

Policy for the Protection of Children



*The Roman Catholic
Diocese of Erie*

Policy for the Protection of Children

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POLICY FOR THE PROTECTION OF CHILDREN

INTRODUCTION

In the *Charter for the Protection of Children and Young People*, the United States Conference of Catholic Bishops reminds us that Jesus extended his care in a tender and urgent way to children. He rebuked his disciples for keeping them away from him: "Let the children come to me" (Mt 19:14). Jesus also uttered a grave warning about anyone who would lead the little ones astray (Mt 18:6). Mindful of these words of the Lord, it is with compassion and care that the Diocese of Erie addresses the issue of child abuse.

Parents and guardians desire that their children experience healthy relationships with their peers and with adults. The role/responsibility of parents in nurturing and protecting their children is underscored in official Church teaching (for an excellent summary see the 1994 *Catechism of the Catholic Church*, n. 2221-2228). Parents and guardians have good reason to expect that others who care for their children do so in a professional and healthy manner. The Diocese of Erie shares these concerns and wants to ensure that all of its programs and activities for children are conducted in a safe environment.

Whether as employees or volunteers, adults who teach, direct, counsel, or coach children must hold themselves to the standards referred to in this Policy so that trusting relationships work toward growth and maturity of the child in the Catholic faith community. This applies to any clergy, lay, and religious employees and volunteers who are responsible for nurturing and protecting the children entrusted to their care.

The Policy for the Protection of Children of the Diocese of Erie as set forth in these pages has been revised to better provide for the welfare of children who are served by the various parishes, schools, institutions, agencies, departments and programs of the Diocese. Required steps are established to prevent child abuse and to respond in those instances when child abuse is discovered or reasonably suspected.

The main safeguards required by this Policy are the screening of personnel; the training of personnel with regard to safe environment practices and awareness of signs of child abuse; and the reporting of child abuse in compliance with the Child Protective Services Law of the Commonwealth of Pennsylvania, Act 34, Act 151 and Act 114. All of these safeguards are intended to assist Personnel in their responsibility to provide children with the greatest care. The Diocese of Erie is committed to the application of these safeguards, including compliance with state regulations.

Everyone in the Diocese of Erie who is involved in the care of children should become familiar with this revised Policy. For further information, please contact the Office for Protection of Children and Youth of the Diocese of Erie (814-824-1222) or visit the website <http://www.eriercd.org/protectyouth.htm>

I. DEFINITIONS

A. Personnel

- ◆ All clergy, lay and religious employed by or serving in the Diocese, its parishes, schools, sponsored agencies and institutions on a full or part time basis who perform a church/school related service for children/youth
- ◆ Regular volunteers who perform a church/school related service for children/youth on a full or part time basis
- ◆ Occasional Volunteers who perform a church/school related service for children/youth in a supervised setting on an irregular basis

B. Child

- ◆ A person under the age of eighteen

C. Child Abuse

According to Pennsylvania State law, an abused or neglected child is any child whose parents or other persons responsible for his/her care:

- ◆ cause or threaten to cause a non-accidental physical or mental injury,
- ◆ neglect or refuse to provide adequate food, clothing, shelter, emotional nurturing or health care,
- ◆ abandon the child,
- ◆ neglect or refuse to provide adequate supervision in relation to a child's age and level of development,
- ◆ commit or allow to be committed any sexual act upon a child, including incest, rape, indecent exposure, prostitution or allow a child to be used in any sexually explicit visual material,
- ◆ create an imminent risk of serious physical injury, sexual abuse or sexual exploitation of a child because of any recent act or failure to act.

D. CHILDLINE:

To report suspected child abuse:

1-800-932-0313

II. CODE OF BEHAVIOR

To share in the ministry of Christ is a great privilege as well as a tremendous responsibility. The privilege is the joy of sharing in the mission of Jesus Himself. The responsibility is acting in a way that conforms to the attitude and actions of Christ. As is evident in the Gospels, Jesus had a deep, abiding respect for each human being and never did anything that harmed or misled people in their personal or spiritual life.

The public needs to know that the Church is committed to protecting the children/youth who are entrusted to its care and to ensuring that those offering services are in right relationship with the children/youth receiving services.

There is a challenge in the Scriptures to “live in a manner worthy of the call you have received, with all humility and gentleness, with patience, bearing with one another through love, striving to preserve the unity of the Spirit through the bond of peace.” (Ephesians 4:1-3).

In this spirit, Personnel

- ◆ are expected to represent the Church in a faithful, authentic and loving way, supporting the teachings, disciplines and tradition of the Catholic Church;
- ◆ will exhibit the highest Catholic ethical standards and personal integrity in their day-to-day work and personal lives;
- ◆ will conduct themselves in a professional manner in both church and work environments, avoiding any flagrant or public misconduct;
- ◆ will hold one another accountable to conduct and standards appropriate to their respective roles;
- ◆ will foster the dignity of each person and be committed to the best interests of others;
- ◆ will respect the integrity of all individuals and protect the confidentiality of all information to which they have access;
- ◆ will not take advantage of any relationship with a child/youth for their own benefit;
- ◆ will not physically, sexually or emotionally abuse anyone;
- ◆ will not neglect a child who is in their care.

III. PREVENTION OF CHILD ABUSE

III A. Screening of Personnel

1. Parish Personnel

- a. **Employees & Regular Volunteers:** prior to working with children/youth in any program, all parish employees and regular volunteers must have
- ◆ a signed *Statement of Intent for Compliance* (see Article X)
 - ◆ the Pennsylvania State Police Criminal Record Check
 - ◆ the Pennsylvania Department of Welfare Child Abuse History Clearance
 - ◆ a completed diocesan *Application for Adults Working with Children and Youth*
 - ◆ the Federal Criminal Record Check (includes fingerprinting) required for any person, employee or volunteer, in any program or ministry who has not been a resident of Pennsylvania for two years
- Any employee or regular volunteer not completing all of the above requirements within 90 days of commencing work with children/youth will be prohibited from continuing to work with children/youth until requirements are complete.
- b. **Occasional Volunteers:** prior to working with children/youth in any program, occasional volunteers
- ◆ should be well known to supervisory personnel
 - ◆ must be on a list of approved volunteers maintained by the pastoral staff/religious ed/youth leader/principal. The diocesan *Occasional Volunteers List* form may be used for this purpose
 - ◆ are not required to have background checks but must sign the *Guarantee of Safe and Appropriate Personal Conduct* form
 - ◆ Examples are, but not limited to, aides who work on an irregular basis in the school cafeteria, school library, on field trips, with Vacation Bible School and with Sunday nursery

2. School Personnel

- a. **Employees:** prior to working with children/youth in any school, all employees, student teachers and substitutes must have
- ◆ a signed *Statement of Intent for Compliance* (see Article X)

- ◆ the Pennsylvania State Police Criminal Record Check
- ◆ the Pennsylvania Department of Welfare Child Abuse History Clearance
- ◆ for teachers, a complete personnel file (including the diocesan School Educator Employment Application and references)
 - for elementary and middle school teachers, maintained at the school
 - for substitute teachers, maintained at the school
 - for secondary teachers, maintained at the school
- ◆ for employees other than teachers, a completed diocesan *Application for Adults Working with Children and Youth* i.e., secretary, maintenance and cafeteria personnel, athletics personnel, etc.
- ◆ all employees, student teachers and substitutes employed or placed in a school on or after April 1, 2007, must have the Federal Criminal Record Check (includes fingerprinting)

b. **Regular Volunteers:** prior to working with children/youth in any school, all regular volunteers must have

- ◆ a signed *Statement of Intent for Compliance* (see Article X),
- ◆ a completed diocesan *Application for Adults Working with Children and Youth*
- ◆ the Pennsylvania State Police Criminal Record Check
- ◆ the Pennsylvania Department of Welfare Child Abuse History Clearance
- ◆ the Federal Criminal Record Check (includes fingerprinting) required for any person, employee or volunteer, in any program or ministry who has not been a resident of Pennsylvania for two years and required for all stipended volunteers, regardless of time of residence

Any regular volunteer not completing all of the above requirements within 90 days of commencing work with children/youth will be prohibited from continuing to work with children/youth until requirements are complete.

c. **Occasional Volunteers:** prior to working with children/youth in any program, occasional volunteers

- ◆ should be well known to supervisory personnel
- ◆ must be on a list of approved volunteers maintained by the pastoral staff/principal. The diocesan *Occasional Volunteers List* form may be used for this purpose
- ◆ are not required to have background checks but must sign the *Guarantee of Safe and Appropriate Personal Conduct* form
- ◆ Examples are, but not limited to, aides who work on an irregular basis in the school cafeteria, school library, on field trips, with Vacation Bible School and with Sunday nursery

3. Appropriate supervising personnel should know their volunteers and screen them adequately. It is required that youth workers be well known to

the community for at least six months before entrusting them with the care of children.

4. Appropriate supervising personnel are to consider the following areas when hiring employees or seeking volunteers.

- ◆ Does the individual have healthy adult relationships?
- ◆ Is the individual's behavior with people inappropriate in terms of kinds of touch, content of conversation and suggested activities?
- ◆ Does the person have a criminal history? History of substance abuse? Unstable employment record? Pastoral discretion should be utilized in determining how this will affect the person's fitness to work with children.
- ◆ Does the person have good references from employers, friends, and previous parishes?

5. Documentation for all compliance issues related to *screening* will be maintained by supervising personnel in a secure, locked file in the parish, school, agency or institution. Records should be kept alphabetically so documentation on a particular individual can be located in an efficient manner if necessary. These records must be kept indefinitely.

6. It is prohibited to hire a person or place a volunteer in a position working with children or youth who is a perpetrator of a founded case of child abuse or is listed in the central register. Pastors should be exceptionally judicious in making decisions regarding such persons' participation in the public ministerial life of the parish, such as serving as lectors, Eucharistic ministers, ministers of hospitality or cantors.

III B. Training of Personnel, Children/Youth & Parents

1. Personnel

a. All diocesan employees and volunteers, including clergy, are expected to participate in the diocesan inservice program, *Creating a Safe Environment*, in accord with current diocesan regulations. All participants will receive this policy at the training program and must sign the compliance statement found at the end of the policy as a condition of employment/ministry.

b. Documentation that inservice programs have been completed will be maintained by supervising personnel in a secure, locked file in the parish, school, agency or institution. Records should be kept alphabetically so documentation on a particular individual can be located in an efficient manner if necessary. These records must be kept indefinitely.

2. Children/Youth & Parents

- a. Training programs for children and young people will be conducted annually and include age-appropriate materials pertaining to personal safety and healthy relationships.
- b. Information regarding child abuse and safe environment will be provided to parents and guardians annually.
- c. Documentation that inservice programs have been completed will be maintained by supervising personnel in a secure, locked file in the parish, school, agency or institution. These records must be kept indefinitely.

III C. Guidelines for Working with Children and Youth

1. Consent must be obtained from the parent or guardian for children to participate in an off-site organized program or activity sponsored by the diocese, parish, school, agency or institution. Such permission must include instructions for emergency care should that become necessary.
2. At least two adults must be present for any off-site activity or program sponsored by the diocese, parish, school, agency or institution. It is preferable if one or more of the adults are parents or guardians of the participants. Care should always be taken to ensure an appropriate ratio of adults to young people.
3. There must be at least two adults accompanying children/youth on any overnight trips. Care should always be taken to ensure an appropriate ratio of adults to young people. If both male and female youth are present, male and female adult leadership is required. Care needs to be taken that there is a safe environment provided for sleeping, showering, bathing, dressing and all other aspects of being away for a period of time. Adults must always respect the privacy of youth. Adults must likewise respect their own privacy.
4. When staying in a hotel-style room or camping, it is never appropriate for an adult, other than a parent or legal guardian, to share a bed or room alone with a young person.
5. Persons transporting children to or from events must be known to the leader of the event. The driver must be at least 21 years old. Background checks are not required; however, the driver must complete the diocesan *Volunteer Driving Information Sheet*, documenting the following:
 - The driver must
 - ◆ have a valid state driver's license, qualified for the vehicle being operated

- ◆ have no record of convictions for the past five years for DUI, driving with a suspended or revoked license or reckless endangerment
- ◆ have proof of insurance

6. Adults other than a parent or legal guardian transporting their own child should never transport one child alone. An exception would be when the safety of the child would be compromised; for example, leaving the child with no ride home after attempts had been made to reach the parents/legal guardian.

7. During the time adults are responsible for the oversight/chaperoning of youth during day activities or overnight trips, they are never permitted to provide for youth or use themselves alcohol and/or cigarettes, audiovisual material, music, or other printed materials unsuitable for youth.

8. A “buddy system” of a young person with another young person on trips is recommended as a good safety system.

9. Employees or volunteers are never to give gifts to individual children without the prior knowledge of the parents. Since gift giving can be a form of buying loyalty or silence, it should be done on a group basis or for special occasions only.

10. Adult supervisors and others must show discretion before touching another person, for often physical touch can be misinterpreted. Age, gender, race, ethnic background, emotional condition, prior experience and present life situations all affect how touching is received and interpreted. Physical contact with youth should occur only when appropriate and should never occur in private.

11. Children/youth visiting from out of town, such as youth choirs and sports teams must be placed in homes where the residents are known to supervising personnel. When sacramental preparation programs or other youth gatherings are regularly held in private residences, the adult screening and training standards as stipulated in Section III A and Section III B will apply.

IV. COUNSELING AND SPIRITUAL DIRECTION OF CHILDREN/YOUTH

- A. Counselors who are licensed professionals and spiritual directors who hold recognized credentials bear full responsibility for establishing and maintaining clear and appropriate boundaries in accord with their professional standards.
- B. With the exception of those mentioned in statement A above, all others providing counseling or spiritual direction and meeting alone with children/youth should utilize the following precautions:

- ◆ the door to the meeting room must be left open and/or allow for visibility from the outside
 - ◆ barring emergencies, another adult must be informed of the meeting and be nearby
- C. Counseling and spiritual direction of children/youth should be done in an appropriate setting and at an appropriate time. *Private* living quarters are never a suitable place for counseling or spiritual direction.

V. RESPONSE TO CHILD ABUSE

A. Persons Who Must Report Abuse

According to state law, the mandate to report child abuse is imposed on any individual who comes into contact with children in the course of his or her work or professional practice. Voluntary personnel who perform services for the Church/school should also consider themselves to be mandated reporters if they come into contact with children during the course of their volunteer Church/school work.

The privileged communication between a professional person and his/her client does not apply to situations involving child abuse and does not constitute a legitimate reason for failure to report. Clergy are not permitted by Church law to report information received privately during sacramental confession. In addition, according to Pennsylvania state law, the following provision applies to priests and deacons:

No clergyman, priest, rabbi or minister of the gospel of any regularly established church or religious organization, except clergymen or ministers, who are self-ordained or who are members of religious organizations in which members other than the leader thereof are deemed clergymen or ministers, who while in the course of his duties has acquired information from any person secretly and in confidence shall be compelled, or allowed without consent of such person, to disclose that information in any legal proceeding, trial or investigation before any government unit.

42 Pa. C.S. § 5943

These mandates are criminally enforceable under Pennsylvania law. Legal immunity is granted to any individual who, in good faith, makes a report of suspected child abuse, even if he/she was not under a legal obligation to do so.

B. Incidents to be Reported

Alleged past or present physical abuse, sexual abuse or neglect of a child will be reported, regardless of where the incident occurred. Child abuse

disclosed directly to a mandated reporter must be reported to the proper authorities. In addition, second-hand reports of abuse that are received by a mandated reporter must also be reported to the proper authorities if they afford the mandated reporter “reasonable cause to suspect” that child abuse has occurred. The abused child must actually be under the care, supervision, guidance or training of the mandated reporter or of an agency, institution, organization or other entity with which that person is affiliated.

The mandate to report applies to all child abuse, not just abuse that has been perpetrated by Church personnel. Possible abusers could include for example, parents, relatives, older siblings, neighbors, youth group or sports leaders, family friends and other children.

When the incident of abuse of a minor by a cleric occurred in the past and the victim is an adult when the information is received, a report is to be filed with public authorities even though the person is no longer a minor. (Charter, Article 4, Essential Norms, 11)

It is recommended to Church personnel that any doubt concerning the application or interpretation of these provisions should be resolved in *favor of reporting*. The civil authorities will determine the particulars and take appropriate action.

C. Other Persons Who Can Report Abuse

Any person may make a report of child abuse. The report is made when the person has reasonable cause to suspect that a child is abused. Only suspicion, not proof, is needed.

D. General Procedures for Reporting

A mandated reporter is obligated to **immediately** notify the person in charge when child abuse is suspected or has been disclosed. It becomes the obligation of the person in charge to report the matter to the proper civil authorities. The person making the report should then promptly notify the person who brought the matter to his/her attention that a report has been made. A failure to report on the part of the person in charge is a serious matter. In such a case, the person originally making the report should contact the civil authorities on his/her own.

All reports of child abuse are to be made immediately to the 24-hour **Child Abuse Hot Line (Childline)**. The toll free number is **1-800-932-0313**. In the event of likely imminent danger, contact local police. A written report is to be made within 48 hours and sent to the Child Protective Services agency in the county in which the abuse occurred. A copy of the Department of Public Welfare form for making a written report can be obtained at <http://www.eriegcd.org/pdf/cy47.pdf>

In addition to these General Procedures, please refer to the Specific Reporting Procedures that follow.

E. Specific Procedures for Reporting by School Personnel

Administrators, pastors who oversee parochial schools and school employees are required to follow the general reporting mandates when they suspect that child abuse has occurred. However, they are also subject to different reporting procedures when the perpetrator is another individual who works in the school.

1. If the abuse is perpetrated by a fellow school employee:

a. School employees are required to report to their school administrator if they suspect that a student has been abused by a fellow school employee. The administrator is then required to immediately report the suspected abuse to local law enforcement officials, the District Attorney, Childline and the local county Child Protective Services agency. In addition, the Principal/Administrator must notify the Pastor (if a parish school) and the Vicar for Education or the Diocesan Director of Schools that a report has been made.

b. If the suspected perpetrator is the administrator to whom the report would ordinarily be made, then the school employee is to bypass the administrator and immediately report the suspected abuse to local law enforcement officials, the District Attorney, Childline and the local county Youth Protective Services agency. In addition, the school employee must notify the Pastor (if a parish school) and the Vicar for Education or the Diocesan Director of Schools that a report has been made.

c. Reports by school employees regarding abuse by fellow employees are to include:

- ◆ The name, age, address and school of the student.
- ◆ The name and address of the student's parent or guardian.
- ◆ The name and address of the school administrator.
- ◆ The name, work and home address of the perpetrator.
- ◆ The nature of the alleged offense.
- ◆ Any specific comments or observations that are directly related to the alleged incident and the individuals involved.

A copy of the Department of Public Welfare form for making a written report can be obtained at

<http://www.eriegcd.org/pdf/cy47d.pdf>

2. If the abuse is perpetrated by a person other than a school employee:

- a. Follow general reporting procedures in Section V- D above.
- b. In addition, the Principal/Administrator must notify the Pastor (if a parish school) and the Vicar for Education or the Diocesan Director of Schools that a report has been made.

F. Specific Procedures for Reporting by Parish Religious Education / Youth Ministry Personnel

1. Follow general reporting procedures in Section V- D above.
2. In addition, the Religious Education/Youth Leader must notify the Pastor and the Vicar for Education or the Diocesan Director of Religious Education that a report has been made.

G. Reporting in an Agency or Institutional Program

1. Follow general reporting procedures in Section V-D above.
2. In addition, the Supervisor must notify the Vicar General that a report has been made.

H. Civil and Canonical Investigations

In addition to civil authorities conducting an investigation of alleged child abuse, the Diocese will also conduct its own investigation. The alleged perpetrator (whether priest, deacon, religious or layperson employed by or volunteering in the Diocese of Erie) will be placed on leave of absence until the case is completed. The diocesan investigation and any disciplinary action will be carried out in accord with civil and Church law and the applicable Personnel policies.

In allegations of sexual abuse of a minor by a priest or deacon, the diocese will comply with all applicable civil laws and cooperate in the investigation in accord with the law of the jurisdiction in question. Sexual abuse of a minor by a cleric is a crime in all civil jurisdictions and in church law (CIC, c. 1395, 2). In exercising his responsibility under Church law, the Diocesan Bishop is required to carry out an investigation as specified in the *USCCB Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, and the procedures specified in the *Clergy Personnel Manual* of the Diocese of Erie.

VI. CONFIDENTIALITY

Any communication regarding a child abuse case must be limited to the proper reporting authorities until such time as a clear determination of the allegation has been made.

VII. PASTORAL CARE

The Diocese of Erie is aware of its responsibility for pastoral care for the victim, the accused and the parish/diocesan community. The *Victim Assistance*

Coordinator, a professional lay person, is available to victims and their families to provide immediate assistance and to coordinate whatever range of pastoral care is deemed necessary. The name and contact information of the current Victim Assistance Coordinator can be found at <http://www.eriercd.org/protectyouth.htm>

VIII. ADDITIONAL RESOURCES AND FORMS

Additional information, resources and all diocesan forms required for compliance with these policies for child protection can be found at <http://www.eriercd.org/protectyouth.htm> or go to www.eriercd.org. From the list on the left side of the page, click on "For the Protection of Children."

IX. CONCLUSION

The purpose of this policy is to ensure a safe environment for all children who are served by the Diocese of Erie. By articulating a code of behavior through training and education, guidelines for prevention, recognition of child abuse and through a clear procedural response, the Diocese of Erie fortifies that safe environment.

Most Rev. Donald W. Trautman, STD, SSL
Bishop of Erie

Promulgated following the approval of the Diocesan Review Board on
June 16, 2003

+ Donald W. Trautman, Bishop of Erie

Revised (Introduction; Section IA; Section II; Section IIIA, 1a & 1b, 2a, 2b, & 2c; Section V A, B, D, E, F, G; Section VII; added Section VIII) and promulgated following the approval of the Diocesan Review Board on June 14, 2007

+ Donald W. Trautman, Bishop of Erie

Revised (Section IIIA, 1a & b, 2a, b & c; Section X, Title) and promulgated following the approval of the Diocesan Review Board on July 23, 2009

+ Donald W. Trautman, Bishop of Erie

Revised (Section IIIA, 1a, 2a, 2b; Section VB, VD; Section X) and promulgated following the approval of the Diocesan Review Board on July 1, 2010.

+ Donald W. Trautman, Bishop of Erie

To be completed and signed after policy is read
NOT documentation for inservicing

X. STATEMENT OF INTENT FOR COMPLIANCE

I have read and understand the policy of the Diocese of Erie entitled *For the Protection of Children*. I will comply fully with all the requirements specified in this policy including the procurement of background checks and attendance at the diocesan training session, *Creating a Safe Environment*. My questions (if any) pertaining to the above named policy have been satisfactorily answered.

I also understand that if I do not complete the requirements of the above named policy within 90 days of commencing work with children/youth, I will be prohibited from continuing to work with children/youth until the requirements are complete.

I testify that I have never been convicted of child abuse or a crime involving actual or attempted sexual molestation of a minor. No formal or informal unresolved charge, claim or complaint has ever been made against me that would call into question the advisability of entrusting me with the supervision, guidance and care of children and youth.

As testimony of the above, I affix my signature below.

Name (printed) _____

Signature _____

Date: _____

This record is to be kept on file in the diocesan office, school, agency or institution where the individual ministers. The record for priests will be kept in the Clergy Personnel Office. The record for permanent deacons will be kept in the Permanent Diaconate Office.