

# **A STATEMENT OF POLICY FOR THE PROTECTION OF CHILDREN & YOUTH**

## **ARCHDIOCESE OF BALTIMORE**

The current and effective version of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures, including the *Statement of Policy for the Protection of Children & Youth* and the *Code of Conduct for Church Personnel of the Archdiocese of Baltimore*, which incorporates any revisions to the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures that may be made from time to time, is available on the Child and Youth Protection page of the Archdiocese of Baltimore's website and on the Archdiocese of Baltimore's online compliance management system, *Shield the Vulnerable*. Because paper/printed copies of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures may be inaccurate or out of date, only the version of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures posted on the Archdiocese of Baltimore's website and *Shield the Vulnerable* may be relied upon.

## **INTRODUCTION**

The Archdiocese of Baltimore is committed to providing safe and healthy environments for children and youth. This commitment is expressed in the Archdiocese of Baltimore's child and youth protection policies. These policies of the Archdiocese have been in place since the 1980s. They have been evaluated, strengthened, and disseminated broadly through the years. In 1993, the Archdiocese publicized written child protection policies and established an Independent Review Board. The Archdiocese implemented mandatory screening and training policies for employees and volunteers in 2003, as well as mandatory safe environment education for children. In 2002, the United States Conference of Catholic Bishops promulgated the Charter for the Protection of Children and Young People and Essential Norms which establish a comprehensive set of procedures for addressing allegations of sexual abuse of minors by Catholic clergy. The Archdiocese of Baltimore has regularly been found by outside auditors to be compliant with the Charter. The Archdiocese continues to work with others outside of the Archdiocese to assist with efforts to protect all children in the community from child abuse. Over the years, the Archdiocese has updated its policies. The Archdiocese now in 2014 rededicates its efforts to creating safe environments for our children and reiterates its expectation for compliance with the child and youth protection policies and procedures through this revision of its policies.

Church personnel in the Archdiocese are expected to promote the dignity of each person and to understand the power they have to do great good and the power to cause harm. We pray for the healing and reconciliation of all those who have been victims of child abuse. We will exclude from ministry, employment, and volunteer service anyone against whom there is a credible allegation of sexual abuse, physical abuse, or neglect of a child. We will affirm efforts to provide appropriate and loving outreach to the children and youth of the Archdiocese of Baltimore.

The Archdiocese of Baltimore wishes to acknowledge the commitment of the clergy, religious, employees, and volunteers to the young people of our Church and the implementation of these policies.

**We believe** that God's people have the right to healthy ministry and to quality pastoral care.

**We believe** that at the heart of this ministry is a relationship with God, a desire for holiness, and a commitment to live in right relationship with God's people.

**We believe** that the protection of those children and youth entrusted to the Church's care is of paramount interest.

**We believe** that those who work in the Church have grace influenced ability to do great good for children and youth.

**We believe** that when a representative of the church commits child abuse, emotional, spiritual, physical and/or psychological damage occurs.

**We believe** that the Church must continue to reach out to those who are victims of child abuse with the very compassion of Christ.

**We recognize** our responsibility to provide avenues of healing for those who are victims and for their families.

**We recognize** our responsibility to observe the requirements of civil law regarding prompt reporting of suspected child abuse and to continue cooperating with civil authorities.

**We recognize** there are instances where the state may not prosecute even though a credible allegation has been made. Regardless of criminal proceedings, when a credible allegation has been made we take appropriate action to promote the safety of children and youth.

**We recognize** our responsibilities as an employer: Church personnel are entitled to fair treatment under canon and civil law.

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## 1.0 DEFINITIONS

- 1.1 **Abuse:** The physical injury or mental injury of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or sexual abuse, whether or not physical injuries are sustained.
- 1.2 **Adult:** A person who is 18 years of age and older.
- 1.3 **Application:** The Archdiocesan "Application for Employment" or "Application for Volunteer Service."
- 1.4 **Child:** Any individual under 18 years of age.
- 1.5 **Child and Youth Protection Policies and Procedures:** The Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures are in *A Statement of Policy for the Protection of Children and Youth, Procedures for Implementation and Compliance*, and the *Code of Conduct for Church Personnel of the Archdiocese of Baltimore*. The most current policies and procedures are located on the Archdiocese of Baltimore's website.
- 1.6 **Church Personnel:** Includes priests and deacons with faculties to function in this Archdiocese; seminarians of the Archdiocese; those enrolled in the Permanent Diaconate Formation Program; men and women religious approved for ministry at a Covered Entity in the Archdiocese; and employees and volunteers who are subject to the control, under civil law, of the Archdiocese of Baltimore. As used in this Statement of Policy, the term Church Personnel does not include employees and volunteers of Catholic Charities which has separate policies regarding child abuse and youth protection.
- 1.7 **CJIS Fingerprint-based Criminal History Record Information Check:** The Criminal Justice Information Services ("CJIS") Central Repository serves as the focal point and central repository for criminal information, including fingerprints. CJIS Fingerprint-based Criminal History Record Information Check is the submission of fingerprints to the state and FBI to obtain information on the existence and content of a criminal record. This check must be processed by the State of Maryland Department of Public Safety and Correctional Services.
- 1.8 **Coach:** An individual who instructs, supervises, and/or provides leadership to children and youth participating in an Archdiocesan athletic program. This includes any individual who receives any remuneration, e.g., salary, hourly pay, stipend, tuition assistance, or bonus, in exchange for working with children and youth who are participating in an Archdiocesan athletic program and any individual whose service to an Archdiocesan athletic program is provided without any remuneration or promise of remuneration.

- 1.9 Covered Entity:** Any parish, school, institution, program or ministry subject to the control, under civil law, of the Archdiocese of Baltimore. Catholic Charities, which has separate policies, is not a Covered Entity. An independent school or other Catholic organization that does not have a legal governance connection to the Archdiocese of Baltimore is not a Covered Entity.
- 1.10 Criminal History Screening:** An Internet-based background check completed through a third party vendor.
- 1.11 Driving Record Check:** The screening that is done through a third party vendor which checks for certain available driving record information.
- 1.12 Law Enforcement:** The police, State's Attorney's Office, and/or Attorney General's Office.
- 1.13 Local Educational Agency:** A local, independent school district (e.g., Baltimore County Public Schools, Howard County Public Schools) that provides students in Archdiocese of Baltimore Catholic schools with direct services, such as tutoring, speech and language services or occupational therapy, that the students are entitled to receive under federal law.
- 1.14 Minor:** Any individual under 18 years of age.
- 1.15 Ministry:** Service to the Archdiocese or a Covered Entity in the capacity of Church Personnel.
- 1.16 Misconduct with Minors:** Actions that compromise the safety and well-being of a child or violate appropriate boundaries with a minor. For purposes of this policy, Misconduct with Minors does not include Child Abuse.
- 1.17 Neglect:** The failure to give proper care or attention to a Child, including the leaving of a Child unattended where the child's health or welfare is harmed or a Child is placed in substantial risk of harm, by any parent, school system employee, service provider or other person who has permanent or temporary care or custody or responsibility for supervision of the Child.
- 1.18 Responsible Administrator:** The pastor, pastoral administrator, or pastoral life director of a parish; the Head (President or Principal) of a school; or the Human Resources representative for the Catholic Center.
- 1.19 Screening Coordinator:** A staff member, designated by the Responsible Administrator, to assist in ensuring the Covered Entity is in full compliance with the requirements of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures for the employees and volunteers of the Covered Entity.

- 1.20 Sexual Abuse:** Any act that involves sexual molestation or exploitation of a Child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a Child, or by any household or family member.
- 1.21 Substantial Contact:** Contact with Minors in which the duration and scope in both time and exposure to Minors is neither rare nor limited and may occur on a routine and/or ongoing basis. This includes all overnight activities with Minors.

## **2.0 SERVICE ELIGIBILITY AND COMMUNICATION WITH THE OFFICE OF CHILD AND YOUTH PROTECTION**

In addition to the screening and education of Church Personnel, the interaction and performance of all individuals in a Covered Entity community with children and youth must be monitored as described in the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures.

- 2.1** The Archdiocese of Baltimore will exclude from ministry, employment, and volunteer service anyone against whom there is a credible allegation of sexual abuse, physical abuse, or neglect of a Child.
- 2.2** Church Personnel are expected to act in a manner that is consistent with the Archdiocese of Baltimore's *A Statement of Policy for the Protection of Children & Youth* and the *Code of Conduct for Church Personnel of the Archdiocese of Baltimore*.
- 2.3** Church Personnel must contact the Archdiocese of Baltimore's Office of Child and Youth Protection immediately if it is learned that anyone accused or convicted of Abuse, Neglect, or Misconduct with Minors is involved in any ministry or program or activity at a Covered Entity. This requirement is in addition to the obligations discussed below regarding reporting to civil authorities and screening employees and volunteers.
- 2.4** Restrictions may be placed on any individual credibly accused of Abuse, Neglect, Misconduct with Minors, or similar conduct regarding participation in activities of the Archdiocese of Baltimore or of a Covered Entity.
  - 2.4.1** Such restrictions may be imposed even if the individual is not an employee or volunteer.
  - 2.4.2** If it is learned that a student's parent is a registered sex offender, restrictions will be placed on that parent.
  - 2.4.2** Restrictions might also be placed on an individual who is accused of Abuse, Neglect, Misconduct with Minors, or similar conduct, pending a final determination.
- 2.5** Church Personnel must not initiate any kind of investigation before contacting the Office of Child and Youth Protection. The Covered Entity should proceed under the direction of the Office of Child and Youth Protection and/or the Division of Human Resources.
- 2.6** A Covered Entity must contact the Office of Child and Youth Protection and/or the Division of Human Resources before terminating the employment or service of Church Personnel at a Covered Entity due to an allegation of Abuse or Misconduct with a Minor.

### **3.0 SCREENING AND SELECTION**

The Archdiocese of Baltimore is committed to healthy ministry and seeks to engage competent, qualified people. To protect children and youth, Church Personnel are screened for their fitness to work with Minors.

The Responsible Administrator is accountable for the proper implementation and compliance with the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures at his/her location. If the Responsible Administrator delegates any task or function, s/he remains accountable for ensuring that the task or function is carried out correctly. Additionally, the Screening Coordinator is also accountable for the proper implementation and compliance with the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures at his/her location.

#### **3.1 Clergy and Religious**

- 3.1.1** All clergy and religious serving in the Archdiocese of Baltimore must be in compliance with the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures.
- 3.1.2** The Office of Clergy Personnel must insure that all procedures and documentation have been completed regarding all clergy serving in the Archdiocese. If an individual fails to complete any part of the procedures, then he/she may not serve in the Archdiocese of Baltimore.
- 3.1.3** The Office of Consecrated Life must insure that all procedures and documentation have been completed regarding all religious sisters and brothers serving in the Archdiocese. If an individual fails to complete any part of the procedures, then he/she may not serve in the Archdiocese of Baltimore.
- 3.1.4** All clergy and religious serving in the Archdiocese of Baltimore must complete the CJIS Fingerprint-based Criminal History Record Information Check.
- 3.1.5** Individuals applying to be a priest or deacon of the Archdiocese of Baltimore and priests seeking incardination in the Archdiocese are subject to psychological testing in addition to a CJIS Fingerprint-based Criminal History Record Check.
- 3.1.6** When a priest or deacon of the Archdiocese is proposed for a new assignment, transfer or residence in another diocese, the Archdiocese will forward an accurate and complete description of the cleric's record, including whether there is anything in his background or service that would raise questions about his fitness for Ministry.

- 3.1.7** Bishops of other dioceses or superiors of religious communities proposing individual priests or religious for Ministry or residence in the Archdiocese are required to state clearly in writing that the individual is qualified to perform ministerial duties in an effective and suitable manner and that the Superior is unaware, after careful inquiry, of anything in the individual's background relative to sexual misconduct in general or Abuse of Minors in particular. This statement is in addition to a CJIS Fingerprint-based Criminal History Record Check. A new letter of suitability must be completed each time the individual is transferred to a new assignment in the Archdiocese of Baltimore.
- 3.1.8** The Responsible Administrator or his/her designee must check with the Office of Clergy Personnel to be certain a man has proper faculties before allowing any priest or deacon to Minister in a parish for any reason. Any priest or deacon seeking to do any type of Ministry in the Archdiocese of Baltimore, whether temporary or permanent, must have appropriate faculties (habitual or event) before engaging in such work.

## **3.2 Seminarians**

- 3.2.1** All seminarians serving in the Archdiocese of Baltimore must be in compliance with the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures.
- 3.2.2** The Office of Vocations must insure that all procedures and documentation have been completed regarding all seminarians of the Archdiocese of Baltimore. If an individual fails to complete any part of the procedures, then he/she may not serve in the Archdiocese of Baltimore.
- 3.2.3** All seminarians of the Archdiocese of Baltimore must complete the CJIS Fingerprint-based Criminal History Record Information Check.
- 3.2.4** Individuals applying to be a seminarian of the Archdiocese of Baltimore in the Archdiocese are subject to psychological testing in addition to a CJIS Fingerprint-based Criminal History Record Check.
- 3.2.5** All seminarians studying in the Archdiocese of Baltimore who serve at a Covered Entity must complete all screening requirements of applicants for employment.

## **3.3 Employees**

- 3.3.1** All requirements of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures must be completed with required documentation before an employee may begin service in the Archdiocese of Baltimore.

- 3.3.2** The Responsible Administrator and Screening Coordinator will confirm that these screening requirements have been completed. If any of the requirements is not completed, then the employee may not serve.
- 3.3.3** All applicants for employment must complete the Archdiocese of Baltimore Application for Employment.
- 3.3.4** In order to determine eligibility and suitability for service, all applicants for employment must be interviewed by the Responsible Administrator or his/her designee before an employment offer is extended.
- 3.3.5** All applicants for employment must provide a minimum of three professional references. The references must be checked and documented by the Responsible Administrator or his/her designee before an employment offer is extended.

The Application for Employment requires an applicant to list all employment experience in the Archdiocese of Baltimore. If an applicant has served or worked at another Covered Entity, then the Responsible Administrator or his/her designee must contact each prior Covered Entity and the Division of Human Resources for references.

- 3.3.6** In accordance with Maryland law, employees of child care facilities, including schools and day care centers, must apply for CJIS Fingerprint-based Criminal History Record Information Checks on or before the first day of employment.
  - 3.3.6.1** Under Maryland law, a school may not hire or retain an employee who has been convicted of certain specified crimes.
- 3.3.7** In addition to the requirements of Maryland law for employees of childcare facilities, the Archdiocese requires that **all** employees apply for the CJIS Fingerprint-based Criminal History Record Information Check on or before the first day of employment.
  - 3.3.7.1** In addition, the internet Criminal History Screening must be completed and received by the Covered Entity before the employee may begin service. The employee's continued employment is always contingent upon favorable results of the Criminal History Record Information Check and a Criminal History Screening.
- 3.3.8** The Archdiocese does not require CJIS Fingerprint-based Criminal History Record Information Checks for employees under 18 years of age. However, once an employee reaches 18 years of age, the employee must complete a CJIS Fingerprint-based Criminal History Record Information Check and a Criminal History Screening.

Employees who are under 18 years of age and employed by a childcare facility, including a school, are required by Maryland law to obtain a CJIS Fingerprint-based Criminal History Record Information Check.

- 3.3.9** A CJIS Fingerprint-based Criminal History Record Information Check is site specific. It is not transferable for an employee who moves to another Covered Entity.
- 3.3.10** The Responsible Administrator or his/her designee must contact the Office of Child and Youth Protection if the application, interview, references, CJIS Fingerprint-based Criminal History Record Information Check, or the Criminal History Screening reveals that the applicant has ever been accused of, charged with, or convicted of Abuse or that the applicant has been terminated from employment or volunteer service at a Covered Entity. In such a situation, the applicant may not begin employment until written approval is received by the Covered Entity from the Office of Child and Youth Protection.
- 3.3.11** The Responsible Administrator or his/her designee must contact the Division of Human Resources if the application, interview, references, CJIS Fingerprint-based Criminal History Record Information Check, or Criminal History Screening reveals any questionable or unfavorable information. In such a situation, the applicant may not begin employment until written approval is received by the Covered Entity from the Division of Human Resources

#### **3.4 Volunteers**

- 3.4.1** All requirements of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures must be completed with required documentation before a volunteer may begin service in the Archdiocese of Baltimore.
- 3.4.2** The Responsible Administrator and Screening Coordinator will confirm that these screening requirements have been completed. If any of the requirements is not completed, then the volunteer may not serve.
- 3.4.3** All applicants for volunteer service who are at least 14 years of age must complete the Archdiocese of Baltimore Application for Volunteer Service. (If the applicant is under 18 years of age, the application must also be signed by the applicant's parent or guardian.)
- 3.4.4** All applicants for volunteer service who are at least 14 years of age who will have Substantial Contact with Minors must provide three references. The references must be checked and documented by the Responsible Administrator or his/her designee before the applicant may begin serving.

The Application for Volunteer Service requires the applicant to list all volunteer and employment experience in the Archdiocese of Baltimore. If the applicant for volunteer service has served or worked at another Covered Entity, references must include the supervisor of the most recent such Covered Entity.

**3.4.5** All Adult applicants for volunteer service who will have Substantial Contact with Minors must complete a Criminal History Screening before beginning the volunteer service. A volunteer applicant's service is contingent upon favorable results of the Criminal History Screening.

**3.4.5.1** All Adult volunteers who have Substantial Contact with Minors must complete a Criminal History Screening every five years.

Questionable or unfavorable Criminal History Screenings will be reviewed by the Office of Child and Youth Protection. In such cases, the volunteer applicant may not begin or continue serving until the Covered Entity receives written approval from the Office of Child and Youth Protection.

Criminal History Screenings offered by other organizations (e.g., Boy Scouts of America, public schools) may not be substituted for the Archdiocesan Criminal History Screening.

Criminal History Screenings may also be required for other volunteer roles identified by the Responsible Administrator.

Volunteers who are minors (under 18 years of age) do not receive a Criminal History Screening. However, when the volunteer reaches 18 years of age and he/she has Substantial Contact with Minors, the volunteer must complete a Criminal History Screening. The volunteer's continued service is contingent upon favorable results of the Criminal History Screening.

**3.4.6** The Responsible Administrator or his/her designee must contact the Office of Child and Youth Protection if the application, interview, references, or Criminal History Screening reveals 1) that the applicant has ever been accused of, charged with, or convicted of Abuse; 2) that the applicant has been terminated from employment or volunteer service at a Covered Entity; or 3) any other questionable or unfavorable information. In such a situation, the applicant may not begin volunteer service until written approval is received by the Covered Entity from the Office of Child and Youth Protection.

### **3.5 Coaches**

**3.5.1** All requirements of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures must be completed with required documentation before a coach may begin service in the Archdiocese of Baltimore.

**3.5.2** The Responsible Administrator or his/her designee will confirm that these screening requirements have been completed. If an applicant or Covered Entity fails to complete any part of the requirements, then the applicant may not serve as a Coach.

**3.5.3.** All Coaches who receive any remuneration in exchange for working with Minors who are participating in an Archdiocesan athletic program must complete all screening requirements of applicants for employment.

**3.5.3.1** All applicants must provide a minimum of three professional references, one of whom has direct, personal knowledge of the applicant's coaching experience.

The references must be checked and documented by the Responsible Administrator or his/her designee before an employment offer is extended.

**3.5.4** All Coaches who will **not** receive any remuneration in exchange for working with Minors who are participating in an Archdiocesan athletic program must complete all screening requirements of applicants for volunteer service who will have Substantial Contact with Minors.

**3.5.4.1** All applicants must provide a minimum of three references, including references relevant to Coaching experience.

The references must be checked and documented by the Responsible Administrator or his/her designee before the applicant may begin serving.

### **3.6 Host Families of International Students**

**3.6.1** All host parents and all adults living in the host household must complete all screening requirements of applicants for volunteer service who will have Substantial Contact with Minors.

**3.6.1.1** In addition, host parents must apply for the CJIS Fingerprint-based Criminal History Record Information Check on or before the first day of service at a Covered Entity

### **3.7 Independent Contractors, Vendors, Lessees, Outside Groups, & Non-Archdiocesan Educational Providers**

**3.7.1** If third parties (such as independent contractors, vendors, lessees, outside groups using the facilities) will have Substantial Contact with Minors at a Covered Entity, the Covered Entity must obtain written verification from the third party that its employees, agents, volunteers, and subcontractors have been screened through a criminal background check which revealed no incidents of Abuse, Neglect, Misconduct with Minors, or other criminal activity that would render them unsafe to have contact with minors. Written verification must be obtained by the Covered Entity for each of the third party's employees, agents, volunteers, and subcontractors. This requirement should be included in any lease, facility use agreement, or other written contract between the Covered Entity and the third party.

**3.7.3** **A non-archdiocesan educational provider, including any Local Educational Agency, providing services to an Archdiocesan school must provide documentation to the Archdiocesan school that each non-archdiocesan educational service provider assigned to the Archdiocesan school has satisfactorily completed a criminal background check and completed the Archdiocese of Baltimore's safe environment training.**

### **3.8 Drivers**

**3.8.1** In addition to completing all applicable screening requirements for employees or for volunteers who will have substantial contact with children, a driving record check is required for Church Personnel at a Covered Entity when driving others is an explicit requirement of their employment or volunteer duties or operating a vehicle owned or leased by a Covered Entity and/or the Archdiocese.

The process must be completed at a minimum of every five years for an employee or volunteer.

Questionable or unfavorable driving record checks will be reviewed by the Office of Child and Youth Protection and the Office of Risk Management. In such cases, the employee or volunteer may not begin driving for the Covered Entity and/or Archdiocese until the Covered Entity receives written approval from the Office of Child and Youth Protection or the Office of Risk Management.

## 4.0 TRAINING AND EDUCATION

The Archdiocese of Baltimore is committed to education on how to prevent, recognize, and report Abuse and Misconduct with Minors. By educating adults and children, risks to children are greatly reduced because there is a better understanding and awareness of the issue of Abuse.

**4.1** All Church Personnel in Covered Entities must read the Archdiocese of Baltimore's *Statement of Policy for the Protection of Children & Youth* and the *Code of Conduct for Church Personnel of the Archdiocese of Baltimore*.

**4.1.1** All priests and deacons with faculties to function in this Archdiocese, seminarians of the Archdiocese, seminarians studying in the Archdiocese and those enrolled in the Permanent Diaconate Formation Program, men and women religious working in the Archdiocese, and employees must complete the Review Acknowledgment form. By signing the form, the individual indicates that he/she has read the policies and acknowledges his/her responsibility to comply with the *Statement of Policy for the Protection of Children & Youth* and *Code of Conduct*. Documentation is maintained by the appropriate Archdiocesan office or the Responsible Administrator or his/her designee.

**4.1.2** By signing the Application for Volunteer Service, the volunteer applicant indicates that he/she has read the policies and acknowledges his/her responsibility to comply with the *Statement of Policy for the Protection of Children & Youth* and *Code of Conduct*.

**4.2** All priests and deacons with faculties to function in this Archdiocese, seminarians of the Archdiocese, seminarians studying in the Archdiocese and those enrolled in the Permanent Diaconate Formation Program, men and women religious working in the Archdiocese, and employees must complete the Internet-based Archdiocesan safe environment training for Adults regarding preventing, recognizing, and reporting Abuse and the Misconduct with Minors. This training must be completed before they begin service. Training documentation must be reviewed and maintained by the appropriate Archdiocesan office or the Responsible Administrator or his/her designee.

**4.2.1** This training must be renewed every five (5) years.

**4.3** All volunteer applicants who will have Substantial Contact with Minors must complete the Internet-based Archdiocesan safe environment training for Adults regarding preventing, recognizing, and reporting Abuse and Misconduct with Minors. Training must be completed before the applicant is permitted to volunteer. Training documentation must be reviewed and maintained by the Responsible Administrator or his/her designee.

**4.3.1** This training must be completed every five (5) years.



## **5.0 COMPLIANCE WITH MARYLAND REPORTING LAWS**

The Archdiocese of Baltimore complies with Maryland laws regarding reporting suspected Abuse and Neglect to civil authorities and cooperates with civil authorities investigating reports of suspected Abuse or Neglect by anyone, including but not limited to Church Personnel.

- 5.1** Under Maryland law, any person who has reason to believe a child has been subjected to Abuse (including Sexual Abuse) or Neglect must make a report to the local office of Department of Social Services or Law Enforcement as soon as possible.
- 5.2** Alleged Abuse or Neglect that occurred when the victim was under 18 years of age must be reported, even if the victim is now over 18 years of age and even in cases when the alleged perpetrator is deceased.
- 5.3** Specific professionals, including educators and health practitioners who have reason to believe a child has been subjected to Abuse or Neglect must 1) make an oral report to the local office of Department of Social Services or law enforcement as soon as possible and 2) make a written report within 48 hours to the local Department of Social Services with a copy to the local State's Attorney.
- 5.4** Church Personnel should also notify the head of the institution about the suspected Abuse or Neglect.
- 5.5** Any person who has knowledge of an incident involving the production, possession, distribution, or receipt of child pornography must make a report to law enforcement as soon as possible.
- 5.6** Any person who has reason to believe a child resides with or is in the regular presence of an individual who poses a substantial risk of sexual abuse to the child, may notify the local Department of Social Services or law enforcement.
- 5.7** The Responsible Administrator or his/her designee should not investigate an allegation of Abuse before making the required report. Questions regarding reporting procedures may be directed to the Archdiocese of Baltimore's Office of Child and Youth Protection.

## **6.0 REPORTING ABUSE, NEGLECT AND MISCONDUCT TO THE ARCHDIOCESE**

The Church is committed to listening, healing, and reconciliation.

**6.1** Any person who has reason to believe a child has been subjected to Abuse (including Sexual Abuse), Neglect, or Misconduct with Minors by Church Personnel shall immediately notify the Archdiocese of Baltimore's Office of Child and Youth Protection.

**6.1.1** Notification of the Office of Child and Youth Protection is in addition to any reporting required to civil authorities.

**6.1.2** Persons should report to the Office of Child and Youth Protection at 410-547-5348. Victims of Church Personnel may contact the Victims Assistance Hotline at 1-866-417-7469.

**6.1.3** Persons making reports of Abuse, Neglect or Misconduct with Minors will be advised that the Archdiocese takes such allegations seriously and will respond promptly and in a pastoral way.

**6.1.4** To respect the privacy of those involved, confidentiality is maintained, to the extent possible, consistent with the civil reporting requirements and the Archdiocesan Child and Youth Protection Policies and Procedures, taking into account:

**6.1.4.1** The need to advocate for those who are victims.

**6.1.4.2** The need to provide appropriate outreach to victims.

**6.1.4.3** The need to be in compliance with civil and canon law.

**6.1.4.4** The right of Church Personnel to be treated fairly.

**6.1.4.5** The need to fairly investigate all complaints of Abuse or Misconduct with Minors.

**6.1.4.6** The need to make a report to the Archbishop or his designee in a timely manner.

**6.2** State law contains an exception from mandatory reporting when a priest learns of suspected Abuse or Neglect during the Sacrament of Reconciliation. If Abuse or Neglect is disclosed to a priest in any other setting, State law and Archdiocesan policies regarding mandatory reporting requirements apply.

## **7.0 INVESTIGATION BY ARCHDIOCESAN PERSONNEL**

Upon receiving a report of Abuse, Neglect, or Misconduct with a Minor suspected to have been committed by Church Personnel, the appropriate Archdiocesan personnel are convened by the Director of the Office of Child and Youth Protection or a designee to assist in investigating and providing both immediate and on-going care and assistance to victims, their families, and members of the affected church communities. Investigations take place and pastoral care is extended whether the Abuse, Neglect, or Misconduct with a Minor was recent or occurred many years in the past. Because the Archdiocese cooperates with civil authorities, an Archdiocesan investigation of reports of suspected Abuse or Neglect by Church Personnel might be delayed pending investigation by the Department of Social Services and/or Law Enforcement.

When the Archdiocese investigates a report of possible Abuse by Church Personnel, the following guidelines apply. These guidelines may be modified as appropriate for the particular circumstances. They may also be used, with appropriate modifications, for reports of suspected Neglect or Misconduct with Minors or in instances when the accused is not Church Personnel but is associated with the Archdiocese or a Covered Entity (e.g., a student or parent of a student in a Catholic school, a parishioner, or a recipient of services).

- 7.1** The Director of the Office of Child and Youth Protection will be assisted by appropriate personnel in investigating and responding to allegations of abuse. Appropriate personnel will speak with the person(s) making the report and others who may have relevant information in order to obtain as clear and detailed information as possible.
- 7.2** After receiving the initial report, the Director of the Office of Child and Youth Protection or a designee will determine the specific steps needed to proceed, guided by the following values:
  - 7.2.1** The safety and protection of children and youth.
  - 7.2.2** A fair and honest search for the truth.
  - 7.2.3** The need to provide appropriate outreach to victims.
  - 7.2.4** The need to be in compliance with civil and canon law.
  - 7.2.5** The right of all persons to be treated fairly.
  - 7.2.6** The need to investigate and take appropriate action in all cases of alleged Abuse or Misconduct with a Minor.
  - 7.2.7** The need to make a report to the Archbishop or his designee in a timely manner.
- 7.3** Victims of Abuse, Neglect, or Misconduct with a Minor by Church Personnel are offered appropriate support.

- 7.3.1** The Office of Child and Youth Protection will assist the person in obtaining pastoral care and counseling, if it is desired.
  - 7.3.2** The Office of Child and Youth Protection will explain, as fully as possible, the process that is being undertaken.
  - 7.3.3** The Office of Child and Youth Protection will advise the person of the reporting requirements under state law. The person will be informed of his/her right to also report to the civil authorities.
- 7.4** Archdiocesan personnel will meet with the person who is accused.
- 7.4.1** If the accused is a religious or a cleric from another diocese, the investigation and pastoral outreach to all involved will be coordinated with the appropriate Major Superior or Bishop.
  - 7.4.2** Archdiocesan personnel will make a recommendation to the Covered Entity regarding the employment/volunteer service status of Church Personnel while the preliminary investigation is taking place and/or pending the completion of the investigation.
  - 7.4.3** Archdiocesan personnel will assist the accused in obtaining pastoral care and counseling, if it is appropriate.
  - 7.4.4** Archdiocesan personnel will remind the accused of the right to retain both civil and canonical counsel.
  - 7.4.5** Archdiocesan personnel will explain, as fully as possible, the process that is being undertaken.
  - 7.4.6** The accused will be instructed to have no contact with the person(s) making the allegation or with the victim(s).
- 7.5** The Archdiocese of Baltimore will cooperate with any investigation being conducted by the Department of Social Services and/or law enforcement.

## **8.0 OUTREACH TO VICTIMS**

The Archdiocese of Baltimore will continue to reach out to victims of Abuse by Church Personnel. The Archdiocese recognizes the importance of not only offering support to those who are victims, but to family members as well.

**8.1** The Director of the Office of Child and Youth Protection will ensure that assistance for victims is coordinated.

**8.1.1** The Office of Child and Youth Protection will offer victims counseling and pastoral services.

**8.1.2** The Archdiocese of Baltimore recognizes that some victims may not come forward until years after the Abuse. The Archdiocese of Baltimore will offer appropriate pastoral and counseling support without regard to potential legal liability.

**8.1.3** The Office of Child and Youth Protection will reach out to families of victims as appropriate.

**8.1.4** The Office of Child and Youth Protection will maintain a list of support services for victims and their families.

**8.2** The Archbishop will encourage the Church of Baltimore to be in solidarity with those who are victims. The Archbishop, Vicar Bishops, or other Church leaders will meet with and listen with compassion to victims of Abuse.

## **9.0 COMMUNICATIONS**

The Archdiocese of Baltimore is committed to openness and transparency. The Archdiocese will meet this commitment to the extent possible while also respecting the privacy and reputations of all individuals and applicable law.

- 9.1** Covered Entities shall communicate the key components of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures to their Covered Entity community.
- 9.2** The Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures will be readily available publicly through the Archdiocese's website. They will also be the subject of public announcements at least annually.
- 9.3** To insure appropriate and consistent communications with all affected communities, the director of the Department of Communications is responsible for all media contacts. All media inquiries regarding the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures, allegations of Abuse involving Church Personnel, or related matters which are made to a Covered Entity should be referred to the director of the Department of Communications. The director will consult with, guide, and coordinate relevant persons in the handling of media inquiries.
- 9.4** Recognizing the importance of supporting a community directly affected by Abuse allegations, the director of Department of Communications will coordinate with the director of the Office of Child and Youth Protection; relevant Archdiocesan offices; and, as appropriate, a Covered Entity's Responsible Administrator or his/her designee to ensure the affected community receives timely, factual, and pastorally appropriate communication from the Archdiocese.
- 9.5** The Archdiocese may communicate with other parishes, particularly those where an accused person previously served; with school principals; and /or with a Covered Entity's Responsible Administrator or his/her designee in order to assist in reaching out pastorally to the appropriate communities.
- 9.6** The Archdiocese of Baltimore will not enter into confidentiality agreements with respect to alleged child sexual abuse involving Church Personnel except in cases where confidentiality is requested by the victim.

## **10.0 APPROPRIATE ACTION TAKEN AS A RESULT OF THE INVESTIGATION**

**10.1** As a result of an investigation of Abuse, Neglect, or Misconduct with Minors, the Archdiocese will undertake appropriate pastoral outreach, personnel action, and communications with affected communities consistent with this *Statement of Policy for the Protection of Children & Youth*.

**10.1.1** Appropriate personnel action may include termination of Church Personnel.

**10.1.2** In those instances when there is a credible allegation of Child Sexual Abuse by Church Personnel, the alleged offender will be permanently relieved of all Ministry, employment, and volunteer service.

**10.2** The Office of Child and Youth Protection shall make a formal written report on all allegations of Child Sexual Abuse or sexual Misconduct with Minors by Church Personnel and provide the report to the Archbishop and the Chair of the Independent Review Board The report will include the following:

**10.2.1** A summary of the allegation and the investigation.

**10.2.2** Any findings or conclusions reached by Archdiocesan personnel as a result of the investigation.

**10.2.3** A record of the report made to civil authorities.

**10.2.4** A record of and/or recommendations for the care of any victims who were identified.

**10.2.5** An assessment of the accused's fitness for Ministry.

**10.2.6** A record of the notification of the preliminary findings of the investigation to the accused.

**10.2.7** Recommendations for the restoration of the person's good name in those instances when the person is falsely accused.

**10.2.8** A record of and/or recommendations for appropriate personnel action which may include termination of Church Personnel.

**10.2.9** A record of and/or recommendations for the pastoral care of the community affected by the incident.

**10.2.10** A record of and/or recommendations for an appropriate communications strategy that is as transparent as possible while respecting the confidentiality of victims, other individuals, and the law.

**10.3** A copy of the report will also be placed in the accused's personnel file.

## **11.0 INDEPENDENT REVIEW BOARD AND ITS PURPOSE**

An Independent Review Board reviews reports of Child Sexual Abuse by Church Personnel and all actions taken by the Archdiocese to ensure the integrity of the Archdiocesan process for responding to reports of Child Sexual Abuse. The Independent Review Board advises the Archbishop of Baltimore in his assessment of allegations of Child Sexual Abuse and in his determination of a cleric's suitability for Ministry.

**11.1** All allegations of Child Sexual Abuse or sexual Misconduct with Minors by Church Personnel are reviewed by the Independent Review Board. Additionally, the Archbishop may seek advice from the Independent Review Board on matters involving allegations of physical Abuse or Neglect, failure by Church Personnel to comply with the Child and Youth Protection Policies and Procedures, sexual misconduct by clergy that does not involve Minors, inappropriate non-sexual interactions between Church Personnel and Minors, or activities by non-Church Personnel or at non-Covered Entities. The Independent Review Board can review matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.

**11.1.1** When advising the Archbishop on the assessment of an allegation of sexual Abuse of a Minor, the Board will hear a presentation of the investigation by the Archbishop's designee and the Board may ask for any additional information that is needed.

**11.1.2** The Independent Review Board will provide advice and "feedback" on the report presented by the Archbishop's designee.

**11.1.3** The Independent Review Board will make an assessment of whether or not the allegations appear to be credible. It will also make an assessment as to the accused's fitness for Ministry. These assessments will be communicated to the Archbishop.

**11.1.4** The Independent Review Board will review actions taken by the Archdiocese to ensure that the Archdiocese is in compliance with the Archdiocesan Child and Youth Protection Policies and Procedures.

**11.2** The Independent Review Board shall regularly review and offer advice on the Archdiocesan Child and Youth Protection Policies and Procedures.

**11.3** The Board is composed of at least five persons, a majority of whom are lay people who reflect the diversity of and are not in the employ of the Archdiocese. The members of the Board are selected by the Archbishop of Baltimore on the basis of their maturity, credibility, and ability to exercise good and independent judgment.

**11.3.1** One member of the Board should be a priest who is an experienced and respected pastor of the Archdiocese of Baltimore, one member should have particular expertise in the treatment of the Sexual Abuse of Minors. At least five members shall be Catholics.

**11.3.2** The members of the Board will serve staggered five (5) year terms. Members may be appointed by the Archbishop to fill terms that have not expired.

## **12.0 COMPLIANCE WITH ARCHDIOCESAN CHILD AND YOUTH PROTECTION POLICIES AND PROCEDURES**

It is the expectation of the Archdiocese of Baltimore that all Church Personnel comply with the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures and contribute to a safe and healthy environment for those served by the Church.

**12.1** The Responsible Administrator is responsible for ensuring that all employees and all volunteers who have Substantial Contact with Children are in compliance with the requirements of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures and that all required documentation is maintained. Each Covered Entity is required to designate at least one Screening Coordinator.

**12.1.1** The Screening Coordinator assists in ensuring the Covered Entity is in full compliance with the requirements of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures for the employees and volunteers of the Covered Entity. The Screening Coordinator maintains compliance records for the covered entity so only those who are compliant may work or volunteer with children. The Screening Coordinator must maintain appropriate confidentiality regarding sensitive information and make sound judgments regarding an individual's eligibility for service in accordance with these policies and in consultation with the Office of Child and Youth Protection.

**12.1.2** The Responsible Administrator will notify the Office of Child and Youth Protection when the designated Screening Coordinator is no longer serving in that role and will designate a new Screening Coordinator.

**12.2** Failure to follow and document all requirements of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures may result in disciplinary action, up to and including termination. For example, disciplinary action may be taken against those responsible for screening and training including the Responsible Administrator and Screening Coordinator or against employees or volunteers who fail to report or who act inappropriately.

**12.3** On-site visits of Covered Entities will be conducted periodically to verify that the Covered Entities are in compliance with the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures.

**12.4** The Office of Child and Youth Protection will provide training to appropriate Covered Entity personnel on the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures.

**12.5** Questions regarding the interpretation or application of the Archdiocese of Baltimore's Child and Youth Protection Policies and Procedures are encouraged and should be directed to the Office of Child and Youth Protection.