

Outrageous or overblown? 'Molestation' by preschoolers debated

By GARDINER HARRIS
Staff Writer

The 4-year-old's mother is outraged. School officials are concerned. And police have little idea how to handle allegations that some kindergarten boys may have sexually molested a classmate.

Child experts said yesterday that the 5-year-old boys should simply be told they had acted inappropriately.

But Erica Durr, the girl's mother, said the boys should be prosecuted and punished and their families taken to court and ordered to attend counseling.

"I'm very mad there's no way to prosecute them," Durr said. "I think that the parents and the children

should be held accountable."

Durr's anger was sparked when she received a call Wednesday from a counselor at Goldsmith Lane Elementary School. The counselor told her that her child may have had her pants taken down on the school playground Tuesday morning.

Durr said that five kindergarten boys dragged her daughter under the playground monkey bars, pulled her pants down, ripped her panties and fondled her. One also held his arm over her mouth, she said.

Principal Ed Swain said just two boys were involved. Three adult monitors were on the playground, he said.

"It was treated at the time by the adults involved as a routine disciplinary matter," Swain said.

But on Wednesday, one of the monitors decided to tell the school counselor about the incident. The counselor called a child-abuse hot line and then Durr.

Durr said yesterday that she should have been told right away and that the boys should have been given a sterner punishment than simple "time out."

Swain said Durr should have been called right away.

"I think this has become a big deal because parents fear that we may not be keeping their children safe," Swain said.

All teachers wrestle with the dilemma of how much and when to teach children about things they shouldn't do, Swain said. But no

child under the age of 8 distinguishes well between aggression and play, he said.

Byron Egeland, a professor of child development at the University of Minnesota, agreed. He said that the 5-year-olds aren't capable of acting criminally and that they would have had no idea what they were doing.

"It's not uncommon for kids that age to do that sort of thing," Egeland said.

"They should be told, however, that it's wrong, he said. "It's important for them to learn that this is not the thing to do. It's what becoming socialized is all about."

Dr. Peter Tanguay, professor of child psychiatry at the Bingham

Child Guidance Center, said he thought the girl's mother was overreacting. The boys should simply be told they did something wrong and then the issue dropped, he said.

"Twenty years ago, this sort of thing would not have been reported, and it would have been forgotten by the next day," Tanguay said. "This has been blown out of proportion."

But Durr disagreed with the experts and said she doesn't want the issue dropped.

Stan Whitaker, director of pupil personnel for the Jefferson County Public Schools, said the incident is being investigated seriously.

A detective has interviewed the girl, and the incident is being investigated as an abuse case, said De-

tective Bob Knoop of the Crimes Against Children Unit. He said he did not know whether 5-year-olds could be prosecuted.

State law says that to be prosecuted, a person must have the ability to have criminal intent. A judge would have to determine whether a child understood what he or she was doing.

The school investigation will determine if any rules were broken. If they were, the principal will use the Uniform Code of Conduct to help determine a punishment, Whitaker said. The code book recommends that a student found to have sexually abused or assaulted another should be suspended for six to 20 days or sent to another school.