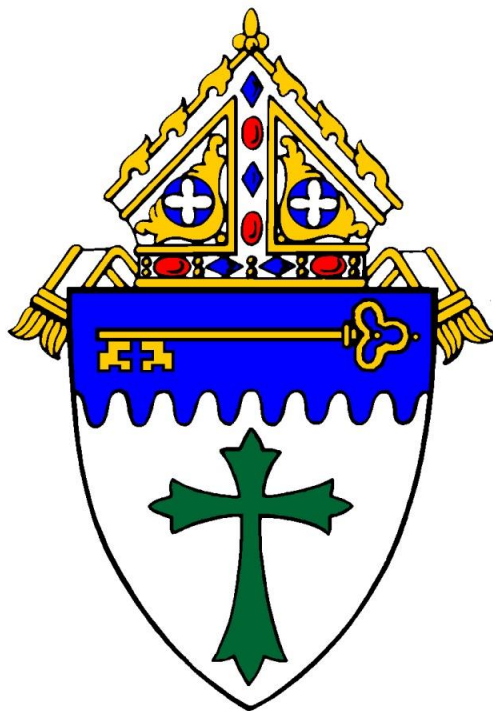


Policy for the Protection of Children



The Roman Catholic Diocese of Erie

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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 – or any abuse.

Parents and guardians desire that their children experience healthy relationships with their peers and with adults. The responsibility of parents to nurture and protect 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. These standards will help insure that trusting relationships work toward growth and maturity of the child in the Catholic faith community. These standards apply to every clergy and lay employee or volunteer who is 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 is revised yearly 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 procedures 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. 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 full compliance with state regulations.

Everyone in the Diocese of Erie who is involved in the care of children must become familiar with this Policy. For further information, please contact the Office for Protection of Children and Youth of the Diocese of Erie (814-824-1195) or visit its website: (<http://www.eriecd.org/childprotection>).

I. DEFINITIONS

A. PERSONNEL

- **EMPLOYEES:** All clergy and lay individuals employed by or serving in the Diocese, its parishes, schools, related agencies, and institutions who are paid on a full-time, part-time, or stipend basis and have direct contact with children.
- **REGULAR VOLUNTEERS:** Adults who perform a service for the Diocese or its parishes, schools, or related agencies and institutions, who have direct volunteer contact with children on an unpaid full- or part-time basis (scheduled at least once a month).
- **OCCASIONAL VOLUNTEERS:** Adults who perform a child-related service for the Diocese or its parishes, schools, or related agencies and institutions on an irregular basis (scheduled or occurring less than once a month).

B. DIRECT CONTACT is defined in the PA Child Protective Services Law as “the care, supervision, guidance or control of children or routine interaction with children.”

C. DIRECT VOLUNTEER CONTACT is defined in the PA Child Protective Services Law as “the care, supervision, guidance or control of children and routine interaction with children.”

D. ROUTINE INTERACTION is regular and repeated contact with children that is integral to a person’s employment or volunteer responsibilities.

E. IMMEDIATE VICINITY is defined to mean an area in which an individual is physically present with a child and can see, hear, direct and assess the activities of the child.

F. CHILD or MINOR is defined as (1) a person under the age of eighteen, (2) any current student of any secondary school, *or* (3) an adult who is physically or cognitively impaired and unable to protect him/her self.

G. ADULT is any person eighteen years of age or older.

H. CHILD ABUSE shall mean intentionally, knowingly, or recklessly doing (or attempting to do) any of the following:

1. causing, contributing to, or threatening to cause a non-accidental physical or mental injury by any act or failure to act, including without limitation:
 - kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child;
 - unreasonably restraining or confining a child, based on consideration of the method, location, or duration of the restraint or confinement;
 - forcefully shaking, slapping, or striking a child under one year of age;

- interfering with the breathing of a child;
 - causing severe pain to a child;
 - significantly impairing a child's physical functioning, either temporarily or permanently;
 - causing a child to suffer a psychological condition as diagnosed by a physician or licensed psychologist that (1) seriously interferes with the child's ability to accomplish age-appropriate developmental and social tasks or (2) renders the child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic, or in reasonable fear that the child's life or safety is threatened;
2. causing Sexual Abuse (*separately defined*) of a child through any act or failure to act;
 3. creating an imminent risk of serious physical injury, sexual abuse, or sexual exploitation of a child through any act or failure to act, which includes without limitation:
 - causing a child to be present at a location while illegal drug manufacturing is occurring;
 - leaving a child unsupervised with an individual – other than the child's parent – who the actor knows or reasonably should have known is required to register as a sexual offender because of a prior crime against a child;
 4. causing the death of the child through any act or failure to act;
 5. ignoring or encouraging suicidal tendencies of a child;
 6. neglecting or refusing to provide adequate food, clothing, shelter, mental or physical health care, or adequate supervision in relation to a child's age and level of development;
 7. abandoning the child; or
 8. engaging a child in human or sex trafficking.
- I. **CHILDLINE** is the Pennsylvania hotline for reporting suspected child abuse. Call **1-800-932-0313** 24 hours a day to report. A report may also be made over the internet at <https://www.compass.state.pa.us/cwis/public/home>. ***If a child is in immediate danger, call 911!***
- J. **SEXUAL ABUSE** shall mean any of the following:
1. The use, persuasion, or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes – but is not limited to – the following:
 - Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
 - Participating in sexually explicit conversation either in person, by telephone, by computer, or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
 - Actual or simulated sexual activity for the purpose of sexual stimulation or gratification of any individual.

- Actual or simulated sexual activity for the purpose of producing a visual depiction in any form, including photographing, videotaping, computer depicting, or filming.
- Producing, acquiring, possessing, or distributing pornographic images of minors for the purpose of sexual gratification by whatever means or using whatever technology.
- This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age, except in cases involving sexually explicit visual depictions of a minor.

2. Any of the following offenses committed against a child:

- Rape, which includes forced sex or sex with someone drugged, drunk or mentally unable to consent. Sex is defined throughout this policy to include vaginal, oral, or anal sex.
- Sexual assault, which includes any sex without another person's consent.
- Statutory sexual assault, which includes any sex with a minor under the age of 16, unless the other person is less than four years older than the minor.
- Institutional sexual assault, which includes any sex or touching of genitals for the purpose of sexual gratification committed by an employee or volunteer of a school, child care center, or child residential facility against a student of the school, a participant in the child care program, or a resident of the facility.
- Aggravated indecent assault, which includes penetrating the genitals or anus with any part of a person's body or any object by force (1) without consent OR (2) if the victim is less than the age of 13 OR (3) if the victim is over age 12 but under the age of 16 and the perpetrator is four or more years older than the victim.
- Indecent assault, which includes touching someone's sexual parts, causing someone to touch your sexual parts, or causing someone to come into contact with seminal fluid, urine, or feces, if those acts were for the purpose of arousing sexual desire and (1) it was without consent OR (2) the victim is less than the age of 13 OR (3) the victim is over 12 but under 16 and the perpetrator is four or more years older than the victim.
- Indecent exposure, which includes exposing one's genitals in a public place or in a place where the person knows or should know his or her exposure would cause offense. Context, place, and duration matter. For example, brief nudity may be appropriate in a locker room, but posing, thrusting, squeezing, or other sexual gestures would cause offense.
- Incest, which includes sex with an ancestor, descendant, brother, sister, uncle, aunt, nephew, or niece.
- Prostitution, which includes hiring a minor prostitute; encouraging or forcing a minor to become a prostitute; soliciting a minor to patronize a prostitute; or transporting a minor with the intent to engage in prostitution.
- Sexual abuse of children, which includes causing or allowing a minor to engage in a real or simulated sexual act for purposes of photographing, videotaping, or obtaining other visual depiction or possessing such visual depictions.
- Sexual exploitation, which includes procuring a child for another to perform actual or simulated sexual activity, including nudity, for the purpose of sexual gratification.

- Unlawful contact with a minor, which includes contacting a minor in an attempt to engage in any of the above conduct.

K. RELATED AGENCIES are non-parish, non-school agencies that exercise a Catholic apostolate within the Diocese of Erie with at least some measure of independent control.

L. SUBSTANTIATED CASE OF CHILD ABUSE is a case where allegations of child abuse are substantiated by any of the following:

1. The perpetrator admits committing child abuse.
2. A judicial finding exists confirming that child abuse occurred (*e.g.*, criminal conviction, guilty plea, etc.).
3. The perpetrator is listed as a perpetrator of a “founded report” or “indicated report” of child abuse in the Pennsylvania Department of Human Services statewide database.
4. The Diocese determines through an investigation that Threshold Evidence of the child abuse exists.

M. THRESHOLD EVIDENCE is credible evidence indicating the perpetrator committed child abuse that is sufficient to outweigh any contrary credible evidence (*e.g.*, the likelihood of child abuse occurring is more than 50%). Evidence should be weighted with consideration given to the source, accuracy, and consistency of the evidence.

Evidence that may be considered in determining whether Threshold Evidence exists includes – but is not limited to – the following:

1. medical examinations and records;
2. expert consultations and opinions;
3. statements made during interviews with the victim, the alleged perpetrator, the victim’s parents, the reporter, eyewitnesses, or any other person with knowledge of the abuse where appropriate and feasible;
4. past history of complaints of suspicious behavior and violations of the diocesan Policy for the Protection of Children;
5. audio/visual evidence;
6. documentary evidence, including correspondence between the victim and the alleged perpetrator in any form;
7. circumstantial evidence and adverse inferences arising from non-cooperation or destroyed evidence.

II. CODE OF CONDUCT

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 who are entrusted to its care and to ensuring that people offering services are in proper relationships with the children receiving services.

There is a challenge in Scripture 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 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 for their own benefit;
- will not physically, sexually, or emotionally abuse or exploit any person; and
- will not neglect a child who is in their care.

III. PREVENTION OF CHILD ABUSE

III. A. SCREENING OF PERSONNEL

In accord with Article 13 of the USCCB's Promise to Protect, Pledge to Heal, the following are required, as indicated, in the Diocese of Erie for all clergy, non-school personnel (paid or unpaid), school personnel (paid or unpaid), and all volunteers whose duties include ongoing, unsupervised contact with minors. These requirements include any individual age 14-17 who is paid or unpaid and that has ongoing, unsupervised contact with other minors.

1. CLERGY PERSONNEL

All Priests (including retired), Deacons (including retired) Seminary students and Diaconate candidates living in the Diocese of Erie are required to have the following documentation:

- a signed *Statement of Intent for Compliance* (see Article X) indicating the person has received, read and agrees to conform to the diocesan *Policy for the Protection of Children*.
- the PA State Police Criminal Record Check (every five years)
- the PA Department of Human Services Child Abuse History Certification (every five years)
- the Federal Criminal Record Check – includes fingerprinting (every five years)
- a completed diocesan *Application for Adults Working with Children and Youth*
- a signed diocesan *Mandated Reporter Compliance Document* (every year)
- clearance from the Office for the Protection of Children and Youth

2. NON-SCHOOL PERSONNEL

a. **Employees:** before working with children in any program, all parish or other non-school employees must have (or demonstrate that they have initiated the process for obtaining) the following documents and clearances:

- a signed *Statement of Intent for Compliance* (see Article X) indicating the person has received, read and agrees to conform to the diocesan *Policy for the Protection of Children*.
- the PA State Police Criminal Record Check (every five years)
- the PA Department of Human Services Child Abuse History Certification (every five years)
- the Federal Criminal Record Check – includes fingerprinting (every five years)
- a completed diocesan *Application for Adults Working with Children and Youth*
- a signed diocesan *Mandated Reporter Compliance Document* (every year)
- clearance from the Office for the Protection of Children and Youth

Any person who obtains clearances may provide services during the length of time that the person's clearances are current.

The process for required clearances must be underway before beginning work with children. Employees have 30 days from the beginning of their work with children to obtain the required clearances. During this 30-day period, the employee must work in the immediate vicinity of a cleared and in-serviced adult when with children. Any employee not completing all of the above requirements within 30 days of beginning work with children will be prohibited from continuing to work with children until all requirements are complete.

b. Volunteers:

Any person who obtained his or her clearances within the previous 60 months may serve in a volunteer capacity for any program, activity, or service.

Volunteers who reside in Pennsylvania **MUST** obtain the clearances described below before working with children.

Individuals who reside in another state may serve as a volunteer for no more than 30 days as long as they provide clearances from their state of residence. Within the 30 days, they must obtain clearances from Pennsylvania as described below.

1. Regular Volunteers: before working with children in any program, all regular volunteers must have the following documents and clearances:

- a signed *Statement of Intent for Compliance* (see Article X) indicating the person has received, read and agrees to conform to the diocesan *Policy for the Protection of Children*.
- the PA State Police Criminal Record Check (every five years)
- the PA Department of Human Services Child Abuse History Certification (every five years)
- one of the following: either a) the Federal Criminal Record Check which includes fingerprinting (every five years) (required for any volunteer who has not been a continuous resident of Pennsylvania for ten years) or b) affidavit as required by PA law (for all other volunteers)
- a completed diocesan *Application for Adults Working with Children and Youth*
- a signed diocesan *Mandated Reporter Compliance Document* (every year)
- clearance from the Office for the Protection of Children and Youth

2. Occasional Volunteers: before working with children in any program, occasional volunteers must have the following documents and clearances:

- the PA State Police Criminal Record Check (every five years)
- the PA Department of Human Services Child Abuse History Certification (every five years)
- a signed diocesan *Mandated Reporter Compliance Document* form (once a year)
- a signed diocesan *Occasional Volunteer Conduct Form* (once a year)

- their names listed on either the diocesan *Occasional Volunteer List* or a Sign In/Sign Out sheet whenever they work with children.
- clearance from the Office for the Protection of Children and Youth

3. SCHOOL PERSONNEL:

- a. **Employees:** before working with children in any program, all school employees must have (or demonstrate that they have initiated the process for obtaining) the following documents and clearances:
- a signed *Statement of Intent for Compliance* (see Article X) indicating the person has received, read and agrees to conform to the diocesan *Policy for the Protection of Children*.
 - the PA State Police Criminal Record Check (every five years)
 - the PA Department of Human Services Child Abuse History Certification (every five years)
 - the Federal Criminal Record Check – includes fingerprinting (every five years)
 - state Mandated Reporter Training (every five years)
 - completed Arrest/Conviction Form
 - Sexual Misconduct/Abuse Disclosure Release Form(s) (Act 168)
 - for educators, a complete personnel file (including the diocesan *School Educator Employment Application* and references)
 - for employees other than educators (*i.e.*, secretaries, janitors, cafeteria workers, coaches, etc.), a completed diocesan *Application for Adults Working with Children and Youth*
 - a signed diocesan *Mandated Reporter Compliance Document* (every year)
 - clearance from the Office for the Protection of Children and Youth

Any person who obtains clearances may provide services during the length of time the person's clearances are current.

The process for required clearances must be underway before beginning work with children. Employees have 30 days from the beginning of their work with children to obtain the required clearances. During this 30-day period, the employee must work in the immediate vicinity of a cleared and in-serviced adult when with children. Any employee not completing all of the above requirements within 30 days of beginning work with children will be prohibited from continuing to work with children until all requirements are complete.

If an employee is or was arrested for or convicted of any of the disqualifying offenses listed in §111(e) of the Public School Code after September 28, 2011 (see § III.A.3.i.1 of this Policy), that employee is obligated to disclose that arrest or conviction in writing to her or his employer within 72 hours of the change of status.

If an employer has reasonable cause to believe that a current employee has been arrested for or convicted of one of the disqualifying offenses, but the employee has not disclosed that information, the employer may – at the employer's expense – require the employee to obtain and present updated versions of all required background-check clearances as a condition of continued employment.

b. Volunteers

Any person who obtained their clearances within the previous 60 months may service in a volunteer capacity for any program, activity or service.

Volunteers who reside in Pennsylvania **MUST** obtain the clearances described below before working with children.

Individuals who reside in another state may serve as a volunteer for no more than 30 days as long as they provide clearances from their state of residence. Within the 30 days, they must obtain clearances from Pennsylvania as described below.

1. Regular Volunteers: before working with children in any school, all volunteers must have the following documents and clearances:

- a signed *Statement of Intent for Compliance* (see Article X) indicating the person has received, read and agrees to conform to the diocesan *Policy for the Protection of Children*.
- the PA State Police Criminal Record Check (every five years)
- the PA Department of Human Services Child Abuse History Certification (every five years)
- one of the following: either a) the Federal Criminal Record Check which includes fingerprinting (every five years) (required for any volunteer who has not been a continuous resident of Pennsylvania for ten years) or b) affidavit as required by PA law (for all other volunteers).
- a completed diocesan *Application for Adults Working with Children and Youth*
- state Mandated Reporter Training (every five years)
- a signed diocesan *Mandated Reporter Compliance Document* (every year)
- clearance from the Office for the Protection of Children and Youth

2. Occasional Volunteers: before working with children in any school, occasional volunteers must have the following documents and clearances:

- The PA State Police Criminal Record Check (every five years)
- The PA Department of Human Services Child Abuse History Certification (every five years)
- A signed diocesan Mandated Reporter Compliance Document (once a year)
- A signed diocesan Occasional Volunteer Conduct Form (once a year)
- their names listed on either the diocesan *Occasional Volunteer List* or a Sign-in/Sign-out sheet whenever they work with children.
- Clearance from the Office for the Protection of Children and Youth

4. SUPERVISORY PROCEDURES

- a. For all employment and volunteer positions which require clearances, before an applicant is hired/accepted, the hiring or volunteer-placement supervisor shall require a clearance from the diocesan Office for Protection of Children and Youth for the applicant for child-protection purposes. The supervisor will allow the applicant to begin employment or volunteering only if the OPCY determines that the applicant does not pose a substantial risk of committing child abuse. This step is to be completed for new employment and volunteer applicants, as well as transfers from elsewhere in the Diocese of Erie.
- b. In addition to the above detailed clearance procedures, supervising personnel should know their volunteers and use appropriate judgment in allowing them to work with children. For instance, a supervisor should take efforts to learn why the volunteer is interested in working with children (*e.g.*, parent of child at school, studying in relevant field, seeking eventual employment, etc.) and carefully consider any volunteer with no known or reasonable nexus or motivation. In another example, where a supervisor has local community knowledge from reputable sources (including historical and current media) of a person's prior misconduct (*e.g.*, admitted abuse that could not be prosecuted because of the passage of time), they may reject the volunteer's service even if all clearances are obtained. Volunteers must be known to the community for at least six months before entrusting them with the care of children.
- c. 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. Each person will have his or her own personnel file, and files should be kept alphabetically so all documentation on a particular individual can be located in an efficient manner if necessary. *These records must be kept indefinitely.*
- d. Written verification of completed clearances for contracted employees who perform a regular service (*e.g.*, bus service, cafeteria service) is the responsibility of the contractor. This written verification will be maintained in a secure locked file in the parish, school, agency or institution.
- e. Results of Federal Criminal Record checks for employees are not permitted to be kept on-site in the schools. All Federal Criminal Record reports for school employees are maintained in the office of the Director of Catholic Schools and School Personnel. In the parish, the Pastor is responsible to ensure the security of the Federal Criminal Record reports. The leader of any other agency or institution within the Diocese of Erie is responsible to ensure the security of the Federal Criminal Record reports relevant to that agency or institution.
- f. An employer, administrator, supervisor, or other person responsible for selection of employees/volunteers shall require the individual to produce the original documents within 30 days of employment or acceptance to volunteer in any position that requires clearances and shall maintain copies of the required clearances (*except for the results of Federal Criminal Record checks for school employees, which must be kept as described in 4(e) above*).

- g. An employer, administrator, supervisor, or other person responsible for selection of employees/volunteers who intentionally fails to require an applicant to submit the required clearance before the applicant's hiring/service may commit a misdemeanor of the third degree and may be subject to discipline under this Policy.
- h. Child Abuse clearance information is confidential and may not be released to other individuals without approval from a diocesan lawyer.
- i. It is prohibited to hire a person or place a volunteer in a position working with children who is a perpetrator of (1) a Substantiated Case of Child Abuse, (2) a founded or indicated report of child abuse listed in the Pennsylvania central register, or (3) an offense under 24 P.S. §§1-111(e) or 1-111(f.1), which consist of the following:
 - (1) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:
 - Chapter 25 (relating to criminal homicide)
 - Section 2702 (relating to aggravated assault)
 - Section 2709.1 (relating to stalking)
 - Section 2901 (relating to kidnapping)
 - Section 2902 (relating to unlawful restraint)
 - Section 2910 (relating to luring a child into a motor vehicle or structure)
 - Section 3121 (relating to rape)
 - Section 3122.1 (relating to statutory sexual assault)
 - Section 3123 (relating to involuntary deviate sexual intercourse)
 - Section 3124.1 (relating to sexual assault)
 - Section 3124.2 (relating to institutional sexual assault)
 - Section 3125 (relating to aggravated indecent assault)
 - Section 3126 (relating to indecent assault)
 - Section 3127 (relating to indecent exposure)
 - Section 3129 (relating to sexual intercourse with animal)
 - Section 4302 (relating to incest)
 - Section 4303 (relating to concealing death of child)
 - Section 4304 (relating to endangering welfare of children)
 - Section 4305 (relating to dealing in infant children)
 - A felony offense under section 5902(b) (relating to prostitution and related offenses)
 - Section 5903(c) or (d) (relating to obscene and other sexual materials and performances)
 - Section 6301(a) (1) (relating to corruption of minors)
 - Section 6312 (relating to sexual abuse of children)
 - Section 6318 (relating to unlawful contact with minor)
 - Section 6319 (relating to solicitation of minors to traffic drugs)
 - Section 6320 (relating to sexual exploitation of children)
 - (2) An offense designated as a felony under the "The Controlled Substance, Drug, Device and Cosmetic Act." of April 14, 1972 (P.L. 233, No. 64).
 - (3) An offense SIMILAR IN NATURE to those crimes listed above in clauses (1) and (2) under the laws or former laws of:
 - The United States; or

- One of its territories or possessions; or
 - A state (including Pennsylvania); or
 - The District of Columbia; or
 - The Commonwealth of Puerto Rico; or
 - A foreign nation.
- (4) An offense graded as a felony offense of the first, second, or third degree, other than one of the offenses enumerated in (1)-(3), if less than (10) ten years has passed since the end of the sentence for the offense.
- (5) An offense graded as a misdemeanor of the first degree, other than one of the offenses enumerated in (1)-(3), if less than (5) years has passed since the end of the sentence for the offense.
- (6) An offense under 75 Pa. C.S. § 3802(a), (b), (c), or (d) (relating to driving under the influence of alcohol or controlled substance) graded as a misdemeanor of the first degree under 75 Pa, C.S. § 3803 (relating to grading), if the person has been previously convicted of such an offense and less than (3) three years has passed since the end of the sentence for the most recent offense.

III. B. TRAINING OF PERSONNEL, CHILDREN & PARENTS

1. PERSONNEL:

- a. All employees and regular volunteers, including clergy, seminarians, and deaconate candidates are required to complete the online diocesan in-service program, *Creating a Safe Environment*. This in-service shall be completed every five years.
- b. A certificate of completion for the diocesan in-service program will be maintained by supervising personnel in a secure, locked file in the parish, school, agency, or institution. Each person will have his/her own personnel file, and records should be kept alphabetically so all documentation on a particular individual can be located in an efficient manner, if necessary. *These records must be kept indefinitely.*
- c. It is not necessary for independently contracted employees (*e.g.*, cafeteria or bus service) to complete the diocesan in-service.

2. CHILDREN/YOUTH

- a. Training programs for children will be conducted annually and include age-appropriate materials pertaining to personal safety, healthy relationships, a safe environment, and the prevention of child abuse.
- b. Training programs must be completed using one of the following methods:

- Diocesan approved videos
 - Diocesan approved County Agency presentation
 - Through public schools training with documentation sent to the parish
- c. Documentation that training programs have been completed will be maintained by supervising personnel in a secure file in the parish, school, agency, or institution. *These records must be kept indefinitely.* It is not necessary to maintain separate files for each student for child-protection documentation purposes.

3. PARENTS

- a. Parishes and schools will make available to parents and guardians the information regarding child abuse and safe environments provided by the Office for the Protection of Children and Youth. Verification of this will be recorded on the parish/school annual report for compliance filed with the Office for the Protection of Children and Youth.
- b. Documentation that information was provided will be maintained by the supervising personnel in a secure file in the parish, school, agency or institution. *These records must be kept indefinitely.*

III. C. GUIDELINES FOR WORKING WITH CHILDREN

1. Consent must be obtained from the parent or guardian for children to participate in any extra-curricular activities sponsored by the Diocese, parish, school, agency, or institution. Such permission must include instructions for emergency care.
2. At least two adults must be present for any extra-curricular activity or program sponsored by the Diocese, parish, school, agency, or institution. These adults must have all required documentation on file before the event. This requirement applies to both on-site and off-site events. It is preferable that one or more of the adults be parents or guardians of at least one of the participants. Care should always be taken to ensure an appropriate ratio of adults to children.
3. There must be at least two adults accompanying children on any overnight trips. These adults must be cleared, in-serviced, and have all required documentation on file before the trip. Care should always be taken to ensure an appropriate ratio of adults to children. If both male and female children are present, male and female adult supervision 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 children. Adults must likewise maintain standards of personal privacy when using the restroom, showering, dressing, and otherwise engaging in typically private daily activities while traveling.

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 child.
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;
 - complete the PA State Police Criminal Record Check and the Child Abuse History Certification; and
 - complete the diocesan *Volunteer Driving Information Sheet*, documenting:
 - no record of convictions for the past five years for DUI, driving with a suspended or revoked license, or reckless endangerment;
 - proof of insurance; and
 - a valid state driver’s license qualified for the vehicle being operated.
6. Adults transporting children must have among the passengers in the vehicle either their own child or another adult. No one other than a parent or legal guardian transporting their own child should ever travel alone with a child. An exception would be when the safety of the child would be compromised; for example, leaving the child with no ride home after attempts have been made to reach the parents/legal guardian.
7. During the time adults are responsible for the chaperoning of children during day activities or overnight trips, they are never permitted to provide for children—or use themselves—illegal drugs, alcohol, tobacco, or media in any form that is unsuitable for children (*e.g.*, pornography).
8. A “buddy system” of a child with another child on trips is recommended as a good safety strategy.
9. Employees or volunteers are never to give gifts to individual children without the prior knowledge and consent of the child’s 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. Adults 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 children should occur only when incidental to public activity or when necessary to protect the immediate safety of a child. For example, a baseball coach may adjust a child’s hands to help him learn to properly hold a bat. Physical contact should never occur in private.
11. When sacramental preparation programs or other youth gatherings are regularly held in private homes, the adult screening and training standards as stipulated in Section III. A. and Section III. B. will apply to all adults in residence at the home.
12. If children visiting from out of town (such as youth choirs and sports teams) need to be housed in private homes, all adult residents of the home must obtain the clearances required of volunteers before the children are housed.

13. An employee or volunteer is not to intentionally engage in regular one-on-one telephonic or other form of electronic communication or personally meet alone with a child who attends a diocesan school or parish, or who is a participant in a diocesan program, activity, or service, without the prior knowledge and consent of the parent or guardian and the knowledge and consent of the immediate supervisor of the employee or volunteer.

IV. COUNSELING AND SPIRITUAL DIRECTION OF CHILDREN/YOUTH

- A. Counselors who are licensed professionals and spiritual directors and 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 must use the following precautions:
- the door to the meeting room must be left open or allow for visibility from the outside
 - barring emergencies, another adult must be informed of the meeting and be nearby
 - barring emergencies, meet with child during standard business, worship, or school hours
- C. Counseling and spiritual direction of children should be done in an appropriate setting and at an appropriate time, including without limitation the precautions listed in statement B. *Private* living quarters are never a suitable place for counseling or spiritual direction.

V. RESPONSE TO CHILD ABUSE

V. A. REPORTING

1. PERSONS WHO MUST REPORT ABUSE

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

The privilege governing communications between a professional person and his/her patient/client typically does not require confidentiality in situations involving child abuse and does not constitute a legitimate reason for failure to report, particularly where *future* harm may be prevented. Nonetheless, clergy are not permitted by Church law to report information received privately during sacramental confession. In addition, according to Pennsylvania state law:

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

2. INCIDENTS TO BE REPORTED

Alleged past or present physical abuse, sexual abuse, or neglect of a child must be reported, regardless of where or when the incident occurred. Child abuse disclosed directly to a mandated reporter must be reported to the proper authorities. In addition, any “reasonable suspicion” of child abuse by a mandated reporter must also be reported. In other words, a child need not personally report the abuse to the mandated reporter to trigger the mandate to report. The reporter merely needs a reasonable cause to suspect that the child may be a victim of child abuse. Under Pennsylvania law, the abused child must be under the care, supervision, guidance, or training of the agency, institution, organization, or other entity with which that person is affiliated for them to be considered a mandated reporter. Nonetheless, it is the policy of the Diocese of Erie that appropriate reports be made to ChildLine (*for current children*) or secular law enforcement (*for adults previously abused as children*) whenever an employee or volunteer learns of child abuse, regardless of whether a mandatory-reporting obligation is triggered by law.

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 an incident of abuse occurred in the past and the victim is an adult when the information is received, the reporting procedures of this policy still apply (See section V. a. below). If possible, the adult/victim should be encouraged to contact the Victim Assistance Coordinator of the Diocese.

As a matter of diocesan policy, any doubt concerning the application or interpretation of these provisions should be resolved in favor of reporting and securing the safety of the child in so far as possible. The secular authorities will determine the particulars and take appropriate action.

Any suspicious or inappropriate behavior involving children that does not give rise to a reasonable suspicion of child abuse, including any violation of the “Guidelines for Working with Children and Youth” or the “Code of Conduct”, should be reported directly to the employee’s or volunteer’s supervisor, who must then immediately notify the Office for the Protection of Children and Youth of the complaint and all known details. If the complaint involves the supervisor, the employee or volunteer must notify the Office for the Protection of Children and Youth him/her self.

3. OTHER PERSONS WHO CAN REPORT ABUSE

Any person may make a report of child abuse. The report is made when abuse is actually disclosed by the child or when a person has reasonable cause to suspect that a child is being or was abused. Reasonable suspicion – not proof – is the standard. Even an erroneous report – made in good faith – is permissible and legally protected.

4. PROCEDURE FOR REPORTING ABUSE

a. IN EVERY INSTANCE:

In the event of likely imminent danger to the child, local police (911) should be contacted immediately.

A mandated reporter is legally required to make a direct, immediate report of the suspected abuse to the PA Department of Human Services ChildLine. The toll-free number is **1-800-932-0313**.

An electronic report is to be made within 48 hours of the call to Childline and sent to the Children and Youth Agency in the county in which the abuse occurred. A copy of the Department of Human Services form for making a written report can be obtained at <http://www.pa-fsa.org/Portals/0/Docs/Mandated-Reporters/CY47%20Final.pdf>

The mandated reporter is also to notify the person in charge (Principal/Administrator for a school, Pastor for a parish, Agency Director for an agency), who must thereafter assume the responsibility to assure the cooperation of the institution in any resulting investigation. The person in charge will immediately notify the Office for the Protection of Children and Youth and follow up with a written report to that same office within 24 hours of having received the allegation.

A MANDATED REPORTER SHALL NOT CONDUCT AN INVESTIGATION ON HIS OR HER OWN. AS APPROPRIATE, THE DIOCESE WILL FOLLOW ITS INTERNAL INVESTIGATION PROTOCOLS AND COORDINATE WITH LAW ENFORCEMENT.

b. ADDITIONAL REQUIREMENT IF THE ALLEGED PERPETRATOR IS A FELLOW SCHOOL EMPLOYEE/ADMINISTRATOR:

For school employees: If the suspected perpetrator of abuse is a fellow employee in a Catholic school, follow the reporting procedures listed in 4a above, and also:

Immediately and directly notify:

1. local law enforcement officials
2. District Attorney
3. ChildLine (if not already done as in 4a, above)
4. County Protective Services agency (if not already done as in 4a, above)
5. Principal/Administrator (if not already done as in 4a, above) *(if the alleged perpetrator is the Principal/Administrator, notify the Superintendent instead)*

Be sure to give the following information to the persons or agencies listed above:

- The name, age, address and school of the student.
- The name and address of the student's parents 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.

The Principal/Administrator will immediately notify the Superintendent of Schools, as well as the Pastor if applicable. The Superintendent will confirm that all necessary parties have been notified and will file a report with the PA Department of Education within 15 days.

V. B. INTERNAL RECORDS

The Office for the Protection of Children and Youth shall maintain a centralized depository of reports of suspected child abuse, violations of the Policy for the Protection of Children, and other inappropriate behavior. The records shall be kept by the Office for the Protection of Children and Youth in digitized files to ensure ease of access and transfer. In addition to the files, the Office for the Protection of Children and Youth should maintain a name-based digital index of the records to allow for a simple name search to quickly determine whether an individual has a record of allegations, complaints, or reports.

The Office for the Protection of Children and Youth shall receive new reports and complaints of suspected child abuse, inappropriate behavior relating to a child, and violations of the Policy for the Protection of Children and add them to the digitized record bearing the accused's name. The Office for the Protection of Children and Youth will update each record with information from follow-up investigations and any dispositions of a case.

The Office for the Protection of Children and Youth shall maintain a public website listing the names of individuals it has deemed to present a risk of child abuse (regardless of whether these individuals were successfully prosecuted) and are thus prohibited from employment or volunteering in the Diocese, its parishes, schools, related agencies, institutions, or any entity funded by the Diocese of Erie. The website shall also contain links to Federal and Pennsylvania sex-offender registries.

V. C. RESPONSE PROCEDURE

Upon learning of an allegation of child abuse, the Office for the Protection of Children and Youth shall be responsible for employing the following procedures:

1. REPORTING

- Immediately verify that all reports to secular and diocesan authorities required by this policy have been made.
- If reports required by this policy have not been made and there is a reasonable suspicion that child abuse has occurred or there is an imminent danger that child abuse will occur, the Office for the Protection of Children and Youth shall immediately make such reports.
- If there is a complaint about behavior, but there is no reasonable suspicion that child abuse has occurred or imminent danger that child abuse will occur, then the Office for the Protection of Children and Youth shall initiate an investigation of the complaint, including a review of the accused's record on file with the Office for the Protection of Children and Youth. If at any time there is a reasonable suspicion that child abuse has occurred or that there is an imminent danger of child abuse, the Office for the Protection of Children and Youth shall immediately make all reports to secular and diocesan authorities required by this policy.

2. INVESTIGATION

- During the course of the investigation of alleged abuse, the alleged perpetrator will be placed on paid leave of absence until the investigation is concluded unless law enforcement or diocesan counsel instruct otherwise in writing.
- If the alleged perpetrator is a priest or deacon, the Diocesan Bishop will conduct the canonical investigation and any follow-up procedures as defined in the USCCB *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.
- Upon receipt of an allegation, the Office for the Protection of Children and Youth shall inform the alleged perpetrator of the immediate leave and instruct the alleged perpetrator to refrain from any retaliation, contact or communication involving the alleged victim or witnesses. Additionally, the alleged perpetrator must be instructed that (1) by virtue of this Policy, full cooperation with all investigations is a condition of continued employment and (2) all reasonable steps must be taken to preserve any evidence, including electronically stored information, pending the conclusion of the investigation.
- Within 48 hours, review the accused's record on file at the Office for the Protection of Children and Youth.

- Within 7 days, meet separately with the accuser, the accused, the alleged victim, witnesses, and other individuals suspecting abuse or possessing information about the abuse. Identify and follow up with additional witnesses as necessary.
- A written record summarizing all meetings, interviews, evidence, admissions, adjudications, and penalties shall be added to the accused record in the Office for the Protection of Children and Youth.
- Upon receipt of an allegation, the Office for the Protection of Children and Youth should communicate receipt of the allegation or complaint to the original reporter. Upon the conclusion of the investigation, the Office for the Protection of Children and Youth should communicate the result of the investigation and any follow-up procedures to the original reporter—and anyone else involved in the report or investigation—to ensure that everyone understands the outcome and further action (e.g., dismissal, counseling, individualized monitoring plan), if any.

3. COOPERATION

- The Diocese, its Office for the Protection of Children and Youth, its schools, agencies, parishes, and all employees and volunteers will cooperate fully in any investigation into child abuse by secular or diocesan authorities. Cooperation includes making one’s self available for interviews, answering all questions truthfully and completely, providing any requested documents, files, or electronically stored information, in whatever format and stored in whatever fashion.
- **By Virtue of this policy**, the commitment to fully cooperate in child abuse investigations is a condition of employment or volunteering with the Diocese, in any of its schools, parishes, agencies, institutions, programs, or services. To the extent that any Fourth Amendment search/seizure rights, Fifth Amendment self-incrimination rights, privacy rights, or other arguments are asserted to avoid or minimize interaction with diocesan investigators, it will be deemed non-cooperation both because (1) these rights do not apply in a non-government investigation and (2) all employees expressly consent in their contract and/or compliance certifications when accepting this Policy to waive such rights.

4. VICTIM RESPONSE

- In instances of allegations of child sexual abuse, the Diocese will refer the alleged victim to the Victim Assistance Coordinator, who will coordinate whatever range of care is necessary, including counseling, spiritual assistance, and other social-service assistance.
- If an alleged victim of child sexual abuse is in need of physical medical care or psychological counseling due to the abuse that child has suffered, the Diocese will pay the costs of that care and counseling within reason.

- If a civil settlement agreement is reached with the victim, such agreement shall not contain a confidentiality provision except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.

5. PENALTIES

- If a single abuse allegation is confirmed as a Substantiated Case of Child Abuse, the offending employee or volunteer will be immediately dismissed from his/her position and permanently prohibited from working or volunteering with children anywhere in the Diocese of Erie.
- Canonical penalties will be applied in accord with the norm of Canon Law.

6. DIOCESAN WEBSITE

- The Office for the Protection of Children and Youth shall place on a public website the names of individuals prohibited from employment or volunteering in the Diocese, its parishes, schools, related agencies, institutions, or any entity funded by the Diocese of Erie.
- Every person to be named on the website has been credibly accused of actions that, in the Diocese's judgment, disqualify that person from working with children. Such actions could include the use of child pornography, furnishing pornography to minors, corruption of minors, failure to prevent abuse that they knew to be happening, and—in some cases—direct physical sexual abuse or sexual assault of minors.

VI. CONFIDENTIALITY

Any communication regarding a child abuse case must be limited to the proper reporting authorities unless good cause exists (*e.g.*, seeking public help to identify unknown perpetrators, victims, or witnesses) or until such time as a clear determination of the allegation's veracity has been made.

VII. PASTORAL CARE

The Diocese of Erie takes seriously 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 www.eriecd.org/childprotection.

VIII. ADDITIONAL RESOURCES AND FORMS

Additional information, resources and all diocesan forms required for compliance with this Policy can be found at www.eriecd.org/childprotection or go to www.eriecd.org and from the list of offices click on “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 itself, or by any Catholic school, parish, or related agency within the diocese. 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.

The Most Reverend Lawrence T. Persico, JCL
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

Revised (Section IIIA, 1a, 2a, 2b; Section IIIB, 1a, 1b) and promulgated following the approval of the Diocesan Review Board on July 27, 2011.

+ Donald W. Trautman, Bishop of Erie

Revised (Section IIIC, 2, 11-12) and promulgated following the approval of the Diocesan Review Board on July 16, 2012.

+ Donald W. Trautman, Bishop of Erie

Revised (Section IC; IIIA, 1a,2a,2b, 5; IIIB,1b, 2c; IIIC, 1, 3, 7; VB and VH) and promulgated following the approval of the Diocesan Review Board on July 11, 2013.

+ Lawrence T. Persico, Bishop of Erie

Revised (Section IIIA, 1a,1b, 2a, 2b,2c; Section IIIC, 2; Section V A, B, C, D, E) as required by Pennsylvania state law and promulgated January 23, 2015.

+ Lawrence T. Persico, Bishop of Erie

Extensive revision as required by Pennsylvania state law and promulgated September 11, 2015, following the approval of the Diocesan Review Board on June 10, 2015.

+ Lawrence T. Persico, Bishop of Erie

Amended definition of a Child (IF) and the Code of Conduct(II) to include the issue of pornography, and promulgated June 14, 2016 following the approval of the Diocesan Review Board on June 8, 2016.

+ Lawrence T. Persico, Bishop of Erie

Revised (Section IA, D, J, K, L, M: Section IIIA, 1, 2, 3, 4; Section IIIB, 2, 3; Section IIIC, 1-10, 13; Section IV2, 3; Section VA 1, 2, 3, 4; Section VB; Section VC; Section IX; Section X) and promulgated March 16, 2018 following the approval of the Diocesan Review Board on March 15, 2018.

+Lawrence T. Persico, Bishop of Erie

PLEASE NOTE

To be completed and signed by Employees and Regular Volunteers **AFTER** policy is read.

X. STATEMENT OF INTENT FOR COMPLIANCE

I have read and understand the Policy of the Diocese of Erie entitled *Policy for the Protection of Children*. I will comply fully with all the requirements specified in this Policy, including the procurement of background checks and completion of the online diocesan training session, *Creating a Safe Environment*. My questions (if any) pertaining to this Policy have been satisfactorily answered. I am not aware of (or I have fully disclosed to the OPCY) any violation of this Policy, whether committed by myself or another person.

I also understand that if I do not complete the requirements of this Policy, I will be prohibited to work with children 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. 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. I affirm that I am not disqualified from service based upon a conviction under any federal, state, or foreign law that prohibits or relates to:

- | | |
|--|--|
| Criminal homicide | Incest |
| Aggravated assault | Concealing death of child |
| Stalking | Endangering welfare of children |
| Kidnapping | Dealing in infant children |
| Unlawful restraint | Felony prostitution |
| Luring a child into motor vehicle or structure | Obscene sexual materials and performances |
| Rape | Corruption of minors |
| Statutory sexual assault | Sexual abuse of children |
| Involuntary deviate sexual intercourse | Unlawful contact with minor |
| Sexual assault | Solicitation of minors to traffic drugs |
| Institutional sexual assault | Sexual exploitation of children |
| Aggravated indecent assault | Felony drug possession/distribution |
| Indecent assault | Any felony sentence less than 10 years ago |
| Indecent exposure | Any misdemeanor sentence less than 5 years ago |
| Sexual intercourse with animal | Any second-time/repeat DUI |

As testimony of the statements 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 Priest Personnel Office. The record for permanent deacons will be kept in the Permanent Diaconate Office.