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# INTRODUCTION

All Children<sup>1</sup> have the right to be safe and protected from harm in all environments – whether in their homes, schools, religious institutions, neighborhoods, or communities. The Catholic Diocese of Belleville (the “Diocese”) embraces this right to safety and is dedicated to promoting and ensuring the protection of all Children. The Diocese will do everything in its power to create a safe environment for Children, to prevent their physical abuse, sexual abuse, and neglect, and to bring the healing ministry of the Diocese to bear wherever possible. All individuals and entities owned, operated, or employed by, or otherwise associated with, the Diocese must comply with the provisions of this Child Protection Policy (the “Policy”).

This Policy builds on a policy originally issued by the Diocese in 1990. That initial policy was updated in 1993 with an additional policy document addressing clerical sexual misconduct with minors, and then further updated in 2003 and 2019.

This Policy reaffirms the Diocese’s continued determination to protect Children and reflects the provisions of (1) the *Charter for the Protection of Children and Young People* (the “Charter”), initially approved by the United States Conference of Catholic Bishops in November 2002 and last revised in June 2018, and (2) the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (the “Essential Norms”) that took effect in May 2006.

With renewed faith, the Diocese hereby recommits itself to the original goals of this Policy:

- a. To reiterate and strengthen the Diocese’s educational and screening procedures designed to deter and prevent Child Abuse;
- b. To identify and comply with all Child Abuse reporting requirements established by civil and Diocesan authorities;
- c. To address the spiritual, physical, and emotional care of all abused Children in the Diocese, as well as the care of their families and the affected Catholic community;
- d. To address the spiritual, physical, and emotional care of any Personnel in the Diocese accused of Child Abuse; and
- e. To take other actions as appropriate when Personnel of the Diocese have been accused of Child Abuse.

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<sup>1</sup> Capitalized terms are defined in the Definitions section or elsewhere in this Policy.

# 1 Definitions

The capitalized terms below (including plural terms) have the following definitions when used in this Policy:

## 1.1 **Accused**

Any Personnel of the Diocese that has been charged with or alleged to have committed an act of Child Abuse, a crime related to Child Abuse, or a violation of this Policy.

## 1.2 **Administrative Leave**

The status of an Accused individual when he or she has been temporarily relieved of his or her assigned duties with or for the Diocese pending further instruction of the Vicar General.

## 1.3 **Appropriate Monitoring**

Ongoing, in-person monitoring of the conduct and performance of (a) Personnel with Provisional Status, and (b) individuals who seek to become Personnel and are awaiting the results of the mandatory Background Checks Process. Individuals that serve as monitors of such Personnel are assigned this monitoring responsibility by the local parish, school, or agency after such monitors have themselves completed the mandatory Background Checks Process and required child protection training.

## 1.4 **Background Checks Process**

The mandatory process all Personnel and prospective Personnel must complete and which the Diocese may, in its discretion, update or alter as circumstances may warrant. Presently, the mandatory requirements of the Background Checks Process include (a) a Child Abuse and Neglect Tracking System (“CANTS”) check, (b) a background investigation for potential past criminal activity, and (c) submission of a completed child protection application by all Personnel and prospective Personnel to the Diocese. Until Personnel and Prospective Personnel have successfully completed the Background Checks Process, they may not have Contact with Children except with Appropriate Monitoring.

## 1.5 **Child or Children**

Any individual (or group of individuals) that has not yet attained the age of eighteen (18). For purposes of this Policy, the term “Child” or “Children” also encompasses and applies to all “Vulnerable Individuals” as defined below.

## 1.6 **Child Abuse**

Consists of, and includes, any of the following:

- a. **Physical Abuse**, which includes:

1. Any non-accidental act that inflicts, causes to be inflicted, or is likely to inflict a physical injury to a Child and results or is likely to result in death, disfigurement, loss or impairment of any bodily function, or impairment of physical or emotional health. Examples of common injuries resulting from physical abuse include, but are not limited to, bruises, human bites, bone fractures, and burns;
  2. Any non-accidental act that creates a substantial risk of physical injury likely to have the physical impacts on a Child listed in Section 1.6.a.1 above. Examples of such acts include, but are not limited to (a) choking or smothering a Child, (b) shaking or throwing a Child, (c) violently pushing a Child into a fixed object, (d) threatening acts of violence against a Child, (e) violating a judicial or other civil order issued for the protection of a Child, and (f) having a known history of past physical or sexual abuse that may place a Child or Children at risk;
  3. Any act of torture, which is the deliberate and systematic infliction of cruel or unusual treatment that results or is likely to result in a significant physical, mental, or emotional injury to a Child;
  4. The infliction of excessive corporal punishment on a Child, which may include bruises inflicted on a Child;
  5. The commission of, or knowing consent to or acquiescence in, any act of genital mutilation against a Child; or
  6. The commission of, or knowing consent to or acquiescence in, the sale, transfer, distribution, or administration of a controlled substance (such as an unlawful drug) to a Child except as prescribed by a physician.
- b. **Sexual Abuse**, which occurs when an adult:
1. Engages in sexual activity with a Child that causes or results in, the Child being infected with a sexually transmitted disease;
  2. Sexually penetrates a Child, which includes any contact between the sex organ of one person and the sex organ, mouth, or anus of another person. Typical acts of sexual penetration include, but are not limited to, vaginal, oral, and anal sex;
  3. Sexually exploits a Child, which means involving a Child in any act intended for sexual arousal, gratification, advantage, or profit. Acts of sexual exploitation include, but are not limited to, (a) explicit sexual verbal enticements, (b) the acquisition, possession, or distribution of Child pornography, (c) masturbation in a Child's presence, and (d) soliciting or requiring a Child to watch sexual acts; or
  4. Sexually molests a Child, which means any contact, touching, or other interaction intended to sexually arouse or gratify the perpetrator or the Child. Examples of sexual molestation

include, but are not limited to, fondling a Child's genitals or having the Child touch the perpetrator sexually.

- c. **Neglect**, which occurs when an adult with custodial responsibility for a Child:
1. Deprives or fails to provide the Child with adequate food, clothing, shelter, or needed medical treatment;
  2. Inadequately supervises a Child, including leaving the Child unsupervised or in the care of someone the adult knows is unable to adequately supervise the Child;
  3. Knows that the Child's current environment will likely result in harm to the Child's health, physical well-being, or welfare due to another adult's material disregard of parental or caretaker responsibilities; or
  4. Knows that there is a real, significant, and imminent risk of harm to a Child and such risk is so obvious that a reasonable parent or caretaker would not expose the Child to it without taking suitable precautionary measures to protect the Child.

## **1.7 Complainant**

Any individual that directly or indirectly (for example, through a parent, family member, friend, or other person with pertinent knowledge) reports to a representative of the Diocese that such individual is or may have been subjected to Child Abuse.

## **1.8 Contact with a Child or Children**

Any interaction with a Child or Children in connection with any activity that is conducted, operated, or sponsored by the Diocese that is neither trivial nor limited in duration and scope and may occur on a routine or ongoing basis. "Contact" does not include (a) single, isolated, or infrequent interactions with a Child or Children, or (b) interactions subject to Appropriate Monitoring. Any individual working or performing services in a Catholic school in the Diocese is presumed to have Contact with Children.

## **1.9 Credible Allegation**

An allegation that, under all the circumstances known at the time the determination is made, would lead a reasonable person to conclude that there is a significant possibility an act of Child Abuse occurred. Thus, a Credible Allegation is one that, based upon the facts and circumstances of that particular case, meets one or more of the following thresholds:

- a. It is believable and plausible;
- b. It is reasonable and probable;
- c. It is corroborated with other evidence or another source; or
- d. Is acknowledged or admitted to by the Accused.

In making this determination, due consideration should be given to the trustworthiness of the source of the allegation.

### **1.10 Credibly Accused List**

The Diocese's public website listing of clerics credibly accused of Child Abuse or serious sexual misconduct with adults, available on the Child Protection page of the Diocese's website and periodically updated as new or additional information is learned. The Credibly Accused List is divided into two sections: (1) Diocesan Clerics that have been credibly accused of Child Abuse or serious sexual misconduct with adults, and (2) Religious Order Members or Extern Clerics that ministered in the Diocese or had some other meaningful ecclesiastical connection with the Diocese and were determined by their religious order or home diocese to have been credibly accused of Child Abuse. All clerics on the Credibly Accused List, if still living, are permanently barred from ministering in, or performing other services for or on behalf of, the Diocese.

### **1.11 Diocese**

Diocese means The Catholic Diocese of Belleville, together with all its parishes, schools, agencies, and other affiliates and organizations.

### **1.12 Diocesan Cleric**

Any priest or deacon incardinated in the Diocese.

### **1.13 Exempt Status**

Exempt Status means Personnel that have temporary assignments with or for the Diocese and perform duties in proximity to Children that are of limited duration and scope (in both time and exposure). Until Exempt Status is approved in accordance with Section 3.7, Exempt Status Personnel may only have Contact with Children with Appropriate Monitoring.

### **1.14 Extern Cleric**

Any priest or deacon that was not incardinated in the Diocese and (a) desires to obtain Faculties to minister in the Diocese for more than thirty (30) days (whether consecutive or not) in any calendar year, or (b) resides or seeks to reside in a facility or property in the Diocese that is owned or operated by an entity affiliated with the Catholic Church for more than thirty (30) days (whether consecutive or not) in any calendar year.

### **1.15 Faculties**

The Diocese's grant of permission to male Religious Order Members and Extern Clerics to minister in, or become a clergy member of, the Diocese in accordance with the Bishop's written directives. The Diocese will only grant Faculties after (a) the Diocese has received a letter of permission from that cleric's religious superior or Bishop that comports with the requirements of any applicable agreement between the

United States Conference of Catholic Bishops and the cleric's religious order or home diocese, and (b) the cleric has completed the Background Checks Process.

### **1.16 Non-Clergy Personnel**

Any Personnel of the Diocese that is not a Diocesan Cleric, a Religious Order Member, or an Extern Cleric.

### **1.17 Personnel**

All individuals that are employed by or provide services to the Diocese, whether or not compensated. Personnel includes the Bishop and all Diocesan Clerics, Religious Order Members, Extern Clerics, employees, contract workers, and Volunteers, as well as all applicants for any such positions.

### **1.18 Provisional Status**

Personnel that are awaiting results of the Background Checks Process may obtain Provisional Status allowing them to have Contact with Children, but only with Appropriate Monitoring. Provisional Status may be granted by the Diocese's Office of Child Protection or by the parish, school, or agency of the Diocese for which such Personnel will be providing services.

### **1.19 Religious Order Members**

Any man or woman who: (a) is a member of a religious order, (b) leads a life in common with the other members of the religious order, and (c) ministers or seeks to minister in the Diocese for more than thirty (30) days (whether consecutive or nonconsecutive) in any calendar year. The term "Religious Order Member" also includes any member of a religious order that does not minister in the Diocese, but resides or seeks to reside for more than thirty (30) days (whether consecutive or nonconsecutive) in a facility or property in the Diocese that is owned or operated by an entity affiliated with the Catholic Church.

### **1.20 Volunteer**

An individual that provides services without compensation for or on behalf of the Diocese, or in connection with any activity conducted, operated, or sponsored by the Diocese.

### **1.21 Vulnerable Individuals**

Individuals that are eighteen (18) years old or older but, due to a significant physical, mental, or emotional disability, are unable or unlikely to be able to report possible Child Abuse without assistance from a competent adult.

# 2 Education

## Principle

The Diocese is committed to deterring and preventing Child Abuse to the maximum extent possible, and to identifying possible signs of Child Abuse. The Diocese's goal is to enhance the overall safety of Children by raising awareness and understanding of Child Abuse issues by all Personnel who may have Contact with Children, and by increasing their ability to deal effectively with potential Child Abuse issues. The Diocese also seeks to better educate Children on how to better recognize signs of possibly inappropriate behavior by adults, how to better protect themselves from such behavior, and how to safely communicate, without fear of adverse repercussions, any uneasiness or discomfort they have experienced or may be experiencing in their interactions with any adult.

### 2.1 Purpose and Objective

This Section 2 applies to all training programs developed or offered by the Diocese on subjects pertinent to the recognition, deterrence, prevention, or reporting of Child Abuse. Such educational training in Child Abuse matters is:

- a. Required of all Personnel that are expected to have Contact with Children;
- b. Required of all Children who attend a Diocesan school or receive instruction at a Diocesan parish school of religion, unless waived in writing by the parent(s) or guardian(s) of the Child in question; and
- c. Recommended for parents and other adults with custodial responsibility for any Child that participates in any activity conducted, operated, or sponsored by the Diocese.

The primary objective of these educational programs is to enhance participants' awareness and understanding on how to effectively recognize, deter, prevent, and report possible instances of Child Abuse. Such programs must be taken and satisfactorily completed on annual basis by all Personnel that may have Contact with Children.

### 2.2 Who Must Participate in Training

The following Personnel that are expected to have Contact with Children must participate in an annual Child Abuse education program:

- a. All Diocesan Clerics, Religious Order Members, and Extern Clerics;
- b. All employees, contract workers, and Volunteers;
- c. All principals, assistant principals, teachers, teacher's aides, guidance counselors, librarians, and other Personnel at all levels (including, but not limited to, clerical, maintenance, food service workers, nurses, and office personnel) of all Catholic schools in the Diocese;

- d. All directors, coordinators, catechists, teachers, and staff of religious education programs in the Diocese;
- e. All Personnel providing child care services relating to any activity conducted, operated, or sponsored by the Diocese; and
- f. All youth ministers, coaches, directors and other Personnel involved in Children's activities (including, but not limited to, athletics, scouting, choir, etc.) for or on behalf of any parish, school, agency, or other Catholic organization in the Diocese.

The Vicar General may direct additional Personnel (i.e., those not already specified in Sections 2.2.a through 2.2.f above) to attend annual Child Abuse education programs. Parents and other adults with custodial responsibility for any Child that participates in any activity conducted, operated, or sponsored by the Diocese will be encouraged to attend appropriate training sessions offered to Personnel.

## **2.3 Educational Curriculum for Personnel and Children**

All Personnel that are expected to have Contact with Children must attend scheduled training sessions that include, but are not limited to, one or more of the following subjects:

- a. Appropriate boundaries with Children and established prohibitions in ministry relating to Children;
- b. Nature of the Child Abuse problem;
- c. Signs and symptoms of Child Abuse;
- d. Laws, policies, and procedures applicable to the reporting of Child Abuse allegations;
- e. Policies and procedures intended to prevent and deter Child Abuse, with emphasis on prevention and deterrence measures that may be taken in connection with events or functions conducted, operated, or sponsored by the Diocese;
- f. Policies and procedures for responding appropriately to Child Abuse allegations; and
- g. Types of disclosures of Child Abuse allegations and how to respond appropriately to such disclosures.

Diocesan Clerics, Religious Order Members, and Extern Clerics will periodically receive additional education on the following subjects:

- a. Ministering to adults and Children about the prevention and deterrence of Child Abuse;
- b. Ministering to Complainants, victims/survivors of Child Abuse, and their respective family members; and
- c. The effect the Sacrament of Reconciliation or Confession may have on reporting allegations of Child Abuse.

Children attending Diocesan schools or receiving instruction at a parish school of religion (preschool through grade 12) must attend scheduled training sessions that include, but are not limited to, one or more of the following subjects:

- a. Basic safety skills;
- b. Recognition of potentially dangerous or abusive situations;
- c. Appropriate and inappropriate Contact with adults, and other potential interpersonal boundary violations;
- d. Ability to say “no” to unwanted situations;
- e. Ability to identify trusted adults with whom to speak;
- f. Importance of reporting when he or she or another Child is subjected to inappropriate or unwanted actions by an adult;
- g. Emphasis that acts of abuse and abusive situations are never the fault of the Child; and
- h. Ability to safely interact with technology, including the internet and mobile electronic devices.

## **2.4 Completion of Training Deadlines**

Personnel and prospective Personnel that are expected to have Contact with Children must enroll in an appropriate educational training program as specified in Section 2.3 above on or before the date they assume their duties. The Vicar General or his designee may, in his discretion, extend such deadline in exigent circumstances or with respect to Personnel that are not expected to have Contact with Children.

Pastors, school principals, and agency directors must ensure that all Personnel supervised by them that are expected to have Contact with Children receive the required Child Abuse training on or before the date they assume their duties, unless the Vicar General or his designee has approved an extension as provided in this Section 2.4. Any Personnel that fail to timely complete the required training must be removed from further Contact with Children until they have done so.

## **2.5 Availability of Child Abuse Training**

Child Abuse training will be available at local parishes, schools, and agencies and also at the Diocese itself. The Diocese may provide such training in a variety of appropriate mediums, including but not limited to:

- a. In-person training sessions;
- b. Web-based training courses; and
- c. Arranging for appropriate individual training approved by the Diocese if no other training is available.

## **2.6 Educational Programs for Students in Diocesan Schools and Religious Education Programs in the Diocese**

The Diocese’s Director of Education will ensure that age-appropriate Child Abuse prevention and education programs are available at both the elementary (pre-

kindergarten through 6th grade) and middle/secondary (7th through 12th grade) levels. Such programs will be provided annually to Children in all grades of every parochial school in the Diocese, as well as Children participating in parish religious education programs in the Diocese.

## **2.7 Assessment and Evaluation of Educational Efforts**

To help assess the progress of educational efforts required by this Policy, the Diocese will, subject to its document retention policy, maintain records of the following:

- a. The number of in-person Child Abuse training courses it offered;
- b. The number of web-based Child Abuse training courses it offered;
- c. The number of training courses attended by:
  1. Diocesan Clerics;
  2. Religious Order Members;
  3. Extern Clerics;
  4. Personnel;
  5. Volunteers;
  6. Parents or other adults with custodial responsibility for a Child or Children; and
  7. Children.
- d. Participant evaluations of training content and learning opportunities.

# **3 Background Checks Process for Personnel**

## **Principle**

The Diocese believes that the Background Checks Process is an important tool to enhance the safety of Children and help protect them from possible Child Abuse. Consequently, all Personnel and prospective Personnel that are expected to have Contact with Children in connection with any activity conducted, operated, or sponsored by the Diocese must undergo, and successfully complete, the Background Checks Process.

## **3.1 Completion of the Background Checks Process**

- a. Pastors, school principals, and agency directors must ensure that all Personnel and prospective Personnel supervised by them have completed the mandatory Background Checks Process.
- b. Personnel and prospective Personnel that are awaiting results of the Background Checks Process may be granted Provisional Status, subject at all times to Appropriate Monitoring. Such Appropriate Monitoring must remain in place until the Office of Child Protection or the applicable parish, school, or agency has confirmed that the individual in question has completed the Background Checks Process.

- c. Background Checks Process results will be reviewed by the Office of Child Protection, the Director of Education, and/or the applicable parish, school, or agency. Such reviewers will, in turn, notify the appropriate pastor, school principal, or agency director of any Personnel or prospective Personnel that have not successfully completed the Background Checks Process. The Office of Child Protection will be responsible for maintaining a list of all persons that have been refused employment with the Diocese, or been precluded from providing services to the Diocese, as a consequence of failing to successfully complete the Background Checks Process under this Policy.
- d. The Background Checks Process may on occasion produce mistaken results (such as, for example, when it mistakenly returns information about someone other than the intended individual). In circumstances where it is reasonable to believe that such a “false positive” may have occurred, the results of the Background Checks Process will be reviewed by the Office of Child Protection to determine if further inquiry or other steps are warranted.

### **3.2 Applicants for Employment or Volunteer Services with the Diocese**

All current Personnel and all applicants for any position identified in Sections 3.2.a through 3.2.e below that are expected to have Contact with Children must successfully complete the Background Checks Process. Any employment with or provision of services for or on behalf of the Diocese is always contingent upon the following individuals successfully completing the Background Check Process:

- a. All employees, contract workers, and Volunteers;
- b. All principals, assistant principals, teachers, teacher’s aides, guidance counselors, librarians, and other Personnel at all levels (including, but not limited to, clerical, maintenance, food service workers, nurses, and office personnel), that are expected to have Contact with Children at any Catholic school in the Diocese;
- c. All directors, coordinators, catechists, teachers, and staff of religious education programs in the Diocese;
- d. All persons providing child care services relating to any activity conducted, operated, or sponsored by the Diocese; and
- e. All youth ministers, coaches, directors, and other Personnel involved in Children’s activities (including, but not limited to, athletics, scouting, choir, etc.) for or on behalf any parish, school, agency, or other Catholic organization in the Diocese.

### **3.3 Authority of the Vicar General**

The Vicar General may direct additional Personnel or prospective Personnel (i.e., those not already specified in Sections 3.2.a through 3.2.e above) to complete the Background Checks Process.

### **3.4 Updating Background Checks Information**

The Diocese may from time to time require any Personnel, individually or as a group, to undergo and successfully complete an updated Background Checks Process.

### **3.5 Review and Approval by the Office of Child Protection**

- a. The results of CANTS background checks will be reviewed by the Office of Child Protection. All other information obtained during the Background Checks Process will be reviewed by parish, school, or agency for which the individual in question is expected to provide services.
- b. If any information learned during the Background Checks Process raises doubts about the suitability of any Personnel or prospective Personnel to have Contact with Children, the applicable pastor, school principal, or agency director will contact the individual in question to address and try to resolve such doubts. If the potentially disqualifying information relates to Religious Order Members or Extern Clerics, the Vicar General or his designee will contact the individual in question. The Diocese may also request any Personnel or prospective Personnel to undergo a fingerprint check.
- c. Subject to the Diocese's record retention policies, potentially disqualifying information regarding all Personnel and prospective Personnel will be transmitted to and maintained by the Office of Child Protection (and by the Vicar General if the potential disqualifying information relates to Religious Order Members or Extern Clerics). If the information does disqualify the individual from serving in any Personnel capacity, available documentation regarding the disqualifying information will be provided to the individual in question.
- d. Unless other sections of this Policy apply, no person may commence employment or provide services for or on behalf of the Diocese until after the Office of Child Protection has provided its approval.

### **3.6 Provisional Status for Personnel**

Personnel and prospective Personnel that are awaiting results of the Background Checks Process may obtain Provisional Status. Individuals with Provisional Status may begin providing services for or on behalf of the Diocese, but their Contact with Children must remain subject at all times to Appropriate Monitoring until the Office of Child Protection has confirmed that they have successfully completed the Background Checks Process.

### **3.7 Requirements for Personnel to Obtain Exempt Status**

Personnel and prospective Personnel that seek Exempt Status must provide written confirmation to the Vicar General or his designee that they are in compliance with the child protection policies of their governing host institution in order to be eligible to provide any services in the Diocese where Contact with Children is possible. If such written confirmation is provided, the Vicar General or his designee may, in his discretion, approve the request for Exempt Status. Any approval of a request for Exempt Status must be in writing, and a copy must be forwarded to the Office of Child

Protection. Until the Office of Child protection has received such written approval, no individual seeking Exempt Status may have Contact with Children except with Appropriate Monitoring.

## **4 Background Checks Process for Diocesan Clerics, Religious Order Members, and Extern Clerics**

### **Principle**

The Diocese believes that the Background Checks Process is an important tool to enhance the safety of Children and help protect them from possible Child Abuse. Consequently, all Diocesan Clerics, Religious Order Members, and Extern Clerics that are expected to have Contact with Children in the course of providing services for or on behalf of the Diocese must undergo, and successfully complete, the Background Checks Process. The Vicar General or his designee will ensure that all Diocesan Clerics, Religious Order Members, and Extern Clerics have successfully completed the Background Checks Process before having Contact with Children, unless they are awaiting the results of the Background Checks Process, in which case they may only have Contact with Children with Appropriate Monitoring.

### **4.1 Diocesan Clerics, Religious Order Members, and Extern Clerics**

- a. All Diocesan Clerics, Religious Order Members, and Extern Clerics must successfully complete the Background Checks Process. The Vicar General or his designee will review the results of such Background Checks.
- b. In addition to successfully completing the Background Checks Process, the religious superiors of Religious Order Members and the Bishops of Extern Clerics must, in every instance, certify in writing to the Office of the Bishop that such individuals have no known history of conduct or actions that would render them unsuitable to have Contact with Children. Such written certification must affirmatively state that the religious superior or Bishop is familiar with the employment and prior actions (including any possible criminal history) of the Religious Order Member or Extern Cleric in question, and unreservedly recommends that such individual be granted Faculties or permission to reside in the Diocese.
- c. The Diocese will maintain a list of all Religious Order Members and Extern Clerics that have been refused employment or denied permission to provide services in the Diocese as a consequence of disqualifying information learned during the Background Checks Process. The Diocese will provide available documentation regarding the disqualifying information to the Religious Order Member or Extern Cleric in question.
- d. Religious Order Members and Extern Clerics that minister or reside in the Diocese for thirty (30) days or less (whether consecutive or not) in any calendar year are not required to undergo the Background Checks Process. However, at least fourteen (14) days prior to ministering in the Diocese (or as soon as

practicable if such 14-day notice is not possible), such Religious Order Member or Extern Cleric must transmit to the Diocese a Testimonial of Suitability issued by his or her applicable religious superior or his designee (in the case of a Religious Order Member) or his Bishop or his designee (in the case of an Extern Cleric) confirming that the Religious Order Member or Extern Cleric in question (i) is in good standing, (ii) is currently in full compliance with the child protection policy of his or her religious community (in the case of a Religious Order Member) or his home diocese (in the case of an Extern Cleric), and (iii) that such compliance will remain in effect as of the date(s) of his anticipated ministry.

- e. Except as provided in this Section 4.1, no representative of the Diocese may authorize any Religious Order Member or Extern Cleric to (a) minister in the Diocese, or (b) reside in a facility or other property in the Diocese that is owned or operated by an affiliate of the Catholic Church until the Vicar General or his designee has affirmed in writing that such individual has successfully completed the Background Checks Process.
- f. All Religious Order Members and Extern Clerics must adhere to all applicable provisions of this Policy. Allegations of Child Abuse by Religious Order Members and Extern Clerics received by the Diocese will be handled as specified in Section 7.3 below.

## **4.2 Applicants for Priesthood or Permanent Diaconate in the Diocese**

Individuals that apply for the priesthood, a permanent diaconate in the Diocese, or seek incardination in the Diocese must (a) undergo and successfully complete the Background Checks Process, (b) complete all applicable Child protection training requirements, and (c) affirm in writing that they have no history that would render them unsuitable to have Contact with Children. All such individuals must also satisfactorily complete psychological testing as to their suitability to have Contact with Children.

## **4.3 Provisional Status and Exempt Status for Religious Order Members and Extern Clerics**

- a. Religious Order Members and Extern Clerics that are awaiting results of the Background Checks Process may obtain Provisional Status. Religious Order Members and Extern Clerics with Provisional Status may not have Contact with Children (except with Appropriate Monitoring) until the Office of Child Protection has confirmed that they have successfully completed the Background Checks Process.
- b. Religious Order Members and Extern Clerics that seek Exempt Status must provide written confirmation to the Vicar General or his designee that they are in compliance with the child protection policies of their governing host institution before providing any services in the Diocese where Contact with Children is possible. If such written confirmation is provided, the Vicar General

or his designee may, in his discretion, approve the request for Exempt Status in writing. Pending issuance of such written approval, no Religious Order Member, or Extern Cleric seeking Exempt Status may have Contact with Children except with Appropriate Monitoring. A copy of all approvals of Exempt Status for Religious Order Members and Extern Clerics will be forwarded to the Office of Child Protection.

## **5 Duty to Report Possible Child Abuse to Civil Authorities**

### **Principle**

The Diocese recognizes that the protection of Children is a responsibility shared by the entire community, including the Diocese, parents, teachers, healthcare professionals, public safety officials, public and private social services agencies, and the general public. The Diocese is committed to working with civil authorities to protect Children by preventing and deterring Child Abuse, reporting alleged incidents of Child Abuse, and cooperating in civil and criminal investigations of Child Abuse allegations and any resulting judicial proceedings. The Diocese will also advise Complainants (and, where appropriate, persons with custodial responsibility for such Complainants) of their right to independently report Child Abuse allegations to the civil authorities, and will support their exercise of that right. The Diocese will always comply with reporting obligations established by governing civil law, and the Vicar General (in conjunction with the Review Board) will review this Policy at least annually to ensure that the Diocese's Child Abuse reporting standards and procedures remain consistent with civil law requirements.

### **5.1 Who Must Report?**

Any Personnel that, in the course of performing services for or on behalf of the Diocese, observes or learns of information that reasonably suggests any Child has been the subject of Child Abuse must report such information to the Illinois Department of Children & Family Services ("DCFS") and to local law enforcement authorities. The sole exception to this mandatory reporting obligation is that ordained priests cannot report any information subject to the Sacrament of Reconciliation or Confession.

### **5.2 What Must be Reported?**

Any suspected instance of Child Abuse must be reported promptly, regardless of when or where the alleged incident may have occurred. This includes incidents of Child Abuse that allegedly occurred when the Complainant was a Child, even if the Complainant is now a competent adult.

### **5.3 To Whom Should Reports be Made?**

Instances of alleged Child Abuse must be reported to the DCFS via the Illinois Central Register Hotline (1-800-25-ABUSE or 1-800-252-2873). The Hotline worker to whom the report is made will determine whether or not DCFS will accept the report and

initiate an investigation of the allegation. If the Hotline worker accepts the report, the person reporting the allegation will be required to submit a written confirmation of the report, on a form supplied by DCFS, within forty-eight (48) hours. If DCFS does not accept the report, the Hotline worker is required to explain the basis for that decision.

In non-emergency and non-life threatening situations only, a report of possible Child Abuse may also be made to DCFS through an online reporting system available at <https://dcfsonlinereporting.dcf.illinois.gov/>.

## **5.4 What Specific Information Should be Reported?**

The individual reporting a Child Abuse allegation to DCFS should provide as much information about the allegation as is then known. The reporting individual should not attempt to conduct his or her own investigation or try to obtain more information than is readily available. To the extent possible, the following information should be included in the report to DCFS:

- a. Name, address, age, and current location (if known) of the Complainant;
- b. Name and address of the Complainant's parents, caretakers, and/or siblings;
- c. Relationship of caretakers to the Complainant;
- d. Details of the alleged Child Abuse, including specifics of the incident(s), location and severity of injuries, any suspected pattern of Child Abuse, and any observed physical evidence (such as marks or bruises on the Complainant, etc);
- e. Any explanation or information provided by the Complainant regarding the alleged incident(s) of Child Abuse; and
- f. Any other relevant information that might expedite the DCFS investigation, such as directions to the Complainant's home (especially in rural areas) or information about potential risks to the investigator.

## **5.5 Supporting Individuals That Report Child Abuse**

An individual that reports a possible incident of Child Abuse to DCFS must also report the Child Abuse allegation to the appropriate local law enforcement authorities. The reporting individual should also inform the Complainant (or, where appropriate, the person with custodial responsibility for the Complainant) of their right to independently report the alleged Child Abuse to DCFS and law enforcement authorities. Personnel of the Diocese will always affirm and support individuals that elect to make such independent reports.

## **5.6 Cooperation with Civil Authority Investigations**

All Personnel will, upon request of any civil authority, cooperate fully in any investigation of alleged Child Abuse, including instances where the Complainant is now an adult. Personnel must also cooperate fully in any judicial proceeding that may result from a civil investigation of Child Abuse.

## **5.7 Immunity Protection for Reporters of Possible Child Abuse**

The Illinois Abused and Neglected Child Reporting Act provides that any person that in good faith reports possible Child Abuse to the DCFS is immune from civil or criminal liability stemming from the making of such a report.

## **5.8 Retention of Records Relating to Child Abuse Allegations**

- a. The Diocese will permanently retain the following records:
  1. Reports of Child Abuse received by the Diocese, whether or not deemed to be Credible Allegations;
  2. Notices or reports made by the Diocese or any Personnel in response to Child Abuse allegations, including but not limited to reports provided to DCFS and other civil authorities; and
  3. Documents received or generated by the Diocese in connection with reports of Child Abuse allegations and its investigation of same, including any statements furnished to the civil authorities.
- b. The Office of Child Protection will have primary responsibility for maintaining the Diocese's records of Child Abuse allegations. If the allegations involve a Diocesan school, the school in question will send the records to the Office of Child Protection. (The school may also, in its discretion, retain a copy of the records for its files). If the allegations are directed against Diocesan Clerics, Religious Order Members, or Extern Clerics, such records will be maintained in the Office of the Vicar General.
- c. To protect the privacy and reputation of all involved, the Diocese will keep all records of Child Abuse allegations strictly confidential.

# **6 Duty to Report Possible Child Abuse to the Diocese**

## **Principle**

The Diocese believes unconditionally in the dignity of all Children and reasserts its condemnation of all forms of Child Abuse. Accordingly, all Personnel have the following obligations relating to possible instances of Child Abuse:

- a. The general duty to report any knowledge or reasonable suspicion of any incident of Child Abuse to the Diocese, regardless of the possible consequences of such disclosure; and
- b. The pastoral responsibility to establish, implement, adhere to, and enforce a program of clear, practical actions to encourage prompt reporting of suspected Child Abuse.

## **6.1 What Must Be Reported to the Diocese?**

- a. Any Personnel that, in the course of performing services for or on behalf of the Diocese, observes or learns of any of the types of possible Child Abuse listed below must promptly report such information to the persons and in the manner provided in Section 6.2 below:
  - Child Abuse that allegedly occurred on the premises of any Catholic school in the Diocese;
  - Child Abuse that allegedly occurred on the premises of any facility or property owned or operated by the Diocese;
  - Child Abuse that allegedly occurred in the course of any activities or events conducted or sponsored by the Diocese; and
  - Child Abuse that was allegedly committed by any Personnel of the Diocese.
- b. Any suspected Child Abuse in any of the above categories must be reported internally as provided in Section 6.2 below, regardless of the nature or current age of the Complainant, the position or role of the Accused, or the date(s) when the alleged Child Abuse may have occurred. The sole exception to this mandatory internal reporting obligation is that ordained priests cannot report any information subject to the Sacrament of Reconciliation or Confession.

## **6.2 To Whom Should Reports Be Made?**

- a. If the alleged Child Abuse has not already been reported to the DCFS and to local law enforcement authorities, such reports should be made immediately. If the alleged Child Abuse has been reported to the DCFS and local law enforcement authorities, the Personnel that made such reports must also then immediately report the alleged Child Abuse and the outcome of the Hotline call, in person or by telephone, to the individual designated to receive such reports by the Diocese or by the appropriate school, parish, or other agency of the Diocese.<sup>2</sup>
- b. The representative of the Diocese receiving such an internal report of Child Abuse must immediately convey its substance, in person or by telephone, to (1) the Vicar General or his designee, (2) the Office of Child Protection, or (3) if school related, to the Office of Education.
- c. After the reporting individual has submitted the written report required by the DCFS (and any similar written reports made to local law

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<sup>2</sup> If the individual designated to receive such reports is the Accused, the report should instead be made to the designee's superior.

enforcement authorities), he or she must immediately forward a copy of such report(s) to (1) the Vicar General, (2) the Office of Child Protection, or (3) if school related, to the Office of Education.

- d. If the alleged Child Abuse has been reported to the DCFS but the Hotline worker has determined not to accept the report, the reporting Personnel must nevertheless transmit the substance of the report to the Office of Child Protection.
- e. If the alleged perpetrator of the reported Child Abuse is a Diocesan Cleric, Religious Order Member, or Extern Cleric, the Vicar General must notify the Bishop. If the Accused is a Religious Order Member, the Vicar General must also notify that individual's religious superior (in the case of a Religious Order Member) or the Bishop of his home diocese (in the case of an Extern Cleric).
- f. In all circumstances, the Vicar General must confirm that the alleged Child Abuse has been reported to the civil authorities. Where appropriate, the Vicar General may also designate a case-specific contact individual to coordinate the necessary cooperation with civil authorities required by Section 5.6 above.

## **7 The Diocese's Procedures for Handling Child Abuse Allegations**

### **Principle**

The Diocese will take all reasonable precautions to ensure that Children in the Diocese are safe and protected from harm. Despite such preventive measures, instances of alleged Child Abuse may still occur. When the Diocese learns of such allegations, it will consider the rights and interests of all parties and adhere to procedures that: (a) seek to minimize the potential for further injury, (b) seek to maximize the potential for a speedy and just resolution, and (c) comply with applicable tenets of canon law and civil law regarding Child Abuse matters.

To assist in implementing these procedures, the Diocese has established separate telephone numbers to facilitate (a) the reporting of possible Child Abuse by Diocesan Clerics (1-800-640-3044), and (b) the reporting of possible Child Abuse by other Personnel of the Diocese (618-212-1201).

## 7.1 Allegations Against Non-Clergy Personnel

- a. In response to a Credible Allegation of Child Abuse against any Non-Clergy Personnel, the pastor, school principal, or agency director responsible for supervising the Accused will:
  1. Ensure that the Complainant (or, where appropriate, the person with custodial responsibility for the Complainant) is contacted by a suitable representative of the Diocese to express a sincere commitment to provide comfort and spiritual and emotional support to the Complainant and/or his or her family. The Diocese's outreach may include an offer of counseling, spiritual assistance, support groups, or other services or assistance as may be mutually agreed upon by the Complainant and/or his or her family and the Diocese;
  2. Contact the Victim Assistance Coordinator ("Coordinator", see Section 9.2 below) to ensure that the Complainant is offered timely and appropriate treatment, support, and assistance;
  3. Ensure that the Complainant (or, where appropriate, the person with custodial responsibility for Complainant) is informed of the availability of assistance and support through the Coordinator; and
  4. Ensure that the Diocesan representatives responding to the Child Abuse allegation function in a strictly pastoral manner without regard to the perceived accuracy or reliability of the allegation.
- b. The pastor, school principal, or agency director responsible for supervising the Accused Non-Clergy Personnel will promptly notify the Accused of the general nature of the Credible Allegation and immediately place the Accused on Administrative Leave pending the outcome of any investigation by the civil authorities. Information provided to the Accused will be limited to that which is necessary to enable him or her to understand and respond to the allegation. No information will be shared that might compromise any investigation by the civil authorities. Whenever possible, the civil authorities should have the first substantive contact with the Accused unless that would put the Complainant or others at risk of harm.
- c. After notifying the Accused of the Credible Allegation and placing the Accused on Administrative Leave, the Diocese will:
  1. Instruct the Accused to remain away from the school, agency, church, worship services, or other locations or events which pertain to the Credible Allegation until the civil authorities have concluded investigating the matter;

2. Instruct the Accused not to contact or attempt to contact the Complainant or his or her family;
  3. Inform the Accused that the civil authorities are investigating, that the Diocese expects the Accused will participate in and cooperate with such investigation, and that the Diocese will afford him or her the presumption of innocence during the investigative process; and
  4. Advise the Accused of his or her right to retain his or her own attorney.
- d. If the Accused Non-Clergy Personnel is arrested and charged with any form or type of Child Abuse, the Diocese will review the pertinent known facts and determine whether the Accused should be placed on (or continue on) Administrative Leave. If the Accused is presently receiving compensation and/or benefits, the Diocese will continue paying such compensation and benefits for the earlier of (a) three (3) months after the Accused has been placed on Administrative Leave, or (b) the date the civil authorities complete their investigation. Thereafter, at the discretion of the Vicar General, the Diocese may continue to pay the Accused benefits (but not salary or other compensation) for a maximum of nine (9) months after the Accused has been placed on Administrative Leave.
- e. If at any time the Accused Non-Clergy Personnel (1) admits to an act of Child Abuse, (2) does not contest that he or she committed such an act, or (3) a court makes a non-appealable finding that he or she committed such an act, the Accused will be terminated immediately. In that event, the pastor, school principal, or agency director responsible for supervising the Accused must notify the Vicar General in writing of such termination and its reason. The Accused's permanent employee or volunteer file will then reflect that he or she is not eligible to be reemployed by, or provide any services for or on behalf of, the Diocese in the future. The Office of Child Protection will also be instructed to place the Accused on a "Do Not Hire" list for Personnel.
- f. If a Child Abuse allegation against a Non-Clergy Personnel is determined not to be a Credible Allegation, the pastor, school principal, or agency director responsible for supervising the Accused will consult with the Vicar General to determine the appropriate course of action and the future role and function of the Accused, if any, with the Diocese. As provided in Section 8.2 below, the Diocese will also consider how it may assist the Accused in restoring his or her good name and reputation.

## 7.2 Allegations Against Diocesan Clerics

- a. In response to a Credible Allegation of Child Abuse against a Diocesan Cleric, the Vicar General or his designee will (1) ensure that the civil authorities are or have been promptly notified of the allegation, and (2) inform the Bishop or his designee of the allegation in person or via telephone.<sup>3</sup>
- b. Upon being advised of a Credible Allegation, the Vicar General or his designee will:
  1. Ensure that the Complainant (or, where appropriate, the person with custodial responsibility for the Complainant) is contacted by a suitable representative of the Diocese to express a sincere commitment to provide comfort and spiritual and emotional support to the Complainant and/or his or her family. The Diocese's outreach may include an offer of counseling, spiritual assistance, support groups, or other services or assistance as may be mutually agreed upon by the Complainant and/or his or her family and the Diocese;
  2. Contact the Coordinator to ensure that that the Complainant is offered timely and appropriate treatment, support, and assistance;
  3. Ensure that the Complainant (or, where appropriate, the Complainant's family) is informed of the availability of assistance and support through the Coordinator;
  4. Ensure that the Diocese functions in a strictly pastoral manner without regard to the perceived accuracy or reliability of the Child Abuse allegation; and
  5. Immediately inform the Review Board Administrator ("Administrator") of the allegation. The Administrator will then commence an investigation of the allegation and schedule a meeting of the Review Board so that it may perform its responsibilities as provided in Section 7.7 below. However, the Administrator will take care not to initiate the Review Board process until after the civil authorities have concluded their investigation(s).
- c. After (1) ensuring that the civil authorities have been notified of the allegation against the Accused cleric, and (2) taking the actions specified in Section 7.2.b above, the Vicar General or his designee will:

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<sup>3</sup> If the individual designated to receive such reports is the Accused, the report should instead be made to the designee's superior. If the Accused is a Bishop, see Section 7.4 below.

1. If possible, schedule an immediate meeting with the Accused cleric. At this meeting, the Accused cleric will be informed of the general nature of the Credible Allegation and his immediate temporary removal from ministry pending the outcome of any investigation by civil authorities. Information provided to the Accused cleric will be limited to that which is necessary to enable him to understand and respond to the allegation. No information will be shared that might compromise any investigations of the civil authorities. Whenever possible, the civil authorities should have the first substantive contact with the Accused cleric unless that would put the Complainant or others at risk of harm.
  2. Inform the Accused cleric that the civil authorities are investigating, that the Diocese expects he will participate in and cooperate with such investigations, and that the Diocese will afford him the presumption of innocence during the investigative process.
  3. Advise the Accused cleric of his right to retain his own civil and canonical counsel.
  4. At the discretion of the Vicar General or his designee, request the Accused cleric to seek and voluntarily comply with a comprehensive psychological evaluation.
  5. Inform the Accused cleric that he must adhere to any additional restrictions imposed by the Bishop in accordance with this Policy and canon law, including but not limited to one or more of the following: (a) remaining away from a particular parish or parishes and ceasing all involvement in any of the administrative, pastoral, educational, recreational, and/or social activities of such parish or parishes that involve Children; (b) residing at a location approved by the Diocese; (c) not wearing the clerical collar or otherwise presenting himself as a member of the clergy; (d) not having Contact with Children (except with Appropriate Monitoring); (e) maintaining regular contact with an assigned priest assistance minister and complying with any additional restrictions that such minister may impose; and/or (f) adhering to other requirements or restrictions as the Bishop may deem necessary or appropriate in the circumstances.
- d. The Diocese will, to the extent practicable, investigate and attempt to determine the credibility of new or additional allegations of Child Abuse against a Diocesan Cleric that is already on the Diocese's Credibly Accused List in the same manner as it does the first such allegation.
- e. If an allegation of Child Abuse against a Diocesan Cleric is first raised in a civil lawsuit or similar civil claim, the Diocese will investigate and seek to make a credibility determination in the same manner as it does

other such allegations. However, initiation of the Review Board process described in Section 7.7 below may be deferred until after the lawsuit or claim has been resolved so that the Review Board has the benefit of information obtained through the discovery process.

- f. If, at the conclusion of the Review Board process described in Section 7.7 below, the Bishop determines that the Child Abuse allegation against the Accused cleric is a Credible Allegation, the Vicar General will notify the Dicastery for the Doctrine of the Faith that such a determination has been made. The Dicastery for the Doctrine of the Faith will then determine whether a church tribunal or the Dicastery for the Doctrine of the Faith will adjudicate such Credible Allegation.
- g. If at any time a Diocesan Cleric (1) admits to an act of Child Abuse, (2) does not contest that he committed such an act, or (3) a court makes a non-appealable finding that he committed such an act, the Accused cleric will be permanently removed from ministry and not allowed to function or represent himself as a priest or deacon and may be laicized. The Accused cleric will also be added to the Diocese's Credibly Accused List.
- h. If the civil authorities do not press criminal charges of Child Abuse against the Accused cleric, or if the Accused cleric is acquitted of such criminal charges, the Diocese will—in light of the lesser burden of proof required to establish civil or canonical liability—investigate and try to assess the credibility of the Child Abuse allegation through the Review Board process described in Section 7.7 below. The Review Board process, however, will not be initiated until the conclusion of all criminal proceedings against the Accused cleric.
- i. An Accused cleric that is found not to be civilly or criminally liable for Child Abuse may still be removed from ministry, temporarily or permanently, if the Bishop determines that such action is necessary to protect Children. The Bishop may also impose additional restrictions, including but not limited to those prescribed in Section 7.2.c.5 above, and may require or prohibit the Accused cleric to reside in a given location. Any such determinations and decisions made by the Bishop may be appealed in accordance with the Code of Canon Law.
- j. If, at the conclusion of the Review Board process described in Section 7.7 below, the Diocese determines that (1) a Child Abuse allegation against a Diocesan Cleric is a Credible Allegation, and/or (2) the Diocesan Cleric should be permanently removed from ministry due to such a Credible Allegation, the Diocese will place the Accused cleric on its Credibly Accused List.

## **7.3 Allegations Against Religious Order Members and Extern Clerics**

- a. Religious Order Members and Extern Clerics do not report to, and are not subject to the control of, the Diocese. Rather, Religious Order Members and Extern Clerics at all times remain subject to the authority and supervision of their religious superior (in the case of Religious Order Members) or the Bishop of their home diocese (in the case of Extern Clerics). Thus, the Diocese has no authority to discipline or investigate the actions of Religious Order Members or Extern Clerics serving or residing in the Diocese.
- b. Nevertheless, if the Diocese is notified or learns of a Credible Allegation of Child Abuse against a Religious Order Member or Extern Cleric, the Vicar General or his designee will (1) ensure that the civil authorities are or have been promptly notified of the allegation, and (2) inform the Bishop or his designee of the allegation in person or via telephone.
- c. After discharging the reporting responsibilities specified in Section 7.3.b above, the Vicar General or his designee will:
  1. Ensure that the Complainant (or, where appropriate, the person with custodial responsibility for the Complainant) is contacted by a suitable representative of the Diocese to express the Diocese's sincere commitment to provide comfort and spiritual and emotional support to the Complainant and/or his or her family;
  2. Contact the Coordinator to ensure that that the Complainant is offered timely and appropriate treatment, support, and assistance;
  3. Ensure that the Complainant (or, where appropriate, the Complainant's family) is informed of the availability of assistance and support through the Coordinator or appropriate individual at the Religious Order or originating Diocese of the Extern Clergy; and
  4. Ensures that the Diocese functions in a strictly pastoral manner without regard to the perceived accuracy or reliability of the Child Abuse allegation;
- d. After taking the actions specified in Section 7.3.b and Section 7.3.c above, the Vicar General or his designee will:
  1. Inform the accused Religious Order Member or Extern Cleric, if such person is available and can be reached, that (i) his or her Faculties have been withdrawn, (ii) he or she must immediately cease providing any ministerial or other services in the Diocese,

- and (iii) he or she may not have Contact with Children in the Diocese (except with Appropriate Monitoring);
2. Notify the Accused's religious superior (in the case of a Religious Order Member) or Bishop (in the case of an Extern Cleric) of the Credible Allegation and the resulting withdrawal of the Accused's Faculties and his or her authority to minister or provide services in the Diocese;
  3. Inform the Accused's religious superior (in the case of a Religious Order Member) or Bishop (in the case of an Extern Cleric) that the Diocese expects the Accused cleric's religious order or home diocese to investigate the Child Abuse allegation at issue and assess its credibility at the conclusion of such investigation.
- e . The Diocese will periodically follow up with the Accused cleric's religious order or home diocese to determine the outcome of its investigation, including but not limited to (1) whether or not the religious order or home diocese ultimately concluded that the Child Abuse allegation was credible, and (2) the status of the Accused cleric at the conclusion of the investigation.
- f. If the Diocese is ever informed by a religious order or home diocese that a Child Abuse allegation against a Religious Order Member or Extern Cleric that served or resided in the Diocese was determined to be credible, the Diocese will add such Religious Order Member or Extern Cleric to its Credibly Accused List.
- g. If the Diocese learns that a Religious Order Member or Extern Cleric has (1) admitted to an act of Child Abuse, (2) failed to contest that he or she committed such an act, or (3) a court made a non-appealable finding that he or she committed such an act, such Religious Order Member or Extern Cleric will be added to the Diocese's Credibly Accused List.

## **7.4 Allegations Against a Bishop**

If the Diocese receives a report of Child Abuse allegedly committed by any Bishop, it will comply with the provisions of this Policy and also report the incident to the Catholic Bishop Abuse Reporting Service at ReportBishopAbuse.org (<https://reportbishopabuse.org/>) or 1-800-276-1562. The Catholic Bishop Abuse Reporting Service was established to receive reports of sexual misconduct and related misconduct by Bishops and will receive and relay those reports to the proper Church authorities for investigation. Where a report includes a crime, such as the alleged sexual abuse of a Child or Children, the Diocese will also make a report to the civil authorities.

## **7.5 Allegations Against Individuals With No Known Association with the Diocese**

- a. If the Diocese learns of an allegation of Child Abuse against an individual with no known association with the Diocese, such representative will:
  1. Report the Child Abuse allegation to DCFS;
  2. Where appropriate, contact the Complainant and/or his or her family and offer spiritual care and support;
  3. Cooperate with the civil authorities as requested; and
  4. Notify the Office of Child Protection.
- b. As provided in Section 5 above, any Personnel that observes or learns of any incident of possible Child Abuse must report such incident to DCFS.

## **7.6 Rights of Complainants and Accused Personnel**

Upon learning of an allegation of Child Abuse against any of its Personnel, the Diocese may provide the Complainant and the Accused with the following:

- a. An explanation of the Diocese's procedures for handling Child Abuse allegations, including its policy of reporting all such allegations to the civil authorities;
- b. An offer to assist the Complainant in obtaining counseling or other treatment to remediate the adverse effects of the possible Child Abuse;
- c. An offer to assist the Accused in obtaining psychological evaluation and/or treatment as may be warranted;
- d. An assurance that the Diocese will, to the extent possible, protect the privacy and reputation of both the Complainant and the Accused; and
- e. Where the Accused is a Diocesan Cleric, both the Complainant and the Accused will be afforded the opportunity to submit information, documents, and comments pertinent to the allegation to the Administrator, either in person or in writing. The Administrator will report the information provided by the Complainant and the Accused cleric, together with other relevant information obtained in the course of the investigation, to the Review Board as provided in Section 7.7 below.

## 7.7 Responsibilities of the Review Board and the Review Board Administrator

- a. The Diocese formed its Review Board in 1993. Its primary function is to review and assess the credibility of Child Abuse allegations against Diocesan Clerics, and to make recommendations to the Bishop regarding the appropriate response to such allegations. The Review Board also reviews, at least annually, the Diocese's policies and practices for handling Child Abuse allegations.
- b. The Review Board consists of between six (6) and eleven (11) individuals appointed by the Bishop, the majority of which cannot be employed by the Diocese or any of its parishes, schools, or agencies. Members of the Review Board serve until they choose to resign or are removed or replaced by the Bishop. The Review Board reports directly to the Bishop.
- c. The Bishop has delegated the responsibility of initially investigating and considering allegations of Child Abuse against Diocesan Clerics to the Review Board and the Administrator. They will discharge their respective responsibilities as follows:
  1. When the Diocese receives an allegation of Child Abuse against a Diocesan Cleric, the Administrator will collect as much information as possible pertinent to the allegation from the Complainant, the Accused cleric, and other individuals that may have relevant knowledge. The Administrator will also attempt to obtain documents that could shed light on the Child Abuse allegation, though it is recognized that such records may not exist or be difficult to locate, and particularly so if the alleged incident(s) of abuse occurred many years previously.
  2. The Administrator will communicate the results of his or her investigation to the Review Board. Review Board members may ask questions regarding the facts obtained by the Administrator in the course of the investigation, and may direct him or her to pursue further inquiries. Such additional information, to the extent obtained by the Administrator, will be reported to the Review Board at one or more subsequent Review Board meetings.
  3. Based upon all the information obtained and reported by the Administrator, the Review Board will assess and attempt to determine the reliability and credibility of the Child Abuse allegation. If the Accused cleric is still in ministry, the Review Board will similarly assess and try to determine his suitability to remain in ministry.
  4. The Review Board will attempt to assess the credibility of the Child Abuse allegation and the Accused cleric's suitability for ministry without regard to (a) the length of time that has passed since the date(s) of the alleged incident(s) of abuse, or (b) the Accused cleric's present status (i.e., whether or not he is still alive, in active ministry, retired from ministry, resigned from ministry, or laicized). It is recognized, however, that the Review Board's ability to make such assessments may be adversely impacted by the

- passage of time, the possible unavailability or reduced capacity of the Accused cleric and/or other persons with knowledge of the relevant facts, and other factors applicable to that particular case, such as active litigation.
5. When the Review Board has completed its above-described investigative and deliberative functions, it will communicate its assessment, if any, of the credibility of the Child Abuse allegation and the Accused cleric's suitability for continued ministry to the Bishop or his designee, together with any other observations or recommendations it deems appropriate. The Bishop will, based upon the facts and circumstances of each particular case, make the final decision regarding the Diocese's appropriate actions in response to the allegation.
  6. At the conclusion of the Review Board process, the Diocese will notify the Complainant and the Accused cleric of the result or outcome of the Review Board investigation.
  7. Allegations of Child Abuse against Diocesan Clerics who have (a) resigned or retired from ministry, (b) been laicized, or (c) passed away will be handled, in due course and to the extent practicable, in the same manner as allegations against other Diocesan Clerics. Further, the Diocese will report allegations of Child Abuse by resigned, retired, laicized, and deceased Diocesan Clerics to the civil authorities. Finally, if Child Abuse allegations against resigned, retired, laicized, or deceased Diocesan Clerics are ultimately determined to be Credible Allegations, such clerics will be added to the Diocese's Credibly Accused List.
- d. In addition to performing the investigative, assessment, and consultative duties set forth in Section 7.7.c. above, the Review Board will:
1. At least annually, review the provisions of this Policy and, if deemed appropriate, make recommendations to the Bishop regarding any potential improvements or modifications;
  2. Oversee implementation of the Policy in the Diocese;
  3. Assist in developing appropriate mechanisms to ensure or enhance compliance with the Policy;
  4. Assess the effectiveness of the Diocese's outreach and assistance efforts to Complainants and their families and, if deemed appropriate, make recommendations to the Bishop regarding any potential improvements or modifications; and
  5. To the extent it deems necessary and appropriate, review and provide recommendations to the Bishop regarding (a) standards of conduct for those in positions of trust in the Diocese; (b) education, training, and outreach programs on child protection matters for Diocesan Clerics, Religious Order Members, Extern Clerics, and/or other Personnel of the Diocese; and (c) safe environment programs for Children.

# 8 Response to False or Unsubstantiated Allegations

## Principle

The Diocese recognizes that significant trauma may be experienced by Complainants making Child Abuse allegations. It also appreciates the significant harm that can result when such allegations prove to be unsubstantiated or false. Accordingly, to the extent possible and in accord with canon law, the Diocese will strive to minimize the adverse personal or professional effects any of its Personnel may suffer due to mistaken, erroneous, or false allegations of Child Abuse.<sup>4</sup>

### 8.1 Mental Health Services

The Diocese will, as appropriate under the circumstances, provide counseling, mental health, or other similar services to Personnel mistakenly or wrongfully accused of Child Abuse as a means of remediating or lessening the harm resulting from such false allegations. It will also seek ways to assist such wrongfully accused Personnel to regain their effectiveness in performing their job responsibilities or other services.

### 8.2 Reputational Assistance to Wrongfully Accused Personnel

The Diocese will assist Personnel wrongfully accused of Child Abuse to try to restore their good name and reputation to the maximum extent possible. Such efforts by the Diocese may include, but are not limited to, informing the relevant faith community, local parish, and/or the general public of the exoneration of Accused individuals, as well as the need to extend spiritual and other support to such individuals.

# 9 Pastoral Care and Assistance to Complainants

## Principle

The relationship between the Church and its members is sacred. The Diocese recognizes that this sacred trust is broken and profound harm is caused when individuals associated with the Church commit acts of Child Abuse. The Diocese further recognizes its pastoral responsibility to assist any Complainant that believes he or she was subjected to Child Abuse by anyone associated with the Diocese, regardless of when such abuse may have occurred. To help repair harm and promote healing, the Diocese will seek to offer compassionate and timely pastoral care to such Complainants, their families, and the affected faith communities. By providing such pastoral care, together with education and training on Child Abuse matters to Personnel and others connected to the Church, the Diocese will work diligently to promote safe and healthy communities of faith.

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<sup>4</sup> Illinois law similarly recognizes the harm suffered by persons wrongfully accused of Child Abuse by making it a Class 4 felony for any person to knowingly transmit a false Child Abuse report to DCFS. 325 ILCS 5/7.6.

## **9.1 Outreach to Complainants, Families, and the Community**

The Diocese will strive to provide restorative responses to individual Complainants, their families, and affected parishes and communities to assist the necessary healing process. The Diocese's efforts may include, but are not limited to, the following:

- a. Open discourse about Child Abuse to promote education, healing, and reconciliation;
- b. Sincere expressions of compassion, solidarity, and concern;
- c. Acknowledgement and acceptance of Complainants' possible anger, pain, and mistrust as they begin the healing process;
- d. Education of the parish and the community to facilitate immediate and continuing understanding, acceptance, and support of Complainants as a means of helping them cope with the pain they are experiencing and promote their long-term healing; and
- e. Pastoral counseling for any affected faith community.

## **9.2 Director of Child Protection and Victim Assistance Coordinator**

- a. The Diocese has appointed a Director of Child Protection ("Director") and/or a Coordinator to aid Complainants and their families. All allegations of Child Abuse against Personnel of the Diocese will be forwarded to the Coordinator, who will organize and direct the provision of timely, responsive, and appropriate pastoral care by the Diocese.
- b. Promptly after receiving notice of a Child Abuse allegation against any Personnel of the Diocese, the Coordinator will contact the Complainant (or, where appropriate, the person with custodial responsibility for the Complainant) and provide pertinent information regarding the Complainant's rights, including his or her right to independently report the Child Abuse allegation to DCFS and other civil authorities.
- c. Thereafter, the Coordinator will serve as the Diocese's liaison with the Complainant and his or her family, answer questions, explain the Diocese's applicable policies and procedures, and ensure that the Complainant is kept informed and receives appropriate pastoral care. Among other things, the Coordinator will meet with the Complainant and/or his or her family, and monitor the Complainant's pastoral needs to ensure that the Diocese provides appropriate pastoral care at the appropriate times. The Coordinator will also communicate with the affected parish and faith communities, as appropriate, regarding the provision of possible additional care or support to the Complainant.
- d. In accordance with Section 11.3 below, the Director will annually request any comments and/or changes to the Child Protection Policy and discuss those comments and/or changes with the appropriate Diocesan personnel.

### **9.3 Counseling Assistance for Complainants and Their Families**

- a. Depending on the circumstances of each particular case, the Diocese may offer various forms of pastoral care to Complainants, including information about available counseling or other mental health services and support. The Coordinator will facilitate assessment, counseling, and therapeutic interventions by accredited and competent counselors, as mutually agreed upon by the Diocese and the Complainant (or, where appropriate, the person with custodial responsibility for the Complainant).
- b. The Diocese will assume the reasonable costs of the Complainant's assessment and counseling, provided that:
  1. An initial assessment, acceptable to the Diocese, is made by a qualified professional counselor;
  2. The assessment contains recommendations regarding the anticipated duration of essential counseling and treatment goals;
  3. The counselor's recommendations are consistent with the relevant standard of care in the community; and
  4. Treatment plans and goals are systematically assessed and updated at least every six (6) months.

### **9.4 Possible Additional Forms of Pastoral Care**

Depending upon the Complainant's circumstances and particular needs, the Diocese's pastoral care may also include medical evaluation and treatment, spiritual guidance, identification of support groups, and other social services or resources for healing. The availability and appropriateness of such possible additional forms of assistance will be discussed and determined by mutual agreement of the Diocese and the Complainant (or, where appropriate, the person with custodial responsibility for the Complainant).

### **9.5 Progress Reports Regarding Assistance Provided to Complainants and Child Protection Outreach**

- a. The Coordinator and Director will periodically discuss with the Vicar General or his designee the assistance provided by the Diocese to Complainants and their families, and the Diocese's outreach efforts on Child Abuse matters.
- b. The Coordinator's discussions will include, but not be limited to, the following subjects:
  1. Identification of Complainants' needs;
  2. Availability and provision of services responsive to such needs;
  3. Financial costs incurred in providing such services; and
  4. Availability and provision of support services to Complainants' families, as necessary and appropriate;

- c. The Director's discussions will include, but not be limited to, the following subjects:
  1. Provision of adequate education and training programs on Child Abuse matters to all Personnel; and
  2. Compliance of Personnel with the requirements of this Policy.

# 10 Communications

## **Principle**

The Diocese's communications should promote the development of cooperative, responsive, and candid relationships. The Diocese should engage the community and inform the media of its efforts to prevent Child Abuse, protect Children, support Complainants and their families, and educate its Personnel and the public on Child Abuse matters. With due regard for the privacy of the individuals involved, the Diocese will communicate as openly as possible with members of the media, the faith community, and the general public regarding Child Abuse allegations and related issues. The Vicar General or his designee is responsible for the Diocese's communications on these matters.

### **10.1 Public Awareness of Child Abuse Issues**

The Diocese will work with the faith community and the general public to disseminate information to (a) increase awareness and understanding of Child Abuse matters, and (b) enhance the safety of Children and the identification, prevention, deterrence, and treatment of Child Abuse.

### **10.2 Timeliness of Communications**

The Diocese will strive to ensure that its communications with the media, parishes, schools, agencies, and the Diocese community as a whole concerning child protection matters will be timely, open, and clear. All such communications will adhere to applicable canon and civil laws, and will respect the privacy and reputation interests of the involved individuals.

### **10.3 Responding to the Media**

The Vicar General or his designee will be responsible for coordinating all media contacts concerning matters of child protection and Child Abuse. All media inquiries on these matters will be referred to the Vicar General or his designee, who will coordinate the response to such inquiries following appropriate consultation with any involved individuals.

### **10.4 Communicating with Directly Affected Communities**

The Diocese recognizes the importance of supporting parishes, schools, agencies, and communities directly affected by misconduct that victimizes Children. Accordingly, the Vicar General or his designee will coordinate with Diocesan offices and

knowledgeable Personnel (including the Directors of Youth Ministry, Education, and Child Protection, as well as parish, school, and agency leaders) to ensure that affected parish, school, and agency families receive timely, accurate, and pastorally appropriate communication and support.

## **10.5 Communicating with the Broader Community**

Upon learning of an incident or incidents of Child Abuse, the Diocese may communicate with pastors at other parishes (particularly those where an Accused previously served), as well as with Diocesan staff, school principals, and agency directors. The purpose of these communications will be to assist local faith leaders in reaching out pastorally to all parish, school, and agency members and families in the Diocese.

# **11 Measuring Progress and Accountability**

## **Principle**

The Diocese will be accountable for its actions and decisions in child protection matters. Such accountability will strengthen the confidence of Child Abuse Complainants, parishioners, Catholics, and the community at large that the Catholic Church can effectively implement measures to prevent and deter Child Abuse, and identify and help heal Children that may have been abused. Thus, the Diocese will regularly evaluate the effectiveness of this Policy and assess whether it is effectively meeting the needs of the Church, the faith community, and possible victims of Child Abuse and their families.

## **11.1 Responsibility for Implementation of Policy**

The Diocese is responsible for the effective and timely implementation of this Policy.

## **11.2 Policy Compliance**

All Personnel in the Diocese must adhere to this Policy. The personnel policy of every parish, school, and agency of the Diocese must clearly state that failure to comply with this Policy will result in appropriate corrective (and, where appropriate, disciplinary) action being taken against non-compliant Personnel.

## **11.3 Review and Effectiveness of the Child Protection Policy**

The Director and Review Board will review this Policy at least annually.

- a. The Director will annually request any comments and/or possible changes to the Child Protection Policy and discuss those comments and/or possible changes with the appropriate Diocesan personnel.
- b. The Director will also annually request that the Review Board review the Child Protection Policy, which will include: (1) an assessment of the adequacy of the reports and methods implemented to measure progress and accountability; (2) the

overall effectiveness of the Policy and its components; and (3) possible modifications to enhance measures of progress and accountability under the Policy.

# Appendix A

## Step By Step Guide to Child Abuse Reporting

1. Gather pertinent information, including, to the extent immediately available: (a) the affected Child's full name, date of birth, current age, address, and telephone number; (b) the reason Child Abuse is suspected; (c) the alleged abuser's full name, date of birth, current age, address, and telephone number; (d) whether it is believed that the affected Child is or is not currently protected from the alleged abuser. The Illinois Department of Children and Family Services ("DCFS") will take your call even if you have only the Child's name and address and the suspected perpetrator's name.
2. Report as much of the above information as you have been able to gather by calling the State of Illinois toll free Child Abuse Hotline:  
**1-800-25-ABUSE or 1-800-252-2873**  
  
In non-emergency and non-life threatening situations only, you may report an incident of possible Child Abuse to DCFS through an online reporting system available at <https://dcfsonlinereporting.dcf.illinois.gov/>.<sup>5</sup>
3. A Hotline worker will either:
  - a. take your call, or
  - b. take your name and number and return the call as soon as possible.
4. Identify yourself as a mandated or permitted reporter.
5. Provide as much of the above-described information as possible.
6. The hotline worker will determine if there is adequate information for a Child Abuse report.
7. If there is adequate information for a report, the hotline worker will electronically transmit the report to the DCFS field office responsible for the area where the affected Child resides.
8. You should also provide the same information to your local police or other law enforcement authority and/or the State's Attorney's Office nearest where the affected Child resides. See the DCFS Manual for Mandated Reporters for additional guidance.

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<sup>5</sup> Illinois law provides that anyone making a report of possible Child Abuse in good faith is immune from civil or criminal liability. Only the making of a knowingly false report of Child Abuse is unlawful.

9. DCFS should send you a form entitled “Written Confirmation of Suspected Child Abuse/Neglect Report for Mandated Reporters.” You should complete and return the form to the local DCFS office and to DCFS headquarters in Springfield.
10. After making the above-described reports to the DCFS and local law enforcement authorities, you must report the suspected Child Abuse to the Diocese as provided in Section 6 of this Policy.

# **Appendix B**

## **Review Board Guidelines and Recommendations**

### **Preamble**

The Diocese established its Review Board in accordance with the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* as approved by the United States Conference of Catholic Bishops.

The most relevant principles are found in the provisions of Norms 4, 5 and 6:

1. To assist the Bishop, the Diocese will have a Review Board that will function as a confidential consultative body to the Bishop in discharging his Child protection responsibilities. The functions of the Review Board may include:
  - a. Advising the Bishop in his assessment of allegations of Child Abuse of a Child, Children or Vulnerable Individuals by any Diocesan Cleric and in the determination of the individual's fitness for ministry;
  - b. Offering advice on all aspects of the cases, whether retrospectively or prospectively; and
  - c. Reviewing Diocesan policies for dealing with Child Abuse.
2. The Review Board will be comprised of between six and eleven individuals of outstanding integrity and good judgment in full communion with the Church appointed by the Bishop and will serve until they are removed by the Bishop or resign. The majority of the Review Board will be lay Catholics who are not in the employ of the Diocese, Parish, School and/or other agencies of the Diocese, and two members will be priests of the Diocese. The lay Catholics and/or remaining members may also include a psychiatrist, a psychologist or social worker, one of whom may have expertise in the treatment of Child Abuse, and an attorney. The Review Board may also include two representatives of the church at large, including but not limited to a parish council member, a parent, and/or an individual or parent of an individual who has been the subject of Child Abuse.
3. The Bishop will designate one Review Board member as chairperson. The chairperson will ordinarily convene and preside at meetings of the Review Board. If the chairperson is unable to perform his/her duties, another Review Board member will perform such duties.

4. The Bishop, the Bishop's designee, and other individuals designated by the Bishop or the Administrator may attend those portions of meetings during which information is presented to the Review Board and the Review Board makes its recommendations. They may attend other portions of the meetings subject to the direction of the Review Board. All other individuals may attend meetings only upon the invitation or with the consent of the Review Board and subject to such limitations as the Review Board might require.
5. The meetings shall reflect the pastoral character of this process, which is consultative and advisory, not adversarial and adjudicative. The meetings of the Review Board are not hearings.
6. Nothing within this Policy and/or its procedures shall be interpreted as abridging an individual's right to legal or canonical counsel.
7. When an allegation of Child Abuse by a Diocesan Cleric is received, a preliminary investigation in harmony with canon law will be conducted promptly and objectively (c. 1717). All appropriate steps shall be taken to protect the reputation of the Accused during the investigation. The Accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is a Credible Allegation that Child Abuse has occurred, the Bishop shall apply the precautionary measures as mentioned in canon 1722 – i.e., remove the Accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process. In addition, the Dicastery for the Doctrine of the Faith shall be notified.

### **Review Board Administrator**

The Administrator will assist the Review Board in the performance of its duties and will have the following qualifications and duties:

1. The Administrator must be a lay professional with suitable qualifications in psychology, social work, or a related field that includes substantial experience in investigating and analyzing Child Abuse allegations.
2. The Administrator is responsible for answering and responding to any telephone reports of possible Child Abuse made to the Diocese.
3. The Administrator will ensure that any Child Abuse allegation has been reported to the appropriate civil authorities. If no such report has yet been made, the Administrator will do so immediately. The Administrator will

also take the lead in communicating and cooperating with civil authority investigations.

4. After ensuring that the civil authorities have been notified, the Administrator will investigate and analyze allegations of Child Abuse made against a Diocesan Cleric. No such internal investigation will commence, however, unless and until it is certain that an internal inquiry will not conflict or interfere with any investigation by the civil authorities.
5. The Administrator will investigate Child Abuse allegations against Diocesan Clerics by seeking to obtain as much information about such allegations as is reasonably possible, and then report the investigation's findings to the Review Board. The information reported to the Review Board will be maintained in the strictest confidence to protect the interests of the affected Child and the Accused cleric.
6. The Administrator will communicate in an empathetic and respectful manner with the Complainant (and/or his or her family, as appropriate), the Accused cleric, and any other individual that may have substantial knowledge of facts and circumstances pertinent to the allegation. In addition, the Administrator will keep (a) the Coordinator, if different than the Administrator, and (b) any other person designated by the Bishop, informed of the progress and result of the investigation.
7. In all aspects of an internal Child Abuse investigation, the Administrator and the Diocese will respect the rights and interests of all involved parties and adhere to procedures that:
  - a. Minimize the potential of further injury;
  - b. Maximize the potential for a speedy and just resolution;
  - c. Adhere to all applicable tenets of civil law and canon law; and
  - d. Assist in providing restorative pastoral responses to all involved, as further described in Section 9 of this Policy.

### **Review Board Guidelines**

After first ensuring that a Child Abuse allegation against a Diocesan Cleric has been reported to the civil authorities, the Coordinator or Administrator will promptly (a) notify the Complainant (or, where appropriate, the person with custodial responsibility for the Complainant) that the Complainant also has the independent right to report the allegation to the authorities, and (b) provide information to the Complainant on how to make such a report.

In addition, the Administrator will ordinarily take the following steps, unless any are impossible, impracticable, or inappropriate in the particular circumstances presented:

1. Report the allegation to the Office of Child Protection and/or the Coordinator;
2. Report the allegation to the Vicar General, who in turn will notify the Accused cleric as provided in Section 7.2 of this Policy;
3. Consider and recommend whether, in the Administrator's reasonable judgment, the safety of any Child requires the immediate removal of the Accused cleric from his ministry or other assignment in the Diocese, and promptly communicate such recommendation to the Bishop. In making this recommendation, the Administrator may consult with the Bishop and any other individuals designated by the Bishop;
4. Schedule and provide timely notice to all Review Board members of a first-stage Review Board meeting (as described below). Where the Child Abuse allegation is a Credible Allegation, and there is reason to believe that the Accused cleric may present an immediate danger to a Child or Children, the first-stage Review Board meeting must occur no later than seventy-two (72) hours after receipt of the allegation or, if that is not possible, as soon thereafter as is practicable under the circumstances; and
5. Review the file of the Accused cleric, obtain as much information about the allegation as is possible in the available time, and then report the salient information obtained to the Review Board at its first-stage meeting.

#### **First-Stage Review Board Consideration of Child Abuse Allegations**

1. All meetings, discussions, and deliberations of the Review Board will be strictly confidential and no detailed minutes will be taken or maintained. Summary notes indicating the purpose of the meeting, the individuals in attendance, the decisions made, and any next steps to be taken may be recorded and retained by the Administrator. All documents provided to Review Board members will be collected at the end of each meeting and returned to the Administrator.
2. When a Diocesan Cleric is accused of Child Abuse, the Review Board will conduct a "first-stage" review of the allegation. At this first stage meeting, the Review Board will determine the following:
  - a. Whether the Administrator's initial recommendation to withdraw or not withdraw the Accused cleric from his current ministerial or other Diocesan assignment should (1) be affirmed or modified, and (2) adequately protects the safety of Children;
  - b. Whether any other preliminary decisions made in response to the allegation should be modified or adjusted; and
  - c. What further action, if any, should be taken in response to the allegation.
3. At the first-stage meeting, the Review Board will consider (a) information reported by the Administrator, (b) information provided by the Bishop, his

designee, and any other person identified by them, (c) information in the Accused cleric's personnel file, and (d) any other information the Administrator or the Review Board determines would be helpful and is reasonably obtainable.

4. At the conclusion of its first-stage review, the Review Board will seek to determine whether the reported Child Abuse constitutes a Credible Allegation against the Accused cleric. Based on that determination, the Review Board will make recommendations to the Bishop on the following subjects:
  - a. If the Accused cleric has already been removed from his ministerial or other assignment pending further investigation, the Review Board will recommend whether or not such removal should remain in place pending additional review. If the Review Board concludes that some form of interim reinstatement should be considered, it will advise the Bishop of any limitations or restrictions that it believes should accompany any such interim reinstatement.
  - b. If the Accused cleric has not yet been removed from his ministerial or other assignment, the Review Board will recommend whether or not it believes such removal is now appropriate. If the Review Board concludes that the Accused cleric should continue in his current assignment, in whole or in part, it will advise the Bishop whether it believes that any limitations or restrictions should be imposed on the Accused cleric's activities.
  - c. Whether the Child Abuse allegation should be closed at this stage of the proceedings or, alternatively, should remain open pending further inquiry or action by (1) the civil authorities, (2) the Administrator, and/or (3) the Review Board itself; and
  - d. Whether, if the Review Board concludes that the Accused cleric's actions do not constitute Child Abuse as defined in this Policy, the Bishop should nevertheless consider some form of corrective or other action in response to the allegation and, if so, the Review Board's recommendations regarding such possible action.

#### **Second-Stage Review Board Consideration of Child Abuse Allegations**

1. Following the Review Board's first-stage review, the Administrator will conduct such additional inquiries as he or she deems appropriate or as the Review Board may direct. Such additional inquiries may include, but are not limited to, interviewing witnesses, reviewing pertinent documents (including those generated or obtained by civil authorities during the course of their investigations), and requesting the Accused cleric to undergo a psychiatric evaluation.

2. At the conclusion of the Administrator's further inquiries, he or she will report to the Review Board a summary of any pertinent findings or conclusions. The report generally will describe (a) the inquiries made and actions taken by the Administrator after the first-stage review, (b) any material new information obtained about the Child Abuse allegation at issue, (c) any potentially important information that remains unavailable (and the reason, if known, of such unavailability), and (d) whether the Administrator believes any additional inquiry or investigation would be helpful.
3. After the Administrator has completed his or her follow-up inquiry, the Review Board may conduct a second-stage review of the pertinent Child Abuse allegation. The second-stage review may be initiated by the Review Board in its discretion or upon the written request of the Accused Cleric. Ordinarily, the second-stage review should occur between thirty (30) and one hundred twenty (120) days after completion of the first-stage review, but the Review Board may delay it for good cause (including, but not limited to, awaiting the conclusion of a civil investigation of the allegation).
4. At the second-stage review, the Review Board will consider (a) the Administrator's reports, (b) information provided by the Bishop's designee or other individuals identified by the Bishop, and (c) any other information the Administrator or the Review Board determines might be helpful and is reasonably obtainable. The Accused cleric (and his advocate, if any) will be informed of the materials that will be presented to the Review Board.
5. At the conclusion of its second-stage review, the Review Board will seek to make the following determinations:
  - a. Whether, in light of the available information, the allegation at issue is a Credible Allegation;
  - b. Whether the alleged actions of the Accused cleric constituted Child Abuse as defined in this Policy;
  - c. Whether, if the Review Board concludes that the Accused cleric's alleged actions did not constitute Child Abuse but were nevertheless inappropriate, the Bishop should consider taking further action;
  - d. Whether any prior decisions made by the Administrator, the Review Board, or the Bishop regarding the ministry or assignment of the Accused cleric should be reconsidered or modified in any respect;
  - e. If requested by the Bishop, whether the Accused cleric is believed to be suitable for future ministry or assignment in the Diocese; and
  - f. Whether the Bishop should consider taking any further action regarding, or in response to, the Child Abuse allegation at issue.
6. Following its second-stage review, the Review Board may, in its discretion or at the direction of the Bishop or his designee, instruct the Administrator

to conduct further interviews, inquiries, or investigations pertaining to the Child Abuse allegation at issue and report back to the Review Board regarding the results of any such further interviews, inquiries, or investigations.

7. At the conclusion of the Review Board's reviews and determinations, the Administrator or the Review Board Chairperson will inform the Bishop of all recommendations made by the Review Board. After reviewing and considering the Review Board's recommendations, the Bishop will determine the appropriate resolution of the Child Abuse allegation and any actions to be taken with respect to the Accused cleric.
8. At the conclusion of the Review Board process, the Diocese will notify the Complainant and the Accused cleric of the result or outcome of the Review Board investigation.
9. If at any time during the Review Board process, the Accused cleric (a) admits to an act of Child Abuse, (b) does not contest that he committed such an act, or (c) a court makes a non-appealable finding that he committed such an act, the Accused cleric will be permanently removed from ministry or other assignment with the Diocese. He will also be added to the Diocese's Credibly Accused List.