes the lead in facilitating any clarification event(s) (e.g., sharing a clarification letter with the victim, leading a formal face-to-face clarification meeting).

Clarification need to be adapted

Clarification should be tailored to account for the unique needs, developmental level, and/or circumstances or capacities of the people involved. The protocols outlined in this paper are not designed to be used in a rigid or “cookie cutter” fashion. Rather, aspects of this process may need to be adapted or adjusted. For example, when preparing a clarification letter to a victim who is much younger, the offending youth will need to use language the victim will understand. Or, a victim may need specific questions answered by the offender related to their situation or circumstances. However, deviations from these protocols should be done mindfully and with objective clinical judgment.

Clarification –vs- Apology

Among professionals working in the field their divergent opinions regarding the offending youth apologizing for their sexually abusive behaviors as part of a clarification letter or event. Some professionals believe that an apology is warranted or others believe that a formal apology is inappropriate and may lead the victim to feel obligated to express forgiveness. It is suggested that the formal expression of an apology from the offender should be based on the needs of the victim. If the victim would like a formal apology or it appears to be appropriate and beneficial for the victim, then an apology may be appropriate to include in a clarification letter or during a formal clarification event. However, if the victim's therapist believes the expression of apology in the clarification process could be detrimental to the victim then it should not be included in the clarification process.

Timing for clarification

A formal clarification event between the victim and the offending youth should only occur once *all parties* are prepared sufficiently to respond in a manner that promotes safety and healing. A clarification event provides an opportunity for the abuser and the victim to formulate and communicate new thoughts, beliefs, and feelings about themselves, each other and the abuse experience. Ideally, clarification creates a corrective experience. However, this cannot occur if safety has not been established for the victim or the offending youth continues to hold distorted beliefs or lacks the ability to demonstrate understanding and respect for the victim's feelings. Typically, clarification should not occur unless the *offending youth* has demonstrated the following:

- Assumed full responsibility for his/her abusive behaviors.
- Demonstrates a commitment to safety with his/her current behaviors.
- Is prepared to alleviate the victim's sense of responsibility for the abuse.
- Is able to communicate understand of the victim's feelings.
- Is able to describe how their abusive behaviors have impacted the lives of their victim and other family members.
- Demonstrates understanding of their victim's rights (e.g., body ownership).

- Is prepared to listen, understand, and respectfully respond to the feelings, questions or comments the victim may share.

A *victim* needs to demonstrate the following:

- Acknowledges the abuse occurred and is able to discuss details without experiencing undue distress or using cognitive distortions.
- Assigns responsibility to the offending youth.
- Demonstrates effective use of self-regulation skills.
- Is able to effectively use coping strategies with trauma triggers.
- Prepared to use self-protection skills to help prevent further abuse.
- Is able to express what he/she wants to say to the offending youth through a medium that works best for him/her (e.g., a letter, face to face meeting).
- Is able to pose questions he/she would like the offending youth to answer.
- Is able to share safety rules he/she like to have to feel safe.

It is not unusual for either the victim or the offending youth to be prepared for a clarification event before the other party. However, a formal clarification event should not occur until all parties are prepared. It should be emphasized the criteria listed above should not be substituted for good clinical judgment when determining if and/or when a clarification event occurs.

Clarification and on-going assessment

Clarification affords the opportunity to continually assess the progress of the victim, abuser, and family system(s) when determining if further contact would be beneficial or detrimental. Clarification provides the treatment team with valuable information needed to evaluate:

- individual progress in treatment;
- the abuser's willingness to make amends for his/her behaviors;
- the victim's ability to assertively respond to the abuser;
- the families beliefs and perceptions regarding these events;
- and the families ability to effectively communicate.

This information is important when determining if further contact and/or reunification is/are appropriate goals.

Clarification and safety planning

The clarification process and event is a means for establishing new rules, responsibilities, and commitments to safety. In the course of treatment the abuser should become increasingly aware of factors which may increase his/her risk for further problems and develop a prevention plan to reduce this possibility. Likewise, victims and their families will increase their understanding of safety and use of protective skills. The clarification event offers an opportunity for open discussion and planning regarding:

- what rules will be established to reduce risk and enhance safety for the victim;
- who will assume responsibility for monitoring the compliance of these rules;
- a commitment to comply to these rules from all parties involved.

Important Components in Clarification

Little is known about what components are essential or effective in the clarification process. *Ryan, Leversee & Lane (2011) suggest "the essential elements of clarification are:*

- *To communicate to the victim the clear attribution of the abuser's responsibility.*
- *To explain what is being done to prevent further offending: treatment, supervision.*
- *To assess the potential for further interaction to be beneficial or detrimental.*
- *To develop safety plans for further contact or condition to prevent further contact."*

In order to gain a better consensus regarding what constitutes important components in the clarification process, NOJOS (2016) conducted a survey of

mental health providers for victims of sexual abuse and/or juveniles who engaged in abusive sexual behaviors. The following components were believed to be “important” or “very important” by 80% of respondents and should be considered for inclusion when treatment teams are facilitating a clarification process/event:

- The victim’s therapist assumes the lead throughout the clarification process.
- The abuser completes a formal clarification letter to their victim(s).
- The abuser participates in the formal clarification meeting with their victim(s).
- The abuser is able to clarify their abusive behaviors.
- The abuser is able to clarify the way they used force, tricks, bribes, and/or threats to gain the victim’s compliance.
- The abuser is able to assume responsibility for the abuse.
- The abuser is able to assume responsibility for their use of force, tricks, bribes, and/or threats to gain the victim’s compliance.
- The abuser is able to demonstrate understanding for how his/her behaviors have impacted the victim and/or the victim’s family.
- The abuser is able to communicate to the victim that telling about the abuse was the right thing to do.
- The abuser is able to affirm the victim(s) right to say no to any unwanted touching.
- The abuser is able to affirm the victim(s) right to report sexual abuse whenever it occurs.
- The abuser is able to identify and commit to a formal safety plan.
- The victim is able to express his/her feelings about the abuse to the abuser.
- The victim is able to ask questions he/she would like the abuser to answer.
- The victim was able to establish rules he/she would like to have to help himself/herself feel safe with any planned contact with the abuser.

It should be emphasized that not all the components listed above are appropriate for every clarification process/event. Clinical judgment should be used to determine which of these components are appropriate for any given case. For example, a clarification letter may be appropriate in a given case but a formal face-to-face clarification session may not be. Which components are included in any given clarification process should largely be based on what is appropriate for the victim and what the offending youth is able to adequately provide. However,

when appropriate, each of these components should be considered in developing a clarification plan.

Recommended Steps for Clarification

It is recommended the following steps be used in the clarification process/event. There may be situations where modifications or adaptations may be warranted. However, decisions to deviate from this recommended process should be done with mindful consideration and sound clinical judgement. Otherwise, the following process is recommended:

Introductions

In the beginning phases of treatment involving cases in which clarification appears likely, therapists will ask parents/guardians for the name and contact information for the therapist working with the alternative youth. It is important therapists obtain appropriate HIPPA approved release of information forms before initial contact. Therapists for both sides will introduce themselves and discuss a general plan for the clarification process. Typically the responsibility to make the initial outreach lies with the treatment team for the offending youth. However, initial contact may begin with either party.

Coordinate disclosures

Therapists for both the victim and the offending youth need to communicate to ensure reports reading details of the abuse are consistent. This communication may occur several times as both youth make disclosures over the course of treatment. This is important to ensure the offending youth is being accountable for his/her behaviors and the victim does not continue to rely on avoidance strategies to cope with the abuse. In some cases, there may be discrepancies in reports due to developmental factors or differences in recall for some peripheral elements. However, generally there should be consistency regarding primary aspects of the disclosures.

Victim's needs

The victim's therapist will communicate specific questions or needs the victim may have to the offenders treatment team. For example, if the victim has specific questions they would like the offending youth to answer (e.g., "why did you abuse

me?”), these questions would be communicated to the offending youth’s treatment team. The offending youth will then prepare to appropriately respond to these questions/concerns in preparation for a formal clarification event.

Exchange of clarification letters

Formal clarification letters are typically a requirement for the offending youth to prepare. Therapists will coordinate the exchange of clarification letters beginning with the offending youth’s letter. The victim’s therapist should have the opportunity to review and request necessary changes to the abuser’s letter before reviewing it with the victim and the victim’s parents/guardians. It is typical that multiple requests for changes to the letter will occur to ensure it is appropriate. Once the victim’s therapist and parents/guardians approve of the letter then the letter will be shared with the victim as part of his/her treatment.

The victim may also wish to respond in a letter to the abuser to include questions he/she may want to ask and/or comments they wish to share. The victim may also develop other means of expressing their feelings to the offending youth (e.g., poem, pictures, sand-tray). The victim’s letter (or other form of expression) is then shared with the offending youth’s therapist to be reviewed in therapy. The offending youth will then prepare responses to the questions/statements in the victim’s letter (or other form of expression). It can then be determined by the treatment teams if the offender’s responses will be communicated via another letter, in a face-to-face formal clarification meeting, or by some other agreed upon means.

Preparation for the clarification meeting

Therapists will coordinate the planning of a formal clarification meeting (when appropriate). This will include the time, location, and agenda for the session. Therapists should discuss the rules for the session, topics to be discussed, questions to be addressed, and the specific roles for the people involved. Once this is agreed upon, both therapists will communicate this to their client’s and the client’s parents/guardians to ensure expectations for the session are clear.

Clarification sessions should occur in the victim’s therapist’s office to enhance the victim’s sense of safety and comfort. The victim should have a voice in deciding:

- who will be present in the session.
- where people will sit during the session.
- what the rules are for the session.
- what the agenda will be for the session.

Therapists need to clarify the parents/caregivers their role in the clarification meeting. The parents/caregivers role is to support their youth by offering positive feedback and encouragement when prompted by the victim's therapist.

Clarification session

The victim's therapist should assume the lead in a formal clarification session. Efforts should be made to accommodate the victim's requests for seating arrangements, rules, and agenda. It should also be formally discussed that the victim has the right to end the session any time he/she feels it necessary. The abuser's therapist will provide encouragement and support to their client while ensuring he/she is remaining accountable for their behaviors and responding in an appropriate manner to questions or comments. This may including asking the offending youth to answer questions needed to clarify misunderstandings or highlight important points.

The agenda for the session may vary depending on the needs of the victim. Typically the offending youth will be asked to read his/her clarification letter to the victim and respond to any questions asked by the victim or the victim's therapist. Likewise, the victim may be given the opportunity to share his/her thoughts or feelings with the abuser. When appropriate, parents/caregivers of the victim may be given the opportunity to provide positive supportive feedback to the victim.

Safety issues regarding any ongoing contact between the abuser and the offending youth need to be discussed. If there will be further contact between the victim and the offending youth, this should be discussed in some detail and include safety planning.

Monitoring on-going contact

Once the formal clarification session is completed, the therapists and the treatment team will need to discuss if further combined sessions are needed to:

- address issues that came up during the clarification session,
- reinforced concepts established in the session,
- improve family relationships,
- monitor safety planning.

The treatment teams may continue to coordinate to determine if supervised contact outside of therapy is appropriate and/or if reunification is an appropriate long-term plan. If contact does occur, therapists will coordinate to assess the following:

- progress of supervised contact the victim may have with the offending youth,
- ensure compliance to the safety plan,
- the pace of reintegration between the victim and offending youth,
- when treatment goals have been achieved.

Conclusion

Clarification appears to be widely used intervention in treating youth who've engaged in abusive sexual behaviors and their victims. There does appear to be some consensus among professionals working in the field regarding what components are important to the clarification process. Using this consensus, the process previously outlined can be considered best practice for professionals conducting clarification.

References

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