



## **ARCHDIOCESE OF PHILADELPHIA'S POLICIES FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE**

### **Introduction**

*The Archdiocese of Philadelphia recognizes that sexual abuse of minors is a grave evil that has a tragic impact on those affected. Sexual abuse by a cleric of a minor hurts the victim first and most intimately; but it also damages the integrity of the priesthood and the whole Church. The solution to this problem must involve the whole Church. These policies and procedures are the Archdiocese of Philadelphia's continuing effort to provide for the safety of the people among whom it carries on its pastoral mission. They are designed to ensure fairness, impartiality, and integrity in our investigative processes and our institutional response to allegations. As a Church whose authority is spiritual and moral, the Archdiocese does not have the power of civil government to enforce civil law. Hence, the success of the policies and procedures depends, to a great extent, on cooperation by people of good will.*

*In June 2002, the United States Conference of Catholic Bishops (USCCB) approved a Charter and Norms (see USCCB Charter and Norms) that address the Church's commitment to respond effectively to allegations of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The Charter and Norms as revised serve as particular law for the dioceses, eparchies, clerical religious institutes and societies of apostolic life of the United States with respect to all persons serving in the ecclesiastical ministry of the Church in the United States. These Archdiocesan policies and procedures embodied herein will become effective on October 10, 2012, and supersede any prior policies. They represent the continuing promise of the Archdiocese of Philadelphia to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago.*

*Review of these policies will be ongoing. They will be updated periodically as needed.*

### **§1101 GENERAL PROVISIONS**

*Section 1101 contains general statements of policy from which specific procedural recommendations follow. Section 1101 recognizes the Archdiocese of Philadelphia's responsibility to establish, in collaboration with public officials, parents and members of the community, educational programs for children, youth, parents, clergy, paid and volunteer staff*

*positions about the prevention, intervention and response to sexual abuse in an effort to maintain a safe environment for children.*

**§1101.1. Establishment of Policy to Prevent Sexual Abuse of a Minor and to Assist Anyone Who Has Been Sexually Abused as a Minor**

**1101.1. Policy** Sexual abuse<sup>1</sup> of a minor<sup>2</sup> violates human dignity, ministerial commitment and the mission of the Church; therefore, the Archdiocese of Philadelphia (hereinafter “Archdiocese”) establishes these policies and procedures to review the fitness for ministry of any cleric, seminarian, principal, teacher, employee, or volunteer accused of sexual abuse of a minor. The policies and procedures shall involve the people of the Church in a substantive proactive role. (*See* Archdiocese of Philadelphia's Safe Environment Program Brochure.)

- (1) The primary purposes of these policies and procedures are the safety of children, the well being of the community, and the integrity of the Church. The policies and procedures shall be thorough, impartial, and fair and responsive to the pastoral needs of the complainant, the complainant’s family, the community, and the accused.
- (2) The Archdiocese shall cooperate and avoid interference with all appropriate public authorities in the conduct of investigations and actions to enforce the law and to protect children and communities affected by sexual abuse of a minor.
- (3) The Archdiocese shall make its policies and procedures related to sexual abuse available in published form and accessible from the web page of the Archdiocese of Philadelphia (*see* Archdiocese of Philadelphia Home Page) so that those affected can readily seek and receive the assistance which the policies provide. (*Cf. USSCB Charter, art. 2) (see USSCB Charter and Norms).*

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<sup>1</sup> Per note, *USSCB Charter* (June 2011): “For purposes of this *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads: §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: 1) the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor. 2) the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology; §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition. In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes. If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.”

<sup>2</sup>The Pennsylvania Child Protective Services Law (see 23 Pa.C.S. §6303(b)) defines "child abuse" as prohibited acts listed therein committed against any child under the age of 18. For purposes of canon law and these policies and procedures, "minor" has the same meaning.

## **Establishment of the Office for Child and Youth Protection (OCYP)**

**1101.2.1 Policy** The Archdiocese has established the Office for Child and Youth Protection (OCYP) which operates the Victim Assistance Program and the Safe Environment Program.

### **The Victim Assistance Program**

**1101.2.2 Policy** The Archdiocese has established the Victim Assistance Program. The mission of this Program is to provide pastoral care, support, and, upon request, resources to victims of sexual abuse and their loved ones in their efforts to achieve psychological, emotional, and spiritual healing. Through pastoral outreach to victims and their families, the Archbishop or his representative shall offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the Archbishop or his delegate shall also be directed to faith communities in which the sexual abuse occurred. (Cf. *USCCB Charter*, art. 1) (see *USCCB Charter and Norms*).

### **Assistance to Victims**

The Archdiocese recognizes its pastoral responsibility to assist all those affected by sexual abuse of minors by Church personnel: the victim and the victim's family, the community, and the accused. To administer the Victim Assistance Program, the Archdiocese will assign a victim assistance coordinator in each case whose duties include the identification of which pastoral and professional resources will be made available, upon request, to assist the victims of abuse. In addition, the Archdiocese's outreach to communities affected will be organized to promote understanding and healing. (Cf. *USCCB Charter*, art. 1) The Archdiocese shall not enter into confidentiality agreements except for grave and substantial reasons brought forward by the complainant and noted in the text of the agreement. (Cf. *USCCB Charter*, art. 3) (see *USCCB Charter and Norms*).

The support and assistance provided by the Victim Assistance Program is attached as Appendix A.

### **The Safe Environment Program**

**1101.2.3 Policy** The Archdiocese has established the Safe Environment Program. The mission of this Program is to oversee the training of and background checks for all Archdiocesan clergy, employees, and volunteers who have contact with children. It also disseminates the Archdiocesan standards of behavior for individuals working with children and young people, provides safe environment training for children, young people and adults, and trains parish and school staff to monitor compliance with Archdiocesan policies and the United States Catholic Conference of Bishops (USCCB) Charter for the Protection of Children and Young People as well as compliance with mandatory reporting laws. Compliance Guidelines have been created

outlining what is required of school and parish employees, school and parish volunteers, priests, deacons, seminarians, and pastoral center employees (*see USCCB Charter and Norms*).

### *History*

The Safe Environment Program of the Archdiocese of Philadelphia was created to ensure compliance with Articles 6, 12, and 13 of the USCCB Charter for the Protection of Children and Young People. The Charter set forth that all dioceses/eparchies were to have clear and well-publicized standards of behaviors and boundaries (Article 6), maintain safe environment programs for all children and adults (Article 12), and evaluate the background of all lay employees, clergy, and all volunteers who would have contact with children (Article 13). Over the years, the Safe Environment Program has become a resource to parishes and schools who share the Archdiocese's commitment to protecting children and young people.

### *Procedures*

The Archdiocese shall cooperate with parents, civil authorities, educators, and community organizations in order to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children and youth. The Archdiocese shall make clear to clerics and all members of the community the standards of conduct for clerics and other persons in positions of trust with regard to sexual abuse. (Cf. *USCCB Charter*, art. 12) (*see USCCB Charter and Norms*).

All School, Parish and Archdiocesan Pastoral Center Personnel as well as volunteers who may have any possible contact with or responsibility for children must undergo background checks are required to obtain background checks. In addition, all clergy incardinated into the Archdiocese, all Deacons, and all clergy with Archdiocesan assignments are required to obtain these checks, regardless of the regularity with which they have contact with children, and are deemed to be Church Personnel. For purposes of this policy, "Church Personnel" means any priest, religious, deacon, pastoral minister, employee, school employee, parish employee, contract employee and/or volunteer working at any entity within the Archdiocese of Philadelphia, and includes any individual 14 years of age or older applying for or in a paid position as an employee responsible the welfare of a child or having direct contact with children. Specifically, the Archdiocese will utilize the resources of law enforcement and other community agencies. The procedures for obtaining criminal background checks are attached as [Appendix B](#). The procedures set forth in [Appendix B](#) must be strictly followed.

### *Services of Safe Environment Program*

- Safe Environment Foundational Training parts one and two
- Safe Environment Foundational Training Facilitators training-of-trainers
- Safe Environment training for children and youth
- Site Administrator training
- Monitoring of Criminal Background Check requirements and compliance
- Mandated Reporter training

- Provide oversight for compliance with the USCCB Charter to all elementary schools, high schools, parishes, shrines, missions and youth serving ministries.

## **§1102 SCREENING, FORMATION, EDUCATION & ASSIGNMENT TO MINISTRY**

*Section 1102 contains provisions confirming the Archdiocese's responsibility to screen candidates for the priesthood and to enhance educational programs regarding sexuality and sexual abuse. In addition, the Archdiocese's cooperative relationship with religious communities and clerics of other dioceses is clarified and the authority to review the fitness of clerics seeking assignment is confirmed.*

### **§1102.1. Screening and Education of Clerics and Seminarians**

**1102.1. Policy** The Archdiocese shall evaluate the background of all Archdiocesan personnel who have contact with minors. Specifically, they shall utilize the resources of law enforcement and other community agencies. In addition, they shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513). The Archdiocese shall review and augment on-going programs for the screening and education of seminarians and deacon candidates and the continuing education of clerics in matters related to sexuality and sexual abuse. (Cf. *USCCB Charter*, art. 13) (*see USCCB Charter and Norms*).

#### *Procedures*

Psychological Profile. Consistent with applicable ethical, canonical, and legal principles and as soon as may be appropriate, a full psychological profile of each seminarian and deacon candidate shall be obtained. In addition to general psychological fitness for ordination and ministry, the profile should seek to identify tendencies of pedophilia or ephebophilia.

Developmental Programs. The Archdiocesan seminaries and formation programs shall offer, as part of their formation programs, age appropriate courses and components that deal in depth with psychological development, including both moral and deviant sexual behavior, with emphasis on the implications of making moral choices in accord with Church teaching and priestly commitment. While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized Archdiocesan standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have contact with children and young people. (*USCCB Charter*, art. 6)

Certification. Every cleric who holds or requests faculties within the Archdiocese shall certify in writing that he has read and is familiar with the Archdiocesan policies and procedures regarding sexual abuse of minors. The cleric's certification shall be maintained in the cleric's personnel file. (See Appendix C for certification.)

Formation Programs. Seminary programs shall focus on the question of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis* (1992). The Archdiocese

shall develop systematic ongoing formation programs in keeping with the recent USCCB document, Basic Plan for the Ongoing Formation of Priests (2001) so as to assist priests in their living out of their vocation. (*USCCB Charter*, art. 17) (*see USCCB Charter and Norms*).

## **§1102.2. Assignment and Transfer of Clergy outside their Jurisdiction**

### **§1102.2.1. Priests and Deacons of the Archdiocese of Philadelphia**

**1102.2.1. Policy** No Archdiocesan priest or deacon against whom an allegation of sexual abuse of a minor has been substantiated or is pending investigation may be transferred for ministerial assignment either within the Archdiocese of Philadelphia or to another ecclesiastical jurisdiction. Before an Archdiocesan priest or deacon may be transferred for residence only to another diocese/eparchy or religious province, the Archbishop or his delegate shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any substantiated allegation or allegation pending investigation of an act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall apply even if the priest or deacon shall reside in the local community of an institute of consecrated life or society of apostolic life. In proposing a priest or deacon for residence outside the Archdiocese, the Archbishop or his delegate shall provide the receiving bishop/eparch or religious ordinary with the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (Cf. *USCCB Charter*, art. 14, and *USCCB Essential Norms*, #12) (*see USCCB Charter and Norms*).

### **§1102.2.2. Religious Congregations and Clergy of Other Dioceses**

**1102.2.2. Policy** No religious or extern priest or deacon who has committed an act of sexual abuse of a minor or has pending an investigation of an allegation of sexual abuse of a minor can be appointed to or transferred for ministerial assignment in the Archdiocese of Philadelphia. Before a religious priest, extern priest or deacon can be transferred for residence in the Archdiocese of Philadelphia, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the Archbishop or his delegate any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall apply even if the priest or deacon shall reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of a religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary proposing a priest or deacon for residence in the Archdiocese of Philadelphia must provide the Archbishop or his delegate with the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (Cf. *USCCB Charter*, art. 14, and *USCCB Essential Norms*, #12) (*see USCCB Charter and Norms*).

### **§1102.3. Relationship with Religious Congregations and Extern Priests**

**1102.2.3. Policy** Religious congregations or extern priests whose cleric members maintain or seek faculties to minister in the Archdiocese or extern priests who maintain or seek faculties to minister in the Archdiocese shall abide by the Archdiocesan policies and procedures relating to sexual abuse of minors.

#### *Procedures*

Religious Clerics and extern priests may apply for faculties in the Archdiocese by completing a written application form available from the Office of the Vicar for Clergy (see Appendix D for a sample form application). This is necessary to determine that the priest has proper authorization for ministry in the Archdiocese under both canon law and federal immigration laws.

For a short term request – such as the opportunity to celebrate a wedding, funeral or other one time liturgical celebration for a friend or relative – the priest making the request must have a letter from his religious order or home diocese affirming his good standing, suitability for ministry, and full compliance with the *Charter for the Protection of Children and Young People*.

The Religious Congregation or the home diocese of the extern priest must provide a copy of its own policies and procedures to the Vicar for Clergy.

Each religious cleric and each extern priest must provide a letter (see Appendix E for sample form letter) from his proper Ordinary indicating the priest's current status, permission for his ministry in the Archdiocese of Philadelphia, the length of time for such permission, an indication of his ministerial background and experience, and a description of any other special considerations pertaining to the priest's stay in the Archdiocese of Philadelphia. This letter must also contain a statement about the priest's current status, background, character, and reputation. Any confirmed record or history of an untreated problem with substance abuse, violations of celibacy, sexual impropriety, physical abuse, or financial impropriety must be reported. In addition to the foregoing, the priest's proper Ordinary must certify that he is unaware of anything in the priest's background that would render him unsuitable to work with minors. In case of any incident of sexual misconduct with a minor, the priest's proper Ordinary must submit to the Archbishop a comprehensive report of the allegation and its disposition. Information provided in connection with this procedure shall be made available to the Offices of the Archbishop.

Except for short-term requests within the meaning of 1102.2.3(b), all religious order, visiting priests and priests from other dioceses must also comply with the Safe Environment Requirements prior to the granting of canonical faculties, including submission of each of the following documents:

- Pennsylvania State Police Criminal Background Check
- Pennsylvania Child Abuse History Clearance

- Federal Background Check (Fingerprint) or other background checks as deemed necessary
- Signed acknowledgement form for the Standards of Ministerial Behavior and Boundaries
- Proof of attendance/completion of the Safe Environment Program training as prescribed by the Office for Child and Youth Protection

If required by any pertinent agreement between the USCCB and the Episcopal conference of the extern priest, appropriate letters must also be provided by the USCCB's Office for the Pastoral Care of Migrants and Refugees and the proper Episcopal conference of the extern priest.

As provided by canon 271, these procedures and the extern priest's letter of appointment shall constitute the written agreement describing the extern priest's rights and duties in his ministerial assignment.

If a religious cleric or extern priest exercising public ministry or an apostolate in the Archdiocese of Philadelphia is accused of sexual abuse of a minor, the Director of Investigations shall immediately notify the district attorney in the county where the alleged offense occurred as well as the proper Ordinary of the priest or cleric. Concerning withdrawal from ministerial functions, the Archdiocese shall determine whether or not the cleric or extern priest may continue to exercise a ministry that involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (cf. cc. 392 and 678, §1). If the Archdiocese determines that a religious cleric or extern priest may no longer exercise such ministry in the Archdiocese, his faculties will be revoked, and his proper Ordinary or proper Superior shall be requested to recall the cleric or extern priest immediately. The religious congregation or diocese retains its rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as psychological assessment, treatment and aftercare for the accused cleric or extern priest.

Religious and extern priests are subject to their own proper superiors and to the discipline of their institute (c. 678, §2), (*see USCCB Charter and Norms*). Accordingly, if sexual abuse of a minor is alleged to have occurred involving a religious priest or deacon or extern priest ministering in a parish, school or other entity under the auspices of the Archdiocese of Philadelphia, the Director of Investigations shall inform the appropriate religious order so that the religious congregation or the extern's Ordinary may enforce its own policies and procedures. If the proper Ordinary of the priest or cleric removes the religious cleric or extern priest from the office entrusted to him after having informed the Archbishop (c. 682, §2), (*see USCCB Charter and Norms*), the cleric's Archdiocesan faculties shall be revoked. However, any determination about return to ministry in the Archdiocese and restoration of Archdiocesan faculties shall be made according to Archdiocesan policies and procedures in this regard.

If a religious cleric exercising a ministry strictly internal to the religious congregation without Archdiocesan faculties is accused of sexual abuse of a minor, the religious congregation may choose to review the allegation in keeping with its own policies and procedures. Any subsequent presentation for Archdiocesan faculties is subject to Archdiocesan policies and procedures. In

any case, the Archdiocese retains the right to prohibit a member of a religious institute or any extern priest from residing in the Archdiocese or at any particular location in the Archdiocese. If the cleric's major superior has not made provision after having been informed; such matters are to be referred to the Holy See (c. 679). (*see USCCB Charter and Norms*).

Depending upon the circumstances, the Archbishop or his designee will ensure appropriate communication and pastoral response to the people of the parish or community where the religious is assigned and/or where the reported misconduct occurred.

When the priestly faculties of the accused are withdrawn by the Archbishop or the non-ordained member of a religious congregation is removed from their assignment as a result of an allegation of sexual abuse of a minor by clergy or a violation of the Standards of Ministerial Behavior and Boundaries, the Archdiocese will make a public announcement to the affected parishes/communities as outlined in Appendix H.

#### **§1102.4. Assistance to Clergy**

**1102.2.4 Policy** The Vicar for Clergy is the representative of the Archbishop who ministers to the clergy of the Archdiocese by providing assistance, advice and support; and by facilitating referrals to resource persons and other professionals. An accused priest or deacon shall be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention. (Cf. *USCCB Charter*, art. 5) (*see USCCB Charter and Norms*).

### **§1103 REVIEW PROCESS**

*Section 1103 establishes the process by which the fitness for ministry of a cleric accused of sexual abuse of a minor can promptly and credibly be determined and appropriate recommendations made to the Archbishop. Allegations of sexual abuse by a cleric with a minor will initially be investigated by the Office of the Director of Investigations (the "Director" or "Director of Investigations") who will present the investigative results to the Archdiocesan Professional Responsibility Review Board (the "Review Board"). The Review Board shall review the investigative results as well as all subsequent issues regarding the fitness for ministry of the accused cleric. The Director and the Review Board are established as advisors of the Archbishop. The process is declared to be consultative and advisory, not adversarial and adjudicative, and is directed toward the recognition of the truth, healing and pastoral reconciliation. In this context, the safety and well-being of everyone is of primary concern. Of equal concern is an investigative and evaluative process that is fair, equitable, and balanced for both the accuser and the accused. The responsibility of the Director to cooperate with civil officials is confirmed as is the Church's pastoral responsibility to take action with respect to religious, pastoral and administrative matters that are beyond the authority of civil government.*

#### **§1103.1 Establishment of Process**

**1103.1. Policy** Recommendations regarding the continuation of ministry of any cleric who is the subject of an allegation of sexual abuse of a minor or a violation of the Standards of Ministerial Behaviors and Boundaries (see Appendix G) shall be made to the Archbishop

according to the consultative and advisory process established herein. When even a single act of sexual abuse of a minor by a cleric is admitted or is established after an appropriate process in accordance with Canon Law, the offending cleric shall be removed permanently from ecclesiastical ministry (*USCCB Essential Norms*, #8, CIC c. 1395 §2, CCEO c. 1453 §1) (*see USCCB Charter and Norms*).

### **§1103.2 Reporting Requirements, Intake, and Review**

**1103.2. Policy** In every instance, the Archdiocese shall advise and support everyone's right to make a report to public authorities. (Cf. *USCCB Essential Norms*, #11 and §§1101.1(2) and 1101.2.4) of these policies). All Archdiocesan personnel are required to comply with all applicable laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in any investigation that follows from the making of such a report. The Archdiocese of Philadelphia expressly prohibits retaliation against any individual who makes a good faith report of suspected child abuse or neglect in accordance with this policy and applicable state law. All Archdiocesan clerics and all Church Personnel (defined in §1101.2.3) including all clergy, all religious, and all employees working for the Archdiocese shall comply fully with the letter and spirit of this process. In addition to mandatory reporting required by Pennsylvania law, all Church Personnel are required to promptly report allegations of a cleric's sexual abuse of a minor to the Director of Investigations unless the information is received by a priest within the Sacrament of Reconciliation (commonly referred to as the information learned during a confessional setting) (Canon 983, §1). Other clerics and religious working in the Archdiocese are required to cooperate with the process. All people of goodwill who may have to relate to the process are asked to do so with understanding and sensitivity for its goals. The Archdiocese shall take all appropriate steps to protect the good name and reputation of all persons involved in this process. (Cf. Canon 220 and *USCCB Essential Norms*, #6) (*see USCCB Charter and Norms*).

#### **§1103.2.1 Reporting**

Child abuse consists of a variety of wrongful acts committed upon children that include but are not limited to sexual abuse, physical injury, mental injury, and neglect. The term "child abuse" as used in this Policy shall have the same definition as set forth in the Pennsylvania Child Protective Services Law. See 23 Pa.C.S. §§6303 and 6304.

A child is any individual under the age of 18. In all cases of suspected child abuse, mandated reporters are required to report the suspected abuse to ChildLine, the 24-hour statewide system operated by the Pennsylvania Department of Human Services to receive such reports (**1-800-932-0313**) (toll free). In addition to the telephonic report, a CY 47 form must be submitted to the Children and Youth services in the county where the suspected abuse occurred within 48-hours of making any report to ChildLine.

- *In **all cases** of suspected child abuse, Pennsylvania law and Archdiocesan policy state that mandated reporters are required to:*
  - Immediately report to ChildLine either electronically at <https://www.compass.state.pa.us/CWIS> or by calling **1-800-932-0313**.

- Within 48-hours of the telephonic report, submit a CY 47 (Appendix F) to the Children and Youth services in the county where the suspected abuse occurred. A CY-47 may be completed electronically at <https://www.compass.state.pa.us/CWIS>
- Notify the person in charge of the institution, unless that person is the suspected abuser. If the person in charge of the institution is the suspected abuser, then the mandated reporter must promptly contact the Archdiocesan Office of Investigations toll free at 1-888-930-9010.

*In cases where the suspected abuser is a member of the clergy or is a Church official, employee or volunteer:*

- Immediately Call ChildLine toll free at **1-800-932-0313**.
- Within 48-hours of the telephonic report, submit a CY 47 (Appendix F) to the Children and Youth services in the county where the suspected abuse occurred. A CY-47 may be completed electronically at <https://www.compass.state.pa.us/CWIS>
- Notify the person in charge of the institution, unless they are the suspected abuser.
- The person in charge of the institution must promptly notify the Archdiocesan Office of Investigations toll free at 1-888-930-9010. If the person in charge of the institution is the suspected abuser the mandated reporter must contact the Office of Investigations.

You may also contact the Office of Investigations by writing to:

Office of the Director of Investigations  
222 North 17th Street  
Philadelphia, PA 19103

It is Archdiocesan policy to immediately refer any conduct that could constitute a crime (such as suspected child abuse) to law enforcement. Victims reporting abuse will be assigned a Victim Assistance Coordinator to work with them who will explain available mental health services.

- a) Mandated reporters.--The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse<sup>3</sup>:
- (1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
  - (2) A medical examiner, coroner or funeral director.

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<sup>3</sup> 23 Pa.C.S. §6311(a).

- (3) An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
- (4) A school employee.
- (5) An employee of a child-care service who has direct contact with children in the course of employment.
- (6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
- (7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.
- (8) An employee of a social services agency who has direct contact with children in the course of employment.
- (9) A peace officer or law enforcement official.
- (10) An emergency medical services provider certified by the Department of Health.
- (11) An employee of a public library who has direct contact with children in the course of employment.
- (12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), who has direct contact with children in the course of employment.
- (13) An independent contractor.
- (14) An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.
- (15) A foster parent.

### **§1103.2.2 Intake**

- a) The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all of her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors. (Cf. *USCCB Essential Norms*, endnote 7) (*see USCCB Charter and Norms*).

Allegations that a cleric of the Archdiocese of Philadelphia engaged in sexual abuse of a minor may be received from any number of sources: e.g. a telephone call, written communication, email, a personal appointment, the media, public authorities, etc.

All reports received by the Office of Investigations pursuant to the Charter for the Protection of Children and Young People, must be documented on an intake form. Once an intake form has been completed, each intake form shall be forwarded

immediately to Office for Child and Youth Protection (OCYP) who will assign a Victim Assistance Coordinator as appropriate.

### **§1103.2.3 Review**

- a) The Director of Investigations will promptly review each allegation to determine whether there is reasonable cause to believe the conduct alleged meets the definitions of “child abuse” including, but not limited to, “sexual abuse or exploitation” as set forth in the Pennsylvania Child Protective Services Law (*See* 23 Pa.C.S. §6303 and 6304) or constitutes a violation of the Standards of Ministerial Behavior and Boundaries (*See* Standards of Ministerial Behavior Boundaries and Addendum to the Standards of Ministerial Behavior and Boundaries at Appendix G).
- b) If the reported facts meet the definitions of “child abuse” or “sexual abuse or exploitation” as defined in the Pennsylvania Child Protective Services Law (see 23 Pa.C.S. §6303), the Director of Investigations will insure that ChildLine is notified, as required by law (The Charter for the Protection of Children and Young People, Revised Edition, June 2011, Article 4, Norm 11) (see USCCB Charter and Norms). The Director of Investigation will promptly report the allegation/violation to the appropriate county district attorney. A copy of this law enforcement notification will be forwarded to the Archbishop, the Auxiliary Bishop in charge of the Office of Investigations, the Director of OCYP, the Vicar for Clergy and, in the sound discretion of the Director of Investigations, to the Secretariat for Catholic Education, the Secretariat for Catholic Social Services, and/or other appropriate office. If the reported facts are not manifestly frivolous or false, and carry a semblance of truth, the Archbishop shall decree a Preliminary Investigation be conducted in conformity with universal and particular law (CIC, cc.1717 ff; USCCB Essential Norms n.6). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms*, #6) (*see USCCB Charter and Norms*).
- c) If the reported facts do not meet the definitions of “child abuse” or “sexual abuse or exploitation” as defined in the Pennsylvania Child Protective Services Law (see 23 Pa.C.S. §6303), but would constitute a violation of the Standards of Ministerial Behavior and Boundaries if found to be true, the Director of Investigations will advise the Vicar for Clergy of the report and will conduct any necessary investigation. The Vicar for Clergy will notify the accused and the accused’s supervisor regarding the report. Any sensitive information related to the complainant will be redacted from this notification.
- d) If, after making a reasonable inquiry, the Director of Investigations determines there is not reasonable cause to believe that the conduct alleged meets the definitions of “child abuse” including, but not limited to, “sexual abuse or exploitation” as set forth in the Pennsylvania Child Protective Services Law or

constitutes a violation of the Standards of Ministerial Behavior and Boundaries, then the investigative file shall be closed and notification of the closure and reasons therefor should be made to the Director of OCYP, and in the sound discretion of the Director of Investigations, to the Secretariat of Catholic Education, the Secretariat for Catholic Social Services, and/or other appropriate office. If the accused is a cleric, notification of the closure shall be made to the Archbishop, the Vicar for Clergy, the Director of OCYP, and the Review Board.

- e) The date and manner of, and response to all notices to ChildLine, law enforcement, and other congregations and dioceses will be permanently maintained by the Director of Investigations.
- f) The Director of Investigations shall remain in contact with any person registering a complaint as often as the Director of Investigations deems reasonable and necessary and, to the extent necessary, shall work harmoniously with the Director of OCYP and Victim Assistance Coordinator to be as respectful as possible to the person registering the complaint.
- g) As soon as reasonably possible after receipt of any complaint involving “child abuse” or “sexual abuse or exploitation” as defined in the Pennsylvania Child Protective Services Law, and/or a violation of the Standards of Ministerial Behavior and Boundaries by a cleric, the Director of Investigations shall promptly meet with the Vicar for Clergy and the Director of the OCYP to initially review the complaint for the purpose of recommending to the Archbishop the imposition of any interim administrative restrictions, including administrative leave, pending a final determination by the Archbishop.
- h) If the Director of Investigations determines the accused is a member of a religious congregation or is a priest from another diocese whom for purposes of investigation is not under the jurisdiction of the Archdiocese, the Director will also notify the responsible religious congregation or diocese, the Vicar for Clergy, and the Office of Child and Youth Protection. Notwithstanding anything contained herein to the contrary, the Director of Investigations must comply with the provisions of paragraphs (a), (b), and (c) above upon receipt of a complaint involving a member of religious congregation or a priest from another diocese.
- i) Since retired clerics often continue to exercise ministry and perform sacraments, an allegation against a cleric who has retired from an official assignment shall be processed in the same manner as any other allegation to the extent necessary to make a determination whether there is reasonable cause to suspect that the retired cleric engaged in sexual abuse of a minor and whether minors are currently at risk.
- j) When a complaint of child abuse or child sexual abuse or allegation against a cleric is received by the Director of Investigation and the cleric has either been removed or has resigned from active ministry, has been laicized, or is deceased, the Director of Investigations will promptly report the complaint to the appropriate county

district attorney and also ChildLine as required by the Pennsylvania Child Protective Services Law, and shall refer the accuser to the Director of OCYP for appropriate services.

- k) Anonymous allegations or allegations that contain insufficient information ordinarily shall be processed by the Director as fully as possible in accordance with these policies.
- l) All determinations made by the Director of Investigations pursuant to this section shall be subject to review by the Archdiocesan Professional Responsibility Review Board at its next scheduled meeting. The Chair of the Review Board shall notify the Archbishop should the Board disagree with any of the Director's determinations. Upon such notification, the Archbishop shall make a final decision in the matter.

### **§1103.3 Protection Against Retaliation**

The Archdiocese of Philadelphia expressly prohibits retaliation against any individual who makes a good faith report of suspected child abuse in accordance with this Policy and state law. Any clergy, staff or volunteer who takes any adverse action against, intimidates, threatens or otherwise engages in any act of retaliation against someone who has made good faith report under this Policy will be subject to disciplinary action, up to and including termination of their employment or removal from an approved volunteer list.

### **§1103.4 Protection of Rights and Unfounded Allegations**

**1103.4. Policy** Care shall be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When the accusation has proved to be unfounded, every step possible shall be taken to restore the good name of the person accused. (*USCCB Essential Norms*, #13) (*see USCCB Charter and Norms*).

### **§1103.5 Director of the Office of Investigations**

**1103.5. Policy** The Director of Investigations shall assist the Review Board in the performance of its duties.

#### **§1103.5.1 Qualifications**

**1103.5.1. Policy** The Director of Investigations shall be a lay Catholic professional who maintains appropriate qualifications and substantial experience in investigation and analyzing allegations of sexual abuse of children. The Director shall be responsible to and supervised by the Archbishop or the Archbishop's delegate.

## **§1103.5.2 Appointment and Conditions of Employment**

**1103.5.2. Policy** The Archbishop shall appoint and may remove the Director.

### *Procedure*

The Director of Investigations shall be compensated and evaluated according to such schedules as may be applicable to other Archdiocesan employees or independent contractors of comparable responsibilities and experience.

## **§1103.5.3 Duties**

**1103.5.3. Policy** Under the supervision of the Archbishop or his delegate, the Director shall have the duty to:

- (1) receive information and allegations of child abuse by Church personnel with a minor; (2) report to the public authorities any allegation (unless canonically privileged) of child abuse of a person who is a minor or other crime, comply with all applicable laws with respect to the reporting of allegations of child abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question. In every instance, the Director of Investigations shall advise accusers of their right to make a report to public authorities and will support this right. (Cf. *USCCB Charter*, art. 4, and §§1101.1(2) and 1101.24 of these policies) (*see USCCB Charter and Norms*). Specifically, the Director of Investigations shall have the duty to ensure that all allegations of child abuse of a minor are reported to the Pennsylvania Child Abuse Hotline, **1-800-932-0313**, as required by law, and to any other appropriate governmental authority;
- (2) promptly and objectively interview the accuser and the accused and other witnesses in accord with canonical practice, which includes committing the information to written form and, whenever possible and practicable, allowing the person interviewed to review, edit and sign what has been committed to writing;
- (3) communicate in an appropriate manner with the accuser or person making an allegation, the Victim Assistance Coordinator, the accused, the Vicar for Clergy, the Archbishop, the Review Board and such other persons as the Archbishop may designate;
- (4) assist the Review Board by preparing and submitting reports pertaining to allegations and such other information as may be appropriate;
- (5) assist the Archbishop and his Delegate by preparing and submitting reports summarizing the allegations, the responses of those accused, and the rationale by which the Review Board arrived at its recommendations;

- (6) assist in the oversight of programs which the Archbishop has established for treatment, rehabilitation or supervision of clerics who have been withdrawn from ministry and report to the Review Board about these programs; and
- (7) perform such other duties as may be prescribed by the Archbishop or his Delegate.

### **§1103.6 Receipt of Information**

**1103.6. Policy** To assist the Director in implementing this process, the Archdiocese has established and will continue to publicize a separate telephone number to facilitate receipt of information. The Office of Investigations will answer calls during business hours to the extent reasonably possible and an appropriate recording system shall be used at other times. All messages shall be returned no later than one business day after the message is left.

### **§1103.7 Confidentiality and Disclosure of Information**

**1103.7. Policy** Information generated in connection with the process set forth in §1103 shall be maintained in a confidential manner and may only be disclosed in accordance with this section.

#### *Procedures*

- a) The Director of Investigations is the custodian of all information described in §1103 and shall develop an appropriate record keeping system to ensure accountability for and security of the information.
- b) The Director of Investigations shall maintain the information in a confidential fashion as required by law and may not disclose such information except as follows:
  - 1) the Director of Investigations shall provide the accused cleric with information sufficient to enable the cleric to respond to the allegation, see section 1103.9.3(a); either party may have access to his or her own statement(s) pertaining to the allegation; the Director may provide both the person making the allegation and the accused cleric with such additional information as necessary to process the allegation;
  - 2) after the Archbishop has made a decision in a matter brought before the Review Board, the Director of Investigations shall notify the Director of the OCYP and the Vicar for Clergy who will each respectively provide the person making the allegation and the accused cleric with appropriate and timely information about the Archbishop's decision;

- 3) the Director of Investigations shall provide access to information to the Review Board, the Archbishop, the Archbishop's delegate and other persons the Archbishop may designate;
  - 4) the Director of Investigations shall provide access to information to the competent superior in connection with allegations about a member of a religious congregation or another diocese;
  - 5) the Director of Investigations shall disclose such information as may be required by law; and
  - 6) the Archdiocese follows a communications policy that reflects its commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Archdiocese will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors. (USCCB Charter, art. 7) (*see USCCB Charter and Norms*).
- c) The Vicar for Clergy shall inform the cleric of the allegation, make certain that he is advised to seek canonical and civil legal counsel and arrange for his interview by the Director. The accused cleric may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation mutually acceptable to the Archdiocese and the accused, unless it appears that such a report would likely interfere with an investigation by civil authorities. (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms*, #7) (*see USCCB Charter and Norms*).

### **§1103.8 Professional Responsibility Review Board**

**1103.8. Policy** The recommendations described in §1103.7.9 below shall be made to the Archbishop by an independent Professional Responsibility Review Board (“Review Board”), which shall function as a confidential consultative body to the Archbishop in discharging his responsibilities (cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, #4) (*see USCCB Charter and Norms*).

#### **§1103.8.1 Membership**

**1103.8.1. Policy** The Review Board shall be appointed by the Archbishop and consist of seven to twelve members of outstanding integrity and good judgment. At least five members shall be lay Catholics in full communion with the Church who are not employees of the Archdiocese. At least one member shall be a priest who is an experienced and respected pastor of the Archdiocese. Members shall include a licensed psychiatrist, a psychologist or social worker, an attorney, and a parent. At least one of the members should have particular expertise in

the treatment of sexual abuse of minors. (Cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, #5) (see *USCCB Charter and Norms*).

### *Procedures*

- a) Full Communion. “Those baptized are fully in the communion of the Catholic Church on this earth who are joined with Christ in its visible structures by the bonds of profession of faith, the sacraments, and ecclesial governance” (*Code of Canon Law*, c. 205; cf. Vatican II, Dogmatic Constitution on the Church *Lumen Gentium*, 14).
- b) Nominations. The Archbishop may appoint a Nominating Committee which shall include the Director of Investigations to propose the names of candidates for the Review Board whenever a vacancy occurs. The Nominating Committee shall consist of respected persons with sound judgment. For the nomination of the clerical members of the Review Board, the Nominating Committee will consult with the Vicar for Clergy. For the other Review Board positions, the Nominating Committee may at its discretion consult with appropriate professional societies, advocacy groups and other consultative bodies, such as the Archdiocesan Pastoral Council. The Archbishop reserves the right to reject any person proposed by the Nominating Committee.
- c) Review Board Member Orientation. In order to familiarize the Review Board members with their duties as well as with the pertinent policies and procedures, there should be a Review Board Member Orientation conducted periodically with input from appropriate Archdiocesan officials and outside consultants.
- d) Compensation. None of the members of the Review Board shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.
- e) Training and Education. Within 15 days after a new Member of the Review Board has been appointed, the Archdiocese's Director of Investigations shall provide to each new Member: a copy of the current Archdiocese of Philadelphia's Policies for Protection of Children and Young People; a copy of the current Charter for the Protection of Children and Young People adopted by the United States Conference of Catholic Bishops in 2002 (as amended); a copy of the Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons adopted by the United States Conference of Catholic Bishops in 2002 (as amended); and in the sound discretion of the Archdiocese's Director of the Office of Child and Youth Protection, a copy of all important, timely publications issued by the Office of Child and Youth Protection of the Archdiocese of Philadelphia and of the United States Catholic Conference

for Catholic Bishops that will assist each newly appointment Review Board Member in discharging its responsibilities. In addition, the Director of the Investigations shall provide at least one comprehensive education and training orientation program for each new Member of the Review Board either prior to or no later than sixty days after the effective date of their appointment focusing on the important facets of each of the above publications. In addition to the new Review Board Member's initial orientation, the Director of the Office of Child and Youth Protection of the Archdiocese shall provide annually an updated orientation education and training program for all Members of the Review Board focusing on all important developments in the Archdiocese's Office of Child and Youth Protection, including the Archdiocese's Safe Environment Program.

### **§1103.8.2 Term**

**1103.8.2. Policy** Appointments to the Review Board shall be for staggered terms of five years, which terms may be extended at the discretion of the Archbishop. Any Review Board member who desires to resign from the Review Board shall, if all possible, give the Review Board six months' advance notice of the effective termination date. If a vacancy occurs, the vacancy does not need to be filled until or unless the total members of the Review Board drop to less than seven. (Cf. *USCCB Essential Norms*, §5, Canon 186) (*see USCCB Charter and Norms*).

### **§1103.8.3 Officers**

**1103.8.3. Policy** The Review Board shall designate one Review Board member as chairperson and one Review Board member as vice chairperson for fixed terms, not to extend beyond the term as a member of the Review Board.

#### *Procedure*

The chairperson shall ordinarily convene and preside at meetings of the Review Board in accordance with the will of the Review Board. The vice chairperson shall perform these functions when the chairperson is unable to do so.

### **§1103.8.4. Relationship with Archbishop**

**1103.8.4. Policy** The Review Board shall serve as the principal advisor of the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. The Review Board is not accountable to other officials of the Archdiocese except as may be necessary for the efficient administration of its business. (Cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, #4) (*see USCCB Charter and Norms*).

### **§1103.8.5. Quorum and Majority for Doing Business**

**1103.8.5. Policy** Thirty-three and one-third (33⅓%) percent of the members of the Review Board appointed to serve at that time, plus one additional member, shall constitute a quorum of the Review Board, and the concurrence of not less than a majority of such members of the Review Board shall be necessary to make a recommendation.

### **§1103.8.6. Meetings**

**1103.8.6. Policy** The Review Board shall conduct its business at meetings, which shall be scheduled as often as necessary to perform its duties. The meetings shall reflect the pastoral character of this process that is consultative and advisory, not adversarial and adjudicative. The meetings are not hearings. They are sessions at which the Review Board receives and considers information, deliberates, and formulates its recommendations. The Review Board may, in its discretion, limit the information it receives or considers, and the rules of evidence shall not apply.

#### *Procedures*

- 1) Ordinarily the Review Board shall meet in person but by exception may meet by telephone conference call. The members of the Review Board shall not discuss the business of the Review Board or information presented to the Review Board outside Review Board or Committee meetings, except that the Director of Investigations may communicate with Review Board members as required by this process or as otherwise appropriate.
- 2) The Archbishop, the Archbishop's designated representative, other persons designated by the Archbishop, and the Director of Investigations may attend those portions of meetings during which information is presented to the Review Board and the Review Board makes its recommendations. All other persons may attend meetings only upon the invitation or with the consent of the Review Board and subject to such limitations as the Review Board might require. It is desirable that the Promoter of Justice in the Archdiocese shall be notified in advance of each meeting of the Review Board, shall receive a copy of each meeting agenda, shall be available for consultation with the Review Board, but shall not vote nor even participate in the deliberations or recommendations of the Review Board. Further, the Archbishop, the Archbishop's representative or any other person designated by the Archbishop, and the Director of Investigations shall have no vote in the Review Board's determinations and recommendations. After the Review Board process is completed and, if warranted by the outcome, after the Congregation for the Doctrine of the Faith is notified, the Promoter for Justice shall proceed as instructed by the Archbishop in accord with directions from the Congregation for the Doctrine of the Faith, unless the Congregation calls the case to itself because of special circumstances. (Cf. *USCCB Essential Norms*, #8A) (*see USCCB Charter and Norms*).

- 3) The Chairperson, with the consent of the Review Board, may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill its purpose. However the power to make a definitive recommendation following a Review Board meeting may not be delegated to any such committee.
- 4) A Review Board Member shall disqualify or excuse himself or herself in any proceeding in which the Review Board Member's impartiality might reasonably be questioned. For illustrative purposes only, examples include if a Review Board Member knows the person making the allegation or has personal knowledge of facts that are in dispute, or is related to either the person making the allegation or the cleric.

### **§1103.8.7 Duties of Review Board**

**1103.8.7. Policy** The Review Board shall have the duty to:

- 1) advise the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry or other possible restrictions (Cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, §4.A.) (see *USCCB Charter and Norms*);
- 2) offer advice on all aspects of these cases, whether retrospectively or prospectively (Cf. *USCCB Essential Norms*, §4.C.) (see *USCCB Charter and Norms*);
- 3) make such other recommendations that the Review Board in its sole discretion determines to be appropriate to reduce the risk to children;
- 4) recommend guidelines, if any are deemed necessary, for the proceedings of the Review Board;
- 5) review these policies and procedures for dealing with sexual abuse of minors; (Cf. *USCCB Essential Norms*, §4.B) (see *USCCB Charter and Norms*) and make recommendations periodically, as often as deemed necessary;
- 6) cooperate with the Director of Investigations in developing and implementing educational programs for themselves and those participating in this process; and
- 7) seek the advice of such experts and consultants as the Review Board deems necessary and appropriate.

#### *Procedure*

If a cleric admits to the truth of an incident of sexual misconduct with a minor, or personally reports such an incident to the Archbishop or his representative, while it is not

necessary for the Review Board to advise the Archbishop regarding the semblance of truth of the incident, the matter shall be reported to the Review Board.

### **§1103.9 Board Review**

**1103.9.1. Policy** Each completed investigation shall be reviewed by the Board at its next scheduled meeting. The Director of Investigations may delay scheduling the Review for a good reason, such as to await the completion of action by Civil Authorities.

- a) Prior to submission of the investigation to the Review Board, the accused and/or counsel will be notified of the completion of the investigation and given 14 calendar days to review the entire investigation and prepare a written response. This response will be included in the materials presented to the Board. Prior to the accused's review, any confidential complainant information will be redacted from the investigation.
- b) In cases involving allegations of violations of the Standards of Ministerial Behavior and Boundaries only, the Vicar for Clergy will, prior to the Board Review, prepare a written recommendation concerning the case. A copy of the Vicar's recommendation will be forwarded to the Director for Investigations who will present the recommendation along with the entire case to the Board. The Review Board will provide the Archbishop with its advice regarding the Vicar for Clergy's recommendations. The Review Board's advice will be forwarded to the Archbishop in writing by the Director and will specify the basis for agreement or disagreement with the Vicar's recommendation. After consideration of the Board's advice, the Archbishop shall make a final decision in the matter.

### **§1103.9.2 Standard of Review**

**1103.9.2. Policy** At the Review, the Review Board shall determine based upon each member's personal and professional experience whether the allegation by the accuser is more likely than not to have occurred.

### **§1103.9.3 Required Recommendations Based on Review**

**1103.9.3. Policy** The Review Board shall make appropriate recommendations to the Archbishop about the following:

- (1) if it has found that it is more likely than not that the accused has engaged in sexual abuse of a minor, thereby removing the cleric from ministry, whether supervision and other restrictions should be put in place pending the canonical conclusion of the matter;
- (2) if it has not been found that it is more likely than not that the accused has engaged in sexual abuse of a minor,

- i) whether the file should be closed at this stage of the proceedings;
- ii) whether the file should be held open for some reason;
- iii) if the cleric's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action appears warranted and suggestions as to possible action; and
- iv) such other matters as the Review Board deems appropriate.

### **§1103.10 Right to Counsel**

**1103.10. Policy** Nothing in these policies and procedures shall be interpreted as to abridge an individual's right to legal or canonical counsel.

#### *Procedures*

The accused shall be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Archdiocese shall supply canonical counsel to the priest or deacon. (USCCB Charter, art. 5, and USCCB Essential Norms, #6 and 8.A) (see USCCB Charter and Norms).

### **§1103.11 Withdrawal from Ministry**

**1103.11. Policy** When there is sufficient evidence that the accused has engaged in sexual abuse of a minor, the Congregation for the Doctrine of the Faith shall be notified. If it has not already been done, the Archbishop shall apply the precautionary measures mentioned in Canon 1722, i.e., remove the accused from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public celebration of the most Holy Eucharist pending the outcome of the process. (Cf. *USCCB Essential Norms*, #6) (see *USCCB Charter and Norms*). The name of any cleric who has temporarily or permanently withdrawn from ministry shall be posted on the Archdiocese of Philadelphia's web site. (See *List of Clerics Temporarily or Permanently Withdrawn from Ministry*).

#### *Procedure*

Before initiating a judicial or administrative process to impose or declare penalties, the Archbishop should seek the cleric's voluntary cooperation to protect the community, to restore justice, and reform the offender through various means of pastoral solicitude. (see c. 1341)

### **§1103.12 Supplementary Review**

**1103.12. Policy** The Director of Investigations retains the right to reopen any investigation should new and previously unavailable information be discovered subsequent to a review for cause.

### **§1103.12.1 Questions for Supplementary Review**

**1103.12.1. Policy** The Review Board shall consider new and previously unavailable information about a determination or recommendation made in connection with a prior review, and exercise its responsibility as described in §1103.7.

### **§1103.12.2 Requesting Supplementary Review**

**1103.12.2. Policy** Requests for Supplementary Review shall be made in writing to the Director of Investigations, and shall include the new information that was not previously considered by the Review Board, as well as a statement of the applicant's position with respect to the matter and any supporting explanation.

#### *Procedures*

In determining whether or not the Supplementary Review is to be conducted, the Director shall assess among other things:

- (1) whether the information presented was not previously available to the Review Board;
- (2) whether the information is new and was not available to the individual requesting the Supplementary Review at the time the matter was considered by the Review Board;
- (3) whether the new information is material to the allegation; and
- (4) whether the request for the Supplementary Review was made in a timely manner.

### **§1103.12.3 Supplementary Review Procedures**

**1103.12.3. Policy** If the Director determines that a Supplementary Review be conducted, the Supplementary Review shall be scheduled no later than sixty (60) days after such determination. The Review Board shall review all information, newly acquired as well as that considered at the earlier Review for Cause. In conducting the Supplementary Review, the same practices and protocols as a Review for Cause shall be observed.

## **§1104 CANONICAL RESOLUTION AND CONCLUSION**

*Section 1104 recognizes that a cleric who has admitted or been found to have engaged in sexual abuse of a minor may never return to ministry. We repeat the words of His Holiness John Paul II in his Address to the Cardinals of the United States and Conference Officers: "There is no place in the priesthood or religious life for those who would harm the young."*

## §1104.1 Permanent Removal from Ministry

**1104.1. Policy** When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon shall be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (c. 1395, §2). The policy shall be to apply for the penalty of dismissal from the clerical state. If, after considering the advanced age or infirmity of the offender or, for any other sound reason, the Review Board can recommend to the Archbishop that the offender lead a life of prayer and penance, including in the Archdiocesan Prayer and Penance Program or similar program, in lieu of seeking his dismissal from the clerical state. While affording every opportunity to the offender for conversion of heart and forgiveness through sacramental reconciliation, and recognizing the abundant mercy of God's infinite graces, the Archdiocese also acknowledges that: the safety of the vulnerable requires that certain measures be taken, the integrity of the Church must be preserved, the need to do penance for one's sins is part of forgiveness and that there are consequences for wrongful actions. Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as suffering from a sexual disorder that requires treatment. (cf. 2006 *USCCB Essential Norms*, §8, footnote 4)(see *USCCB Charter and Norms*).

In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; *Graviora Delicta*, Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it shall direct the Archbishop how to proceed (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Archbishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Archdiocese shall supply canonical counsel to a cleric. The provisions of Canon 1722 shall be implemented until all canonical processes have been concluded.

Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (c. 1395, §2) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the Archbishop shall exercise this power of governance to ensure that any cleric who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry. (2006 *USCCB Essential Norms*, #9, especially footnote 6) (see *USCCB Charter and Norms*).

## §1104.2 Laicization

**1104.2 Policy** After even a single act of sexual abuse by a cleric is admitted or is established by a process completed in accord with canon law, every effort shall be made to encourage him to request laicization. Should he not do so, the Archdiocese shall pursue his

involuntary laicization unless for reasons of advanced age or infirmity, he shall lead a life of prayer and penance.

### **§1104.3 Prayer and Penance Program**

**1104.3 Policy** The Archdiocese has established the Prayer and Penance Program.

### **§1104.4 Life of Prayer and Penance**

**1104.4. Policy** If for some reason dismissal from the clerical state has not been applied for, the cleric who has been found to have engaged in sexual abuse of a minor shall live a life of prayer and penance. He shall be subject to supervision for the remainder of his life as a cleric of the Archdiocese and his file shall remain open. Realizing that as a non-governmental institution the Archdiocese lacks coercive police power, clerics under supervision are canonically assigned fulltime to a residential program which requires a transparency of lifestyle and behavior, as well as accountability, to the program directors (Canon 274, §2). If the cleric refuses to accept and fulfill this assignment, he shall be separated from the Archdiocese (2006 *USCCB Norms*, #8) (*see USCCB Charter and Norms*).

#### **§1104.4.1 Oversight**

**1104.4.1. Policy** The program of supervision for those who have engaged in sexual abuse of minors program and who have not been laicized shall be conducted under the oversight of the Vicar for Clergy and the Director of Investigations. The protocols, procedures and practices of the program must reflect the primary goals of protecting children and the integrity of the church. The protocols, procedures and practices must also emphasize accountability. The Archdiocese shall take reasonable steps to insure the safety of others, but cannot guaranty that one who has been removed from ministry will not re-offend.

#### *Procedures*

The primary purposes of supervising those who have engaged in sexual abuse of minors are the safety of children and the integrity of the Church. The program needs to be flexible to recognize individual circumstances and the fact that knowledge and insight continue to develop. It should be evaluated periodically for this reason. This program should also recognize, in an appropriate way, redemption and forgiveness and seek to provide hope for those dealing with the dysfunction that causes sexual abuse. It must be consistent and fair, and the application in a given case not be arbitrary.

The Director and the Vicar for Clergy shall work cooperatively to ensure the compliance of the cleric with the program of Prayer and Penance; this program is to include treatment, rehabilitation and supervision. The Director shall be primarily responsible for the supervision of compliance by clerics assigned to the program. The Vicar for Clergy shall be primarily responsible for the pastoral and spiritual life concerns and treatment questions that require sensitivity to confidences. Treatment of those who have engaged

in the sexual abuse of minors is considered, in the light of the experience and research presently available, an ongoing and lifelong process.

#### **§1104.4.2 Application on Case-by-Case Basis**

**1104.4.2. Policy** The protocols, procedures and practices of the Prayer and Penance program shall be applied on a case-by-case basis but must include certain essential components. Implementation of each case shall be documented and retained in the appropriate file by the Director of Investigations.

##### *Procedures*

The essential components of supervision may include, but not necessarily be limited to:

- (1) report to the Archbishop and the Review Board on a regular basis for each cleric under supervision;
- (2) a written protocol signed by the cleric which sets forth the particulars applicable to him and his promise to abide by all such restrictions and conditions.
- (3) restriction from being alone with anyone under the age of 18;
- (4) withdrawal of all archdiocesan canonical faculties, as well as a penal precept admonishing him not to celebrate Mass or the sacraments publicly, not to wear clerical garb and not to present himself as a priest;
- (5) periodic psychological and physical evaluations;
- (6) regular individual spiritual direction, as well as a commitment to prayer for victims of sexual abuse;
- (7) where appropriate, conditions shall be imposed (including a total ban) on the use of the Internet, cellular telephones, and computers;
- (8) full communication with program Directors and others as appropriate in the cleric's residence in order that they are apprised and able to assist in the program; and
- (9) an annual meeting of the cleric, the Program Director and the Vicar for Clergy to review the protocols of the particular supervision program.

#### **§1104.4.3 Failure to Cooperate**

**1104.4.3. Policy** Failure to cooperate with a protocol, procedure or practice of the supervision program shall result in an appropriate consequence, which may be canonical, financial or otherwise.

## **§1105 PERSONNEL RECORDS**

*Section §1105 Archdiocese of Philadelphia Unified Priest Personnel Record Keeping Policies requires the Archdiocese to maintain a unified priest personnel record keeping system to enable accountability for the assignments and full ministerial record of a priest. The policies similarly apply to the Permanent Deacons of the Archdiocese of Philadelphia. Under the unified system, the record of a cleric shall commence upon his entry into training and is maintained throughout his career. In the event of an allegation of sexual abuse of a minor, all files, information and records pertaining to the accused cleric are subject to review.*

### **§1105.1 Status of Files, Information and Records**

**1105.1. Policy** All files, records and information generated in connection with an investigation shall be considered strictly confidential and accessible only to those who have a need to know; disclosure shall be made only in accord with Archdiocesan policies and Canon Law (e.g., Canon 489, §1). In the event of an allegation of sexual abuse of a minor, all investigative and Review Board files and records shall be retained by the Director of Investigations in a secure facility accessed only by the Director and staff of the Office of Investigations. Only the Director shall have the authority to release said files and records only to those who can demonstrate a need to know and shall be the person, with the aid and advice of counsel, to respond to any subpoena that may be issued for the said files and records by the civil law authorities.

#### *Procedure*

All requests for investigative and Review Board records must be made in writing to the Director of Investigations.

### **§1105.2 Funding, Staff and Facilities**

**1105.2 Policy** The Archdiocese shall provide sufficient funding, staff and facilities to assure the effective implementation of the programs established by these provisions.

### **§1105.3 Review and Amendment**

**1105.3. Policy** The Review Board established in §1103, shall periodically review these policies and procedures and make any recommendations for amendment to the Archbishop. The Archbishop may amend these policies and procedures at any time upon the recommendation of the Review Board or on his own initiative. (Cf. *USCCB Essential Norms*, #4.B) (*see USCCB Charter and Norms*).

**§1106 Securing Copies of the Archdiocese's Policies For Protection Of Children And Young People**

**1106.1. Policy.** Printed copies of the these policies are available in writing by writing to: Office for Child and Youth Protection, Archdiocese of Philadelphia, 222 North 17th Street, Philadelphia, PA 19103-1299.

**APPENDIX A**

**SUPPORT AND ASSISTANCE FOR OUTPATIENT  
COUNSELING SERVICES**

**Archdiocese of Philadelphia**

**Outpatient Counseling Services**

The Archdiocese of Philadelphia is dedicated to reaching out to victims of child abuse with a sincere commitment to their emotional and spiritual well-being. The Victim Assistance Program provides support and assistance for access to mental health services for adults and for children who were abused as minors by a Church Personnel in the Archdiocese of Philadelphia. The information below provides an outline of the process to obtain mental health services. Any questions should be addressed to the Victim Assistance Coordinator of the Archdiocese of Philadelphia at the address or telephone number listed below.

**Summary of Procedures**

1. To be eligible for reimbursement for licensed therapeutic expenses, the sexual abuse must have been perpetrated upon a minor by a Church employee, teacher, principal, or volunteer while performing Archdiocesan related duties, or by a member of the clergy of the Archdiocese of Philadelphia at the time of the offense.
2. Eligible individuals must seek treatment from a licensed therapist of their own choice. Upon request, the Victim Assistance Coordinator is available to provide a list of licensed therapists for the person's consideration.
3. All therapy that meets the eligibility requirements will be approved for an initial consultation. The licensed therapist shall recommend a course of treatment deemed appropriate to last up to than six months, with approved renewals possible in six-month increments, at a rate to be agreed upon between the therapist and the Victim Assistance Program. Upon approval by the Victim Assistance Program, all therapeutic charges will either be paid directly to the therapist by the Archdiocese or the Archdiocese will reimburse the person who paid the therapist directly upon proof of payment.
4. You are requested but not required to utilize private insurance for payment of these services.
5. If you choose to utilize private insurance, you can receive reimbursement for the portion not covered by your insurance for approval of expenses during the treatment period

previously approved. You must submit an invoice that reflects the amount you have paid as co-payment or out-of-pocket expense for services rendered.

6. If you choose not to use your private insurance, all invoices for services must be submitted by the therapist to the Victim Assistance Program and payment will be made directly to the therapist provided the therapist and all charges have been previously approved. Your therapist must submit invoices to the Victim Assistance Coordinator on a monthly or quarterly basis.

7. The Archdiocese does not pay for missed or cancelled appointments. Please review the mental health service provider's policy for cancelling appointments.

### **Outpatient Counseling - Related Expenses**

1. Psychotropic medications related to mental health treatment are reimbursable with an itemized receipt.

2. Psychiatric services are reimbursed in the same manner as those outlined for providers in the above Summary.

3. Mileage reimbursement and other reasonable transportation expenses, such as taxi, bus, or train, which are related to attending therapy sessions are payable upon receipt of the invoice from the therapist (receipts must be provided for taxi or train rides). Arrangement for payment of these travel expenses must be discussed with the Victim Assistance Coordinator.

4. Childcare expenses up to \$10.00 an hour for one child and \$15.00 an hour for more than one child are reimbursable for childcare expenses related to attending therapy sessions. Arrangement for payment of child care expenses must be discussed with the Victim Assistance Coordinator.

All bills should be sent to:  
Victim Assistance Program  
Archdiocese of Philadelphia  
222 North 17th Street  
Philadelphia, PA 19103  
Fax (215) 587-3711  
E-mail: [philavac@archphila.org](mailto:philavac@archphila.org)

## **APPENDIX B**

### **PROCEDURES FOR OBTAINING CRIMINAL BACKGROUND CHECKS**

#### **Archdiocese of Philadelphia**

##### Requirements

The term “Church Personnel” includes any priest, religious, deacon, pastoral minister, employee, school employee, parish employee, contract employee, as well as volunteers who may have any possible contact with children or responsibility for children in the course of their work with the Archdiocese. This includes, in the Archdiocese of Philadelphia any individual 14 years of age or older applying for or in a paid position as an employee responsible the welfare of a child or having direct contact with children.<sup>4</sup> All Church Personnel are required to undergo criminal and child abuse background checks as set forth below. The steps to follow are set forth below. Upon obtaining the results of any background check that contains reports of any convictions for any offense listed below, that person is not eligible for hire or for retention.

Church Personnel (except volunteers which are outlined below) must undergo a (i) Pennsylvania State Police Request for Criminal Record Check, and (ii) a Pennsylvania Department of Public Welfare Child Abuse History Clearance, and (iii) an FBI fingerprint check. These background checks must be obtained every 5 years from the date of the last background check.

Minors (an individual 14 to 17 years of age) who apply for or hold a paid position as an employee who may have contact with or responsibility for children in any setting are required to undergo (i) a Pennsylvania State Police Request for Criminal Record Check and (ii) a Pennsylvania Department of Public Welfare Child Abuse History Clearance prior to approval as an employee.

Minors must also obtain an FBI fingerprint check unless all of the following conditions are met:

- The individual has been a Pennsylvania resident for the entirety of the previous 10 years.
- If the individual has not been a Pennsylvania resident during the entirety of the previous 10-year period but has received and provided a FBI fingerprint check.
- The individual and the individual’s parent or legal guardian swears or affirms in writing that the individual has not been convicted of any of the crimes or equivalent crimes in any other jurisdiction listed under the Child Protective Services Law that would disqualify an individual from employment involving contact with children.

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<sup>4</sup> Additionally, all Archdiocesan school employees are subject to background checks in compliance with other applicable state laws.

- All applicable background checks for minors must be obtained every 5 years from the date of the last background check.

All unpaid adult volunteers who may have contact with or responsibility for children in any setting are required to undergo (i) a Pennsylvania State Police Request for Criminal Record Check and (ii) a Pennsylvania Department of Public Welfare Child Abuse History Clearance prior to approval as a volunteer.

All adult volunteers must also obtain an FBI fingerprint check unless all of the following conditions are met:

- The position is unpaid.
- The individual has been a Pennsylvania resident for the entirety of the previous 10 years.
- If the individual has not been a Pennsylvania resident during the entirety of the previous 10-year period but has received and provided a FBI fingerprint check.
- The individual swears or affirms in writing that s/he has not been convicted of any of the crimes or equivalent crimes in any other jurisdiction listed under the Child Protective Services Law that would disqualify an individual from employment involving contact with children.

All applicable background checks for adult volunteers must be obtained every 5 years from the date of the last background check.

#### Grounds for Denying Employment or Volunteer Approval

Current and/or Prospective Church Personnel (both paid and unpaid) whose Pennsylvania Department of Public Welfare Child Abuse History Clearance reports that the applicant is listed in the Statewide database as a perpetrator of an indicated or founded report committed within the five-year period immediately preceding the report shall be immediately removed and subject to termination.

Current and/or Prospective Church Personnel (both paid and unpaid) shall not be hired, approved for service as a volunteer, or continue employment or volunteered service where the report of criminal history record information indicates that he/she has been convicted of any of the following offenses (each, an “Enumerated Offense”)<sup>5</sup>:

- An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes (enumerated offenses):
  - Chapter 25 (relating to criminal homicide).
  - Section 2702 (relating to aggravated assault).
  - Section 2709.1 (relating to stalking).
  - Section 2901 (relating to kidnapping).

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<sup>5</sup> Act 24 of 2011 24 PS 1-111 AS AMENDED

- 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).
- An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64) known as “The Controlled Substance, Drug Device and Cosmetic Act.”
  - An offense similar in nature to those crimes listed in clauses (1) and (2) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.
  - If the report of criminal history record information indicates the person has been convicted of a felony offense of the first, second or third degree other than those enumerated under subsection (e), the person shall be eligible for prospective employment only if a period of ten years has elapsed from the date of expiration of the sentence for the offense.
  - If the report of criminal history record information indicates the person has been convicted of a misdemeanor of the first degree, the person shall be eligible for prospective employment only if a period of five years from the date of expiration of the sentence for the offense.
  - If the report of criminal history record information indicates the person has been convicted more than once for an offense under 75 Pa.C.S. § 3802(a), (b), (c) or (d)

(relating to driving under the influence of alcohol or controlled substance) and the offense is graded as a misdemeanor of the first degree under 75 Pa.C.S. § 3803 (relating to grading), the person shall be eligible for prospective employment if only a period of three years has elapsed from the date of expiration of the sentence for the most recent offense.

### Continuing Obligations

Church Personnel (both paid and unpaid) who are subject to the background check requirements in the Child Protective Services Law must notify her/his employer or administrator in writing within 72 hours after her/his arrest or conviction for an Enumerated Offense or her/his notification of listing as a perpetrator of child abuse in the Statewide database.

The employer or administrator who is responsible for hiring or the approval of volunteers must demand that Church Personnel produce new background clearances if the administrator has a reasonable belief that the employee or volunteer has been arrested for or convicted of a crime that would require disqualification from employment or approval as a volunteer involving contact with children, or has been named as the subject of an indicated or founded report of child abuse.

### Provisional Employees or Volunteers

Ideally all Church Personnel should have reports in place before providing service. Prospective Church Personnel hired on a provisional basis (where permitted by law) while the background checks are being processed shall be screened as follows:

Prospective Church Personnel for paid positions may work on a provisional basis for no more than 90 days from the time employment is commenced while the Pennsylvania State Police, the Department of Public Welfare, and/or the FBI are processing the background checks. If the required reports are not obtained within this time, the provisional Church Personnel must be removed immediately. Church Personnel are to cooperate fully in the process of obtaining the necessary reports.

The provisional Church Personnel for paid positions can only begin working while the background checks are being processed if the following conditions are met:

- (1) The provisional Church Personnel has applied for the background information required has provided copies of the appropriate completed request forms to the appropriate administrator;
- (2) The appropriate administrator has no knowledge of information pertaining to the provisional Church Personnel that would disqualify him or her from employment;

(3) The provisional Church Personnel swears or affirms in writing that s/he is not disqualified from employment any reason set forth in section 6344(c) of the Pennsylvania Child Protective Services Law or any similar laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth;

(4) The provisional Church Personnel shall not be permitted to work alone with children and must always work in the immediate vicinity of a permanent employee.

Prospective Church Personnel for volunteer positions who reside in another state or country may work on a provisional basis for no more than 30 days while the Pennsylvania State Police, the Department of Public Welfare, and/or the FBI are processing the background checks, so long as they provide clearances from their state or country of residence.

If the reports state the provisional Church Personnel is the perpetrator of an Enumerated Offense, he or she must be removed immediately and terminated.

#### Definitions

For purposes of the Background Checks Policy, the following are definitions for terms used herein:

**Enumerated Offenses means** any offense set forth in section 6344(c) of the Pennsylvania Child Protective Services Law. Act 24 of 2011 24 PS 1-111 AS AMENDED

**Archdiocese means** the Roman Catholic Archdiocese of Philadelphia, including parishes, schools, agencies and institutions that are directly accountable to the Ordinary of Philadelphia.

**Child or Children means** all persons under the age of eighteen.

**Direct contact with children means** the care, supervision, guidance or control of children, or routine interaction with children.

To implement the "Background Checks Policy," all priests, deacons, religious, pastoral ministers, principals, teachers, administrators, staff and volunteers in the Archdiocese of Philadelphia are required to undergo criminal and child abuse background checks. All such individuals are considered Church Personnel for purposes of the Background Check Policy and these procedures.

## **1. Who is Responsible for Administering the Process of Obtaining Background Check Reports?**

### ***Priests, Deacons, and Members of Religious Orders***

The Office of the Vicar for Clergy, the Office of the Vicar for Religious, and the Office of the Director of Deacons, shall be responsible for administering the process of securing the required background checks for all priests, deacons, and religious men and women serving the Archdiocese.

### ***Parish and School Personnel and Volunteers***

Each parish pastor, with the assistance of the principal for parish school-related personnel and volunteers, shall be responsible for administering the process of securing the required background checks for all parish personnel and volunteers who may have any possible contact with or responsibility for children, including all lay school personnel, teachers, principals, coaches, classroom volunteers, parish youth program personnel and volunteers, and CCD program personnel and volunteers.

### ***Archdiocesan Office Staff***

The Human Resources Offices shall be responsible for administering the process of securing the required background checks for all Archdiocesan Office Center and related site personnel and volunteers as required by policy.

### ***Secondary Schools***

The Office of Catholic Education shall be responsible for administering the process of securing the required background checks for all school personnel, including but not limited to teachers, principals, coaches and classroom volunteers who may have any possible contact with or responsibility for children.

### ***Newman Apostolate***

The pastor of the parish where the Newman Apostolate is located is responsible for administering the process of securing the required background checks for all Newman Apostolate personnel and volunteers who may have any possible contact with or responsibility for children.

### ***Catholic Social Services and Catholic Health Care Services***

The Secretariat for Catholic Human Services shall be responsible for administering the process of securing the required background checks for all Catholic Social Services and Catholic Healthcare Services personnel and volunteers who may have any possible contact with or responsibility for children.

In cases where non-parish or non-Archdiocesan personnel and staff who may have any possible contact with or responsibility for children are routinely on site in connection with parish or Archdiocesan-related activities, the persons and offices responsible for obtaining reports are also required to obtain copies of the required reports from the employer of such individuals.

Copies of background check reports for priests, deacons, and members of religious orders serving in the Archdiocese can be obtained from the Office of the Secretary for Vicar for Clergy, the Office of the Vicar for Religious, or from the Office of the Director for Deacons.

## **2. Which Background Check Reports Must Be Obtained?**

All Clergy, Parish staff, Archdiocesan Pastoral Center Staff, school staff and any individuals 14 years of age or older applying for or in a paid position as an employee responsible for the welfare of a child or having direct contact with children are required to undergo a (i) Pennsylvania State Police Request for Criminal Record Check and (ii) a Pennsylvania Department of Public Welfare Child Abuse History Clearance and an (iii) FBI fingerprint check. These background checks must be obtained every 5 years from the date of the last background check.

All unpaid adult volunteers who may have contact with or responsibility for children in any setting are required to undergo (i) a Pennsylvania State Police Request for Criminal Record Check and (ii) a Pennsylvania Department of Public Welfare Child Abuse History Clearance prior to approval as a volunteer.

All adult volunteers must also obtain an FBI fingerprint check unless all of the following conditions are met:

- The position is unpaid.
- The individual has been a Pennsylvania resident for the entirety of the previous 10 years.
- If the individual has not been a Pennsylvania resident during the entirety of the previous 10-year period but has received and provided a FBI fingerprint check.
- The individual swears or affirms in writing that s/he has not been convicted of any of the crimes or equivalent crimes in any other jurisdiction listed under the Child Protective Services Law that would disqualify an individual from employment involving contact with children.

All applicable background checks for adult volunteers must be obtained every 5 years from the date of the last background check.

Minors (an individual 14 to 17 years of age) who apply for or hold a paid position as an employee who may have contact with or responsibility for children in any setting are required to undergo (i) a Pennsylvania State Police Request for Criminal Record Check and (ii) a Pennsylvania Department of Public Welfare Child Abuse History Clearance prior to approval as an employee.

Minors must also obtain an FBI fingerprint check unless all of the following conditions are met:

- The individual has been a Pennsylvania resident for the entirety of the previous 10 years.
- If the individual has not been a Pennsylvania resident during the entirety of the previous 10-year period but has received and provided a FBI fingerprint check.
- The individual and the individual's parent or legal guardian swears or affirms in writing that the individual has not been convicted of any of the crimes or equivalent crimes in any other jurisdiction listed under the Child Protective Services Law that would disqualify an individual from employment involving contact with children.

All applicable background checks for minors must be obtained every 5 years from the date of the last background check.

### **3. How Do Church Personnel Obtain the Required Reports?**

Further information to obtain the required background clearances as well as links to the websites for the Department of Human Services, Pennsylvania State Police and FBI Fingerprint checks can be accessed by visiting the Office for Child and Youth Protection's website at [www.chilyouthprotection.org](http://www.chilyouthprotection.org) under "checks and clearances".

The Pennsylvania State Police Criminal History Background Check and the Department of Human Services Child Abuse Clearance check can be obtained expeditiously online.

For currently working personnel, the cost for obtaining these reports should be borne by the parish, school, or applicable office of the Archdiocese to whom the personnel report.

The costs for renewed reports required by the Policy every five years should also be borne by the parish, school, or applicable Archdiocesan office overseeing the personnel and volunteers.

All new personnel who are hired after the Policy and these Procedures are implemented should pay for the out-of-pocket costs paid to secure the background check.

In the case of volunteers, the parish, school, or applicable Archdiocesan office may wish to bear the cost of obtaining all such reports.

### **4. What Steps Do I Take To Comply With The Policy?**

First and foremost, you are to review the reports to determine whether the reports reflect any Enumerated Offenses, Felony, and/or Misdemeanor offenses as described in the Policy. When a report contains any of these convictions you are to act on it in accordance with the Policy.

Church Personnel whose records indicate that the person is named in the Statewide database as a perpetrator of an indicated or founded report as outlined in the Policy they shall be immediately removed and subject to termination .

Prospective Church Personnel whose background checks states that the person is named in the Statewide database as a perpetrator of an indicated or founded report as outlined in the Policy shall not be hired or retained.

If there are any questions about your required course of action and any related questions, contact the Human Resources Office (215) 587-3910 for guidance.

All background check reports of personnel and volunteers are to be maintained in your central office indefinitely. This procedure includes keeping reports that have been superseded by newer reports. The reports should be kept as confidential records and should not be released to anyone who has no reason to know their contents.

To assist in maintaining the accuracy and timeliness of all records and to ensure compliance with Safe Environment requirements, all Archdiocese of Philadelphia parishes and schools will be required to enter all of their information regarding criminal background checks into the Safe Environment Online database (SEO) maintained by the Archdiocese of Philadelphia. Use of the online safe environment database is mandatory for all parishes and schools within the Archdiocese of Philadelphia. SEO assists in tracking when new reports must be obtained under the Policy i.e. must be renewed every five (5) years for every person required to have these reports. SEO also serves as a master list of personnel and volunteers providing service to you.

Each parish, school, and youth serving ministry shall follow these record keeping steps:

- (i) Identify a Safe Environment Coordinator (SEC) who will be responsible for maintaining these records, and review with your staff these Procedures.
- (ii) Check all current records for personnel and volunteers who have contact with children to determine what background check reports exist.
- (iii) For such personnel and volunteers who have the required background check reports and those reports are less than five (5) years old, no new reports are required until five (5) years from the date of the existing reports.
- (iv) For such personnel and volunteers who do not have the required background check reports, or in cases where the required reports are over five (5) years old, new reports are required.
- (v) New reports are to be obtained every five (5) years from the date of the existing reports.
- (vi) Create and maintain a master list of all personnel and volunteers in SEO;
- (vii) Identify on the list all personnel and volunteers who have contact with children in the course of their work;

- (viii) For personnel and volunteers who have contact with children in the course of their work, determine which reports you possess, and note the dates of the reports on the list;
- (ix) Train your staff to track which personnel and volunteers are required to obtain renewed reports;
- (x) Retain copies of all reports, even ones that are superseded by renewed reports, in personnel files.

**APPENDIX C**

**CLERIC'S CERTIFICATION OF RECEIPT OF POLICIES**

**Archdiocese of Philadelphia**

I hereby certify that I have received, read and understand the Archdiocese of Philadelphia's Policies for the Protection of Children and Young Children ("Policies"). I agree to abide by all these Policies. If I am a priest or other cleric, and violate these Policies, I understand that I will be barred from future ministry. If I am a teacher, principal, employee, or volunteer who has violated these Policies, I understand that the Archdiocese of Philadelphia will take disciplinary action in its sole voluntary discretion, up to and including termination of employment or volunteering. In all cases involving suspected child abuse, I understand that law enforcement authorities will be promptly notified.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Printed Name*

**APPENDIX D**

**EXTERN PRIEST OR RELIGIOUS CLERIC APPLICATION FORM**

**Archdiocese of Philadelphia**

(PLEASE TYPE OR WRITE LEGIBLY):

DATE OF BIRTH \_\_\_\_\_

PLACE OF BIRTH \_\_\_\_\_

COUNTRY OF BIRTH \_\_\_\_\_

**BASIC INFORMATION:**

Name: \_\_\_\_\_ Ordination date: \_\_\_\_\_  
Last First Middle

Religious Community or Diocese of Incardination: \_\_\_\_\_

Country of Incardination: \_\_\_\_\_ Nationality: \_\_\_\_\_

Name of Ordaining Bishop: \_\_\_\_\_

Present Assignment: \_\_\_\_\_

Address: \_\_\_\_\_  
Number Street City State Zip Country

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Cellular Telephone: \_\_\_\_\_ What is your immigration status? \_\_\_\_\_

Visa classification? \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Visa Number: \_\_\_\_\_

(Please circle) Driver's License or State ID#: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Are you legally eligible for employment in the United States: \_\_\_\_\_ Social Security #: \_\_\_\_\_  
*(If you have not already provided copies of your immigration documents, please make a copy of each document and forward them with this application.)*

Please check type of placement requested:

- Full-time parish work
- Hospital ministry
- Part-time parish assistance as a student resident while attending classes at \_\_\_\_\_
- Weekend Mass assistance only (without residence).
- Other: \_\_\_\_\_

Date of expected arrival: \_\_\_\_\_ Date of departure: \_\_\_\_\_

Languages spoken: 1) \_\_\_\_\_ Able to say Mass fluently?\_\_ to preach?\_\_  
2) \_\_\_\_\_ Able to say Mass fluently?\_\_ to preach?\_\_  
3) \_\_\_\_\_ Able to say Mass fluently?\_\_ to preach?\_\_

Please describe your purpose in coming to the Archdiocese of Philadelphia:

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List any special skills you have which you would like to use in the parish:

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Do you have any condition, physical or other, that might affect your performance as a priest or your living situation?\_ If yes, please explain: \_\_\_\_\_

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**EDUCATION:**

Name of Institution/School	Address/Country	From (Mo/Yr)	To (Mo/Yr)	Field of Study	Degree (Date/Title)
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**PREVIOUS ASSIGNMENTS:**

<u>Position/Title</u>	<u>Address/Country</u>	<u>From</u>	<u>To</u>

Please describe your areas of involvement or experience in parish ministry: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please describe your training and/or accreditation for hospital ministry: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the information provided in this application is true, correct and complete to the best of my knowledge. I also give the Archdiocese of Philadelphia permission to verify any of the information provided in this application and authorize previous and current employers and other organizations to release all relevant records and information.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

PLEASE NOTE: In addition, you are asked to provide a letter from your Abbot, Provincial/Superior, or Diocesan Bishop indicating your current status, permission for your placement here, the length of time for such permission, an assessment of your skills and abilities, and a description of any other special consideration pertaining to your stay here in accord with our Extern Policies. Your Abbot, Provincial, or Diocesan Bishop must also provide a letter testifying to your fitness for ministry as specified in the Extern Policies. Please contact the Office for Externs and International Priests at 312-534-8212 if you have any questions pertaining to this or any other information.

Please return this form and all requested documents to:

Vicar for Clergy  
Archdiocese of Philadelphia  
222 North 17th Street  
Philadelphia, PA 19103-1299

## APPENDIX E

### SAMPLE STATEMENT OF SUITABILITY FOR MINISTRY OF A RELIGIOUS PRIEST OR EXTERN PRIEST FOR A STABLE ASSIGNMENT

#### Archdiocese of Philadelphia

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[(Arch) bishop/Eparch's NAME]

[Address]

Dear (Arch) Bishop [NAME]:

Under the Guidelines proposed by the United States Conference of Catholic Bishops, Conference of Major Superiors of Men, Leadership Conference of Women Religious and Council of Major Superiors of Women Religious (NCCB, November 1993) and the policies of this (**religious institute**) ([arch]diocese), I write to certify the suitability of [NAME] as a member of this (**religious institute**) ([arch]diocese) in good standing in accord with the principles set forth in *Multuae Relationes* (Rome, May 14, 1978).

Specifically, I write to inform you that I have proposed a member of (**our Province**)([arch]diocese), Reverend [NAME], to the [PLACE], effective [DATE], as [ASSIGNMENT].

[NAME] was born on [DATE], made his Final Profession on [DATE], and was ordained to the Priesthood on [DATE]. [Include information such as DATES OF PREVIOUS ASSIGNMENTS, RELEVANT INFORMATION, AND SPECIAL SKILLS HERE.]

I am able to the best of my ability to assure you that [NAME] is a person of good moral character and reputation and is qualified to serve in an effective and suitable manner in your diocese. In addition, also based on inquiry and to the best of my knowledge, and in light of the provisions of can. 903 CIC and can. 703 § CCEO, I can assure you that nothing in his background in any way would limit or disqualify him from his assignment.

I am unaware of anything in his background which would render him unsuitable to work with minor children. [NAME] has completed training in an educational program, a diocesan and/or the SMSM Instruments of Hope and Healing – Safeguarding Children and Youth People program, conducted by Praesidium Religious Services, [GIVE DATES OF ATTENDANCE], which is in accord with the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Minors by Priests and Deacons (USCCB 2006).

Therefore, I respectfully ask that the priestly faculties of the [NAME OF [ARCH]DIOCESE OR EPARCHY] be granted to [NAME], effective [DATE], and for the duration of his assignment to [PLACE]. Be assured of my prayers for you during this time.

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Name of the Major Superior or Ordinary

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[TITLE]

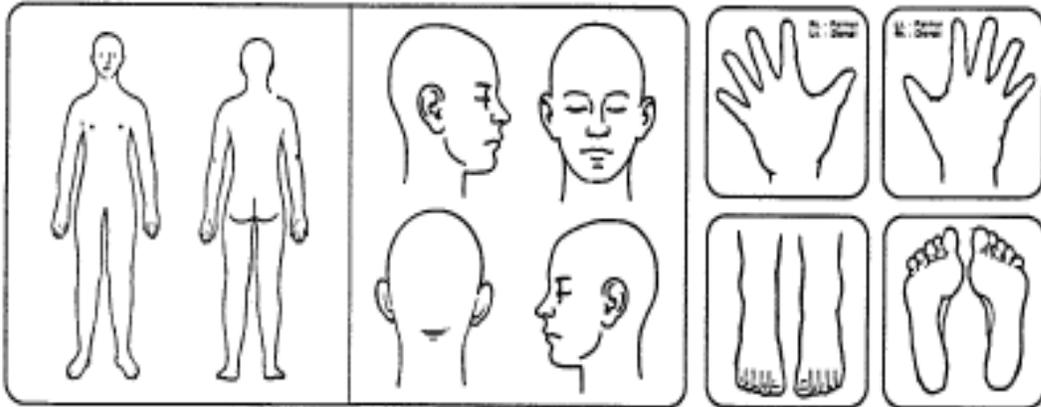
Effective \_\_\_\_\_ through \_\_\_\_\_

# APPENDIX F

## REPORT OF SUSPECTED CHILD ABUSE (CHILD PROTECTIVE SERVICE LAW - TITLE 23 PA CSA CHAPTER 63)

PLEASE REFER TO INSTRUCTIONS ON REVERSE SIDE. EXCEPT FOR SIGNATURE, PLEASE PRINT OR TYPE

1. NAME OF CHILD (Last, First, Initial)		SOC. SEC. NO.	BIRTHDATE	SEX <input type="checkbox"/> M <input type="checkbox"/> F
ADDRESS (Street, City, State & Zip Code)			COUNTY	
1A. PRESENT LOCATION IF DIFFERENT THAN ABOVE			COUNTY	
2. BIOLOGICAL/ADOPTIVE MOTHER (Last, First, Initial)		SOC. SEC. NO.	BIRTHDATE	TELEPHONE NO.
ADDRESS (Street, City, State & Zip Code)			COUNTY	
3. BIOLOGICAL/ADOPTIVE FATHER (Last, First, Initial)		SOC. SEC. NO.	BIRTHDATE	TELEPHONE NO.
ADDRESS (Street, City, State & Zip Code)			COUNTY	
4. OTHER PERSON RESPONSIBLE FOR CHILD		SOC. SEC. NO.	BIRTHDATE	RELATIONSHIP TO CHILD
ADDRESS (Street, City, State & Zip Code)		COUNTY		SEX <input type="checkbox"/> M <input type="checkbox"/> F
5. ALLEGED PERPETRATOR (Last, First, Initial)		SOC. SEC. NO.	BIRTHDATE	RELATIONSHIP TO CHILD
ADDRESS (Street, City, State & Zip Code)		COUNTY		SEX <input type="checkbox"/> M <input type="checkbox"/> F
6. FAMILY HOUSEHOLD COMPOSITION (Excluding Above)		RELATIONSHIP TO CHILD	NAME (Last, First, Initial)	
NAME (Last, First, Initial)		NAME (Last, First, Initial)		RELATIONSHIP TO CHILD
A.		D.		
B.		E.		
C.		F.		
DESCRIBE INJURY/CONDITION AND WHY YOU SUSPECT ABUSE/NEGLECT. INCLUDE EVIDENCE OF PRIOR ABUSE TO THIS CHILD, SIBLING OR PERPETRATOR. PLEASE REFER TO OPPOSITE SIDE FOR ADDITIONAL INFORMATION. PLEASE NOTE EXACT LOCATION OF THE INJURY(S) ON MODEL BELOW.			COUNTY WHERE ABUSE OCCURRED	DATE OF INCIDENT



018166

CY 47 - 0198

<b>7. ACTIONS TAKEN OR ABOUT TO BE TAKEN BY REPORTER, COUNTY AGENCY, LAW ENFORCEMENT, SCHOOL OFFICIAL, OR OTHERS</b>	
<input type="checkbox"/> NOTIFICATION OF CORONER	<input type="checkbox"/> X-RAYS
<input type="checkbox"/> PHOTOGRAPHS	<input type="checkbox"/> HOSPITALIZATION
<input type="checkbox"/> POLICE NOTIFIED	<input type="checkbox"/> MEDICAL EXAMINATION
<input type="checkbox"/> EMERGENCY CUSTODY TAKEN	<input type="checkbox"/> OTHER Specify: _____
<b>8. RISK FACTORS, CHILD</b>	
A. DESCRIBE ANY PHYSICAL, MENTAL OR BEHAVIORAL FACTORS THAT MAY PLACE THE CHILD AT RISK <input type="checkbox"/> UNKNOWN	
B. DOES THE CHILD APPEAR TO NEED IMMEDIATE MEDICAL ATTENTION? <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES IF YES, PLEASE EXPLAIN	
C. LEVEL OF PAIN CHILD EXHIBITS <input type="checkbox"/> MILD <input type="checkbox"/> MODERATE <input type="checkbox"/> SEVERE PLEASE DESCRIBE:	
D. DOES THE CHILD APPEAR TO BE FEARFUL, SUICIDAL OR WITHDRAWN? IF YES, PLEASE EXPLAIN <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES	
<b>9. RISK FACTORS, FAMILY</b>	
A. DESCRIBE ANY CARETAKER/PERPETRATOR CHARACTERISTICS THAT PLACE THE CHILD AT RISK <input type="checkbox"/> UNKNOWN	
B. DESCRIBE THE EXTENT OF PERPETRATOR'S ACCESS TO CHILD <input type="checkbox"/> UNKNOWN	
C. IS THERE ANY SUBSTANCE ABUSE IN THE HOUSEHOLD? <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES	IF YES, PLEASE EXPLAIN
D. DOES THE CARETAKER/PERPETRATOR HAVE A HISTORY OF VIOLENCE OR SEVERE EMOTIONAL PROBLEMS? IF YES, PLEASE EXPLAIN <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES	
E. WHAT IS THE ENVIRONMENTAL HEALTH AND SAFETY CONDITION OF THE HOME? <input type="checkbox"/> UNKNOWN	
F. WILL CHILD BE AT RISK DUE TO COUNTY AGENCY INVOLVEMENT? <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES IF YES, PLEASE EXPLAIN	
G. ARE THERE WEAPONS IN THE HOME? IF YES, PLEASE EXPLAIN <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> YES	

**INSTRUCTIONS TO MANDATED PERSONS:** Any persons who, in the course of their employment, occupation, or practice of their profession come into contact with children shall report or cause a report to be made to ChildLine (800-932-0313) when they have reasonable cause to suspect, on the basis of their medical, professional or other training and experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Within 48 hours after making the oral report, send one copy of this report to the county children and youth agency.

**NOTE:** If the child has been taken into custody, you must also immediately contact the county children and youth agency where the abuse occurred. Except for confidential communications made to an ordained member of the clergy, the privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report suspected abuse.

REPORTING SOURCE			
SIGNATURE	TITLE OR RELATIONSHIP TO CHILD	FACILITY OR ORGANIZATION	
ADDRESS	TELEPHONE NUMBER	DATE OF REPORT	

## **APPENDIX G**

# **Standards of Ministerial Behavior and Boundaries For All Priests, Deacons, Religious, Pastoral Ministers, Principals, Teachers, Employees, and Volunteers in the Archdiocese of Philadelphia Who Come in Contact with Children and Young People**

### **I. Introduction**

The Standards of Ministerial Behavior and Boundaries (the "Standards of Ministerial Behavior" or "the Standards") are applicable to all church personnel. These Standards are intended to provide clear standards of behavior and, in particular, a blueprint for the boundaries of appropriate behavior in all interactions with children and young people.

### **II. Definitions**

For purposes of the Standards of Ministerial Behavior and Boundaries only, the following are definitions for terms used herein.

Child Abuse means any form of negligent, reckless, intentional or malicious infliction of injury to a child's physical, moral or mental wellbeing.

Sexual Abuse means contacts or interactions between a child and an adult where the child is being exploited or used as an object of sexual gratification for the adult.

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other communication (oral or written, including electronic mail) or physical behavior of a sexual nature. There are three categories. One type occurs when submitting to this type of behavior or conduct is implicitly or explicitly made a term of employment. Another type is when submitting or refusing to submit to this conduct is used as a basis for any decision affecting an individual's employment. The third type is behavior or conduct that creates a hostile environment.

Archdiocese means the Roman Catholic Archdiocese of Philadelphia, including parishes, schools, agencies, ministries and institutions which are directly accountable to the Ordinary of Philadelphia.

Church Personnel means any priest, religious, deacon, pastoral minister, administrator, employee or volunteer working on behalf of the Archdiocese or applying to work for the Archdiocese, as defined above, who has or will have contact with children, as defined in the course of his or her duties for the Archdiocese.

Child or Children means all persons under the age of eighteen or special education adults.

Child Abuse Reporting – **anyone in the Archdiocese of Philadelphia who knows there is reason to suspect child abuse has a duty to report the suspected abuse by calling the Pennsylvania Child Abuse Hotline 1-800-932-0313. In addition, all child abuse pro forma reports must be followed up in writing within 48 hours of the report. See [Appendix F](#) in the Policies for the written report form.**

### **III. Responsibility**

The public and private conduct of Church Personnel can inspire and motivate people, but it can also scandalize and undermine the people's faith. Church Personnel must, at all times, be aware of the responsibilities that can accompany their work. They must also know that God's goodness and grace support them in their ministry.

Responsibility for adherence to these Standards of Ministerial Behavior rests with the individual. Church Personnel who disregard the Standards will be subject to remedial or disciplinary action by the Archdiocese. Corrective action may take various forms, including but not limited to a verbal reproach, termination of employment, removal from the ministry, or other remedial action, depending on the specific nature and circumstances of the offense and the extent of the harm.

### **IV. Pastoral Standards**

#### **1. Conduct for Pastoral Counselors and Spiritual Directors**

As used in this section, Pastoral Counselors and Spiritual Directors refers to priests, deacons, seminarians, church personnel, and volunteers who provide formal or informal pastoral, or spiritual counseling services to individuals, families, or other groups.

Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.

Pastoral Counselors and Spiritual Directors:

- a. shall not step beyond their competence in pastoral or spiritual counseling and shall refer persons they counsel to other professionals when compelling after four sessions or involving issues beyond pastoral matters.
- b. are to carefully consider the possible consequences of pastoral counseling before entering into any pastoral counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, etc.).
- c. are not to audiotape or videotape sessions.
- d. are never to counsel anyone at a person's home.

e. are not to engage in any form of sexual conduct with the persons they counsel. This includes consensual sexual contact.

f. are not to engage in sexual conduct with any individual who is close to the persons they counsel such as a relative or friend of the person they counsel. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in any such intimate relationships.

g. are responsible for establishing and maintaining clear, appropriate boundaries in all pastoral counseling and pastoral or spiritual counseling-related relationships.

h. are to avoid physical contact of any kind (i.e., touching, hugging, holding hands) between themselves and the persons they counsel. Such actions can be misconstrued and should be avoided. Church Personnel should be mindful that not all members of the congregation are comfortable with physical touching and that hand-shake conduct should ordinarily suffice.

i. are to conduct pastoral counseling sessions in appropriate settings at appropriate times. Specifically, any meetings held in an office or room anywhere within a Archdiocesan facility shall always keep the door open for all to see who may be passing by and no curtains or shades shall be closed on any window in the room where counseling is occurring.

i. Pastoral or spiritual counseling sessions must take place in only the professional portion of the rectory or other Church facility. Sessions are never to be conducted in the private living quarters.

ii. Pastoral counseling sessions are not to be held in places or at times that would tend to cause confusion about the nature of the relationship for the person being counseled. Pastoral counseling sessions should be held in an appropriate professional setting and should be scheduled for normal business hours - ordinarily between the hours of 7:00 a.m. and 10:00 p.m.

j. are to maintain a written log solely of the times and places of each counseling session with each person being counseled.

k. as a general rule, no more than four pastoral counseling sessions shall occur before advising the individual to be seen by a licensed therapist of his or her choice.

l. Counseling Children. Counseling children presents additional considerations for Pastoral Counselors and Spiritual Directors.

i. Counseling of a minor must always take place in the public/professional areas of Church property. Counseling sessions are never to take place in private living areas or other non-public areas.

ii. The door to the room where the counseling session takes place should have a window or the door should be left open.

iii. If possible, another adult should be in close proximity during the counseling session.

iv. Unless the subject matter precludes it, the child's parent(s) or legal guardian should be present or aware of the session.

v. The relationship must always remain professional during the counseling sessions.

vi. If counseling entails more than two sessions, an evaluation of the matter is to be made with the child's parent(s) or guardian.

vii. The Pastoral Counselor and Spiritual Director need to assess regularly the relationship to determine whether the child is developing a personal/physical attraction to him or her. Such attractions need to be recognized and the child immediately referred to another Pastoral Counselor or Spiritual Director.

m. shall abide by the Archdiocese of Philadelphia's Policy on Pornography (*add link to pornography policy*).

## **2. Confidentiality**

Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction is to be held in the strictest confidence possible.

**These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure-even indirect disclosure-of information received through the confessional.**

a. At the initial meeting, Pastoral Counselors and Spiritual Directors are to discuss the nature of confidentiality and its limitations with each person in counseling.

b. Information obtained in the course of the pastoral counseling sessions is to be confidential, except for compelling professional reasons or as required by law.

i. If there is clear and imminent danger to the persons they counsel or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.

ii. Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.

c. Pastoral Counselors should keep minimal records of the content of sessions.

d. Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

e. While providing pastoral counseling to a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Pastoral Counselor or Spiritual Director is to:

- i. Attempt to secure written consent from the minor for the specific disclosure.
- ii. If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.

Consultation with the appropriate Church supervisory personnel is required before disclosure.

### **3. Conduct with Children**

Church Personnel working with children shall maintain an open and trustworthy relationship between the child and adult supervisors.

Church Personnel can and should develop a good rapport with minors. They must also be vigilant to avoid the type of contact with children that could raise questions about the appropriateness of the contact, or which may lead to negative comments about the contact by reasonable people. Church Personnel must not only refrain from inappropriate/improper contact with children, but also refrain from engaging in any action that could give the appearance of inappropriate/improper contact.

a. Church Personnel must always exercise the highest degree of care in all of their interactions with children.

- i. Children are not independent. When Church Personnel are with children, their parent(s) or guardian must always be explicitly informed of the child's location and the purpose of the interaction.

- ii. Federal, state or local laws may limit or prohibit children from engaging in certain work activities. Church personnel must always ensure that any activities in which they engage with children are not prohibited by labor laws. All children are required to obtain written permission from the child's parent(s) or guardian as a condition of employment.

- iii. Parishes may direct any inquiries regarding the employment of children to the Archdiocese's Office for Human Resources.

b. Professional attitudes must always be observed in all interactions with minors.

c. Church Personnel are to avoid any unnatural or emotional attachment that a minor may have for them. Such attachments need to be recognized, acknowledged and properly addressed. In some instances, it may be necessary to terminate further contact with the child.

d. Church Personnel must always be aware of the "power" of their role/position and be aware of the phenomenon of transference.

e. When meeting with a minor, Church personnel should, whenever possible, have another adult present or nearby.

f. Discussions of a sexual nature should only occur, if necessary, to respond to a specific question. Any such discussion should use appropriate, professional language. Slang or street words or phrases should not be used.

g. Topics that could not be comfortably discussed with parents or another adult should not be discussed with children. Church Personnel should not use foul, offensive, or rough language in talking to children.

h. Meetings with children should occur only on Archdiocesan property if at all possible. Children should only be allowed in professional or public sections of Church property. Children should not be invited or taken into living quarters or private areas on Church property or private homes. Church Personnel should never have children in their rooms or spend their days off with children who are not related to them.

i. Church Personnel should avoid being alone with children.

j. Games or sporting activities should be engaged in only in the presence of at least two adults.

k. Alcohol, tobacco, controlled substances or sexually explicit material are never to be supplied to children by Church Personnel.

l. Church Personnel are not to engage in physical discipline of children. Discipline problems should be handled in coordination with the parent(s) or legal guardian of the child.

m. Church Personnel are not to be alone with a minor in a residence, sleeping facility, locker room, restroom, dressing facility, or other closed room or isolated area that is inappropriate or inconsistent with a ministry relationship.

n. Youth groups are to have at least two adult chaperones for any activity. While on youth group trips, Church Personnel are to maintain a professional stature and socialize along with other adult chaperones. During such youth group trips, individual Church Personnel are not to sleep alone in the same room with a child.

o. Unsupervised children should not be given keys to Church facilities.

p. Church Personnel are never to take photographs of children while they are unclothed or dressing (e.g., in locker rooms or bathing facilities) and are never to engage in any joking around in locker rooms or bathing facilities.

q. Church Personnel must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to managing youth activities.

r. Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.

#### **4. Sexual Conduct**

Church Personnel must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

The Archdiocese strictly prohibits sexual misconduct by any Church Personnel. The Archdiocese strictly prohibits anyone from interacting with children on behalf of the Archdiocese who has a civil or criminal record of child sexual abuse, has admitted prior sexual abuse, or is known to have a diagnosis of pedophilia or ephebophilia as defined by the American Psychiatric Association. For the purpose of these Standards, sexual misconduct involving minors is defined as both sexual exploitation and sexual abuse of individuals both male and female under age 18 as defined by law.

a. Church Personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

b. Church Personnel who provide pastoral counseling or spiritual direction must avoid developing intimate relationships with persons that they counsel, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.

c. Church Personnel may not exploit another person for sexual purposes.

d. All allegations of sexual misconduct or suspected sexual abuse against a minor by Church Personnel must be taken seriously. **Anyone in the Archdiocese of Philadelphia who knows there is reason to suspect child abuse has a duty to report the suspected abuse by calling the Pennsylvania Child Abuse Hotline 1-800-932-0313. In addition, all child abuse pro forma reports must be followed up in writing within 48 hours of the report. See Appendix F in the Policies for the written report form.**

e. Church Personnel shall review and know the contents of the child abuse regulations and reporting requirements for the Commonwealth of Pennsylvania and are to follow those mandates.

## **5. Harassment**

Church Personnel must not engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and must not tolerate such harassment by other Church Personnel.

a. Church Personnel are to provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

b. Some examples of behavior or environment that could be considered harassment:

i. any derogatory jokes, comments or slurs delivered in a manner that could be considered belligerent or threatening to another;

ii. any unwanted touching, assault, deliberate blocking or any intimidating action that interferes with free movement;

iii. any unwelcome touching and/or demands for sexual favors, and also any unwelcome sexually oriented behavior, comments or visually derogatory or demeaning posters, written words, drawings, novelties or gestures which create a hostile or offensive environment.

The Archdiocese prohibits all such conduct, whether committed by supervisory or non-supervisory personnel as well as by a third party (i.e., non-employee of the Archdiocese of Philadelphia) engaged in business with the Archdiocese of Philadelphia.

c. Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

d. Possession of any pornographic pictures, or other sexually oriented material, on Church Property is strictly prohibited.

e. Allegations of harassment are to be taken seriously and reported immediately to the individual's immediate supervisor, or other appropriate Church authorities.

## **6. Reporting Misconduct**

Church Personnel have a duty to report their own ethical or professional misconduct and the misconduct of others.

a. Church Personnel must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of misconduct by Church Personnel, the person who obtains knowledge of the misconduct should notify his/her supervisor or other appropriate Church authorities.

b. The obligation of Pastoral Counselors and Spiritual Directors to report misconduct of the persons they counsel is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved.

**These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure-even indirect disclosure-of information received through the confessional.**

*See also* Addendum to the Standards of Ministerial Behavior and Boundaries

## APPENDIX H

### Public Communications

The Archdiocese of Philadelphia is committed to communicating openly, transparently and effectively with the faithful and community-at-large when an allegation of sexual abuse or a violation of the Standards of Ministerial Behavior and Boundaries results in the withdrawal from ministry of any cleric, employee or volunteer. The Archdiocese is also committed to providing notification of the significant results of the canonical process with appropriate sensitivity toward both the complainant and the accused.

#### Notifications Prior to Public Notifications

Prior to any public notification, the Office for Child and Youth Protection will work in conjunction with the Office for Clergy to ensure that the complainant and the accused have been properly notified (*Process for Investigations IV, b iii, 5*). In cases involving any Archdiocesan entity, the Office for Communications will work with the appropriate administrators to ensure that written notification is provided to those directly affected by the news of the allegation. This action will occur after proper notification to the accused and the complainant.

#### Public Notifications

All procedures for public notifications will take into consideration the nature and facts of the allegation with appropriate sensitivity to the complainant, the accused and the affected community.

#### *Guidelines*

- Information shared with affected communities should be factual and unambiguous and include the accused's name and history of assignments within the Archdiocese as well as any pending criminal or canonical. It will also include whether the allegation concerns sexual abuse of a minor and/or a violation of the *Standards of Ministerial Behavior and Boundaries*. In addition, it will include the historic time frame of the alleged misconduct if known.
- The Office for Communications will work with the Office for Child and Youth Protection, which will ensure that counselors, as well as written explanations, or other modes of assistance are available to the affected communities throughout the announcement process as determined by the Office for Child and Youth Protection.
- The order for release of information is as follows: affected communities, news media, and the internal Archdiocesan communications network. The last two noted groups will receive information concurrently.

#### *Parish Announcements*

- Parish announcements will be developed by the Office for Communications in collaboration with the Office for Child and Youth Protection and the pastor or parochial administrator of the affected parish and will be delivered at each Mass on Saturday and Sunday.
- The pastor or an individual representing the administration of the Archdiocese (as determined on a case by case basis) should make the announcement prior to the beginning of Mass. This person should be available after each Mass for conversation with members of the affected communities.
- The parish announcement will include the availability of counselors onsite for the affected communities or other modes of assistance as determined by the Office for Child and Youth Protection and the availability of copies of the news release developed by the Office for Communications.
- A printed copy of the news release will be inserted into all weekend parish bulletins. This news release will be distributed to the media immediately following the conclusion of Sunday Masses.

#### ***School Announcements***

- Information shared with affected communities should be factual and unambiguous and include the accused's name and history of assignments within the Archdiocese as well as any pending criminal or canonical processes. It will also include whether the allegation concerns sexual abuse of a minor and/or a violation of the *Standards of Ministerial Behavior and Boundaries*. In addition, it will include the historic time frame of the alleged misconduct if known.
- A letter for distribution to school administrators, faculty and staff as well as all school families in the affected school(s) will be drafted by the Office for Communications in consultation with the Superintendent for Schools and the principal/president of the affected school(s). It will be signed by the principal or president.
  - This letter should not be sent home with school children.
  - The letter should be sent via electronic means. Timing will be in consultation with the Office for Communications and the Office for Child and Youth Protection.
  - If the letter cannot be sent electronically it should be mailed as soon as possible.
  - The letter should contain the same information as appears in a news release with the addition of available internal and external support resources.
  - As determined by the principal and/or the Superintendent of Schools the letter to parents, news release etc. should be made available via the website (parent's portal), e-mailed or mailed to all parents etc. in an effort

to affect transparency while protecting children from information not appropriate for their age.

***Announcements for Other Institutions within the Archdiocese***

- The above procedures pertaining to parish and school notifications are to be adapted to suit the needs of other institutions within the Archdiocese.

***News Release***

- The Office for Communications will work in consultation with Archdiocesan administration to prepare a news release, which will be issued to the media and posted to the Archdiocesan website.
- The news release should include the accused's name and history of assignments within the Archdiocese as well as any pending criminal or canonical processes. It will also include whether the allegation concerns sexual abuse of a minor and/or a violation of the *Standards of Ministerial Behavior and Boundaries*. In addition, it will include the historic time frame of the alleged misconduct if known.