

DIOCESE OF PALM BEACH

*POLICY & PROCEDURAL OUTLINE RELATING TO
PREVENTION, EDUCATION, REPORTING, and PASTORAL CONSIDERATIONS
REGARDING SEXUAL ABUSE*

I. POLICY on BACKGROUND SCREENING

The Church of the Diocese of Palm Beach, in an effort to ensure the safety of our children, institutes the following policies and procedures regarding background screening of all those who will come into contact with children while working or volunteering for any Diocesan institution.

- A. **BACKGROUND INVESTIGATION:** All Church Personnel shall allow an inquiry into their background to assess whether any reason exists that would suggest the person is not suitable for ministry or employment. Such background investigation will include, but shall not be limited to, a Level II criminal background check and a signed acceptance of the Diocese of Palm Beach Code of Pastoral Conduct. Prospective employees shall also complete an application that identifies three non-family references.
- B. **SUPERVISOR RESPONSIBILITY:** The background investigation of Church Personnel shall be the responsibility of the Chancellor, Serving Children Coordinator, Pastor, Administrator, or other person responsible for hiring or managing the Church Personnel subject to this policy.
- C. **USE:** Church Personnel who do not evidence or attest to good moral character, as determined by the Diocese, will be excluded from employment/ministry as provided in Article III of this policy.

NOTE: The fingerprint cards of new school employees with employment contracts will continue to be forwarded through the Department of Schools.

The background investigation shall be updated at least every 5 years.

II. IMPLEMENTATION OF POLICY ON BACKGROUND SCREENING

- A. **Clergy, Religious Brothers and Sisters, Seminarians, Diaconate Aspirants, Lay Employees:** For all Clergy, religious Brothers and Sisters, Seminarians, Diaconate Aspirants and lay employees, a Level II fingerprint screening through national law enforcement is required and shall be implemented as follows:

All **religious brothers and sisters and candidates for ordination** are required to successfully complete a Level II digital background screening before being accepted for ministry. In addition to any employment references that may have been furnished, all **prospective employees** for any entity within the Diocese of Palm Beach are required to successfully complete a digital background screening at the time of application. All the above mentioned must also sign an acknowledgment of acceptance of the *Diocese of Palm Beach Code of Pastoral Conduct*.

The Chancellor shall be responsible for ensuring the completion of screening requirements and Code of Conduct for all **clergy** functioning within the Diocese of Palm Beach.

- B. Covered Volunteers:** For all prospective *Covered Volunteers*, as defined in the Glossary of Terms in this policy, a Level II criminal background investigation is required and shall be implemented as follows:

Covered Volunteers are required to successfully complete a Level II digital background screening before being accepted for ministry. All prospective volunteers must also sign an acknowledgment of acceptance of the *Diocese of Palm Beach Code of Pastoral Conduct*.

- C. Independent Contractors**

All Independent Contractors who come in contact with children must provide proof that they have passed a Level II screening. If they are unable to provide such proof, they are to be treated as Covered Volunteers. (see above) Those Independent Contractors who only occasionally are on the grounds of the entity (delivery persons, emergency repairmen, etc.) must be escorted by a properly screened person at all times.

- D. Procedures to follow:**

Each of the above-mentioned shall register on-line at the website [.dopb.sofn](http://dopb.sofn) and be instructed as to the appropriate location to submit their fingerprints electronically.

The references provided for prospective employees are to be investigated by the Pastor/Administrator and the results documented with the application. Such reference checking can be done in the form of a telephone reference check or a written reference check.

Any relevant results of the fingerprint screening will be communicated confidentially to the Chancellor, Pastor or Administrator for appropriate action in accordance with the criteria set forth in Article III of this Policy. In the event of any doubt with regard to appropriate action, the Diocesan Attorney shall be consulted.

III. CRITERIA FOR EXCLUDING CHURCH PERSONNEL FROM SERVICE

All Church Personnel shall meet minimum standards of good moral character, as outlined on the registration site: [.dopb.sofn](http://dopb.sofn) and are attached to this document as Addendum No. 1. Any person not meeting these standards must be specifically approved for employment or service by the Bishop or Vicar General or Chancellor. If the Pastor, Administrator or other supervisor responsible for implementing this policy is not satisfied with the results of the background investigation, then such services, whether employment or as a volunteer, may be terminated. The decision regarding employment or service as a volunteer shall take into consideration the minimum standards of good moral character which are established under Florida statutes, or such other matters required to be taken into consideration that are relevant to the work/service of the employee/volunteer.

APPEAL

An employee or covered volunteer has the right to obtain a copy of his/her criminal history record by contacting the Diocese of Palm Beach Background Screening Coordinator and to challenge the accuracy

of any information contained in such report as well as obtain a determination as to the validity of such challenge before a final determination regarding the person is made by the Diocese.

If the information is accurate, but the employee disputes the exclusion from employment/volunteer work, he/she should appeal the decision to the Appeal Board of the Diocese of Palm Beach, through the Pastor/Administrator of the parish/diocesan entity. This appeal should include:

1. A letter of reference or recommendation indicating why, in the opinion of the Pastor/Administrator, this employee poses no risk of harm to others.
2. A letter of explanation from the employee regarding the circumstances surrounding the offense, any reports or court documents pertaining to the disqualifying offense and an explanation of how he/she has changed.
3. Three character references who are unrelated to the prospective employee/volunteer who 1) have known the employee/volunteer well for at least five years; 2) can attest to the truthfulness, good character and suitability of the employee/volunteer to work with children, vulnerable adults or others on behalf of the church.

This information should be forwarded to the Appeal Board c/o the Serving Children Coordinator. A decision will be made by the Appeal Board in consultation with the Diocesan Attorney. That decision will be communicated to the Pastor/Administrator of the parish/diocesan entity by the Chancellor.

IV. RECORD KEEPING

Each entity shall maintain a file on all employees and covered volunteers that includes the results of the background check and the signed acceptance of the *Diocese of Palm Beach Code of Pastoral Conduct*. The Serving Children Office will maintain records of screening for the entire diocese. The Coordinator, on an annual basis, reviews the files maintained by parishes and other entities.

V. COSTS

All costs will be borne by the Diocese through the self-insurance program.

VI. POLICY on CODE OF PASTORAL CONDUCT

All clergy, religious, seminarians, diaconate aspirants, lay employees and covered volunteers shall read and agree to adhere to the *Diocese of Palm Beach Code of Pastoral Conduct*. A signature page shall be signed and placed in his/her personnel file at the individual entity. All clergy signature pages are retained by the Chancellor.

VII. POLICY ON EDUCATION CONCERNING SEXUAL ABUSE

This policy is meant to raise awareness and understanding of abuse issues. The Diocese of Palm Beach will provide specific training in the prevention, recognition and reporting of child sexual abuse.

A. Clergy, Religious, Seminarians, Diaconate Aspirants, Lay Employees who interact with children, and Covered Volunteers

1. All clergy, religious, seminarians, diaconate aspirants, lay employees who interact with children, and covered volunteers shall attend regularly scheduled educational sessions that include the following subjects:

- a. Appropriate boundaries in ministry
- b. Nature of the problem of sexual abuse
- c. Signs and symptoms of sexual abuse in children and youth
- d. Policies and procedures for prevention of sexual abuse
- e. Law, policies and procedures for reporting allegations of sexual abuse.
- f. Types of disclosures and how to respond appropriately
- g. Ministering to victims of abuse
- h. For clergy only – penitential privilege and seal of the confessional

2. Deadline for completing training:

- a. All current clergy, religious, lay employees who interact with children and covered volunteers shall attend a session as soon as possible..
- b. All incoming priests, religious, new hires who interact with children and covered volunteers shall attend a session as soon as possible and no later than 60 days of assuming duties.
- c. Parishes, schools, and other agencies will maintain records of those who have completed the training requirement. Copies of attendance records will be forwarded to the Serving Children Coordinator.

3. Availability of Training

Training shall be available on a regular schedule in each deanery. The schedule shall be available on the diocesan website: [.diocesepb.](#)

B. Parents and other adults: It is critical that awareness be raised among adults, particularly the parents/guardians of children and youth, about the nature and scope of the problem of child abuse, keeping in mind that the Church has always affirmed that parents have the duty and the right to be the first and the primary educators of their children. Each parish, school or local venue shall provide an opportunity for parents/guardians and other interested adults to take part in an educational program in the prevention, recognition and reporting of sexual abuse of children and youth. This program shall be provided periodically in a systematic fashion throughout the diocese and shall include the following guidelines to assist parents/guardians in their important role:

- a. Nature of the problem of sexual abuse
- b. How boundaries are established and/or violated
- c. Guidelines for teaching children about boundaries (safe touch)

- d. Signs and symptoms of sexual abuse in children and youth
- e. Prevention of sexual abuse
- f. Law, policies and procedures for reporting allegations of sexual abuse

C. Children and Youth: It is critical that children and young people be educated regarding their personal safety. Age appropriate information shall be provided to all children and youth in diocesan schools, parish religious education and youth ministry programs in the diocese. This information must include, but not be limited to the following topics:

- a. A sense of self worth and essential God given human dignity
- b. A respect for one's body as gift from God
- c. Personal safety
- b. Safe friends, safe adults, safe touching
- c. Healthy/unhealthy relationships
- d. Seeking assistance from a trusted adult
- e. Procedures for reporting

VIII. CIVIL and CANONICAL RESPONSIBILITIES (reporting and investigation)

A. Civil: Florida State laws mandate that certain persons report to civil authorities any suspected incidents of child sexual abuse. All clergy, religious, lay employees and volunteers, even those not mandated by state law, must report knowledge or belief that a child is the victim of abuse to child protection or law enforcement authorities and the appropriate Church official or supervisor. Reporting is required if a person:

- 1. has actual knowledge that a child is the victim of abuse
- 2. has reasonable cause to suspect that a child has been sexually abused

The only exception to this policy is a disclosure made to a priest in the sacrament of reconciliation. However, any priest who hears the confession of someone who abuses children or someone who is the victim of abuse shall urge the penitent to report the abuse to the proper civil and Church authorities.

“Reasonable cause” means a reason that would motivate a person of ordinary intelligence under the circumstances to believe, based on observations or conversations, that a child has been or is being abused.

B. Canonical: The Code of Canon Law governs the relationship between the priest and the Church. Careful adherence to canon law is the Church's access to permanently removing offending clergy from ministry. The Diocese of Palm Beach will follow canon law when making decisions about the accused's ministry and during all investigations of allegations against clergy.

The Diocese will strictly adhere to all procedures adopted by the Congregation for the Doctrine of the Faith for reporting allegations and complaints of sexual abuse by clergy.

C. Procedures: Upon receipt of a complaint of child sexual abuse by clergy, religious, lay employee or volunteer, the Diocese of Palm Beach will refer the matter to criminal authorities and begin an internal investigation according to established procedures and, if the accused is clergy, in accordance with canon law. When civil authorities are conducting a criminal investigation, the Diocese will defer to that investigative process.

The Diocese of Palm Beach shall retain all records and other materials related to the matter that may be considered evidence. The records shall contain claims, intakes, investigation reports, and records of services provided to those harmed by sexual misconduct.

IX. Pastoral Considerations:

The Diocese of Palm Beach's response to complaints and allegations is multi-faceted and shall include:

1. The pastoral care of the victim and his/her family
2. The well-being of the community
3. A thorough, fair, and objective investigation.
4. The assessment and fair treatment of the offender

All persons involved shall be treated in a manner consistent with the Gospel values of dignity, compassion, understanding and justice.

Separate guidelines shall be established for handling:

1. Allegations of current, ongoing abuse
2. Allegations of past abuse
3. Allegations of past abuse with concerns about present risks
4. Allegations of abuse in another diocese, a religious community/institute, or a Church-related organization
5. False allegations
6. Unsubstantiated or unverifiable allegations
7. Allegations against a member of a religious community/institute that is providing services in the Diocese of Palm Beach.
8. Anonymous allegations

The Diocese of Palm Beach shall maintain a list of available resources for victims, faith communities, and those accused of abuse. Those resources shall include the following disciplines:

1. Pastoral Counseling
2. Legal: civil and canonical
3. Psychological counseling
4. Victim support groups
5. Treatment facilities

Services to Victims: The Diocese of Palm Beach offers pastoral, psychological, and spiritual support to victims, their families and the faith community. Such assistance is pastoral and shall not, in any way, be considered as an indication that the Diocese is legally responsible for the actions of the accused clergy, religious, employee or volunteer.

The Diocese of Palm Beach has designated a competent lay Assistance Coordinator to organize and direct outreach to victims and the delivery of victim assistance and support services to persons who claim to have been sexually abused when they were minors by priest or deacons: Ms. Theresa Fretterd (561) 801-0999.

The Diocese of Palm Beach, through the Assistance Coordinator, will:

1. Be respectful of all persons bringing a complaint
2. Provide an advocate/advisor upon request
3. Help victims obtain counseling support
4. Provide information about support groups
5. Help victims and families obtain spiritual direction.
6. Help bring concerns to the proper Church officials outside the Diocese when indicated
7. Provide printed material that outlines the services available, procedures for making a complaint, appellate procedures, and civil reporting requirements.
8. Make periodic public announcements about the services available and the procedures for making a complaint

The Diocese of Palm Beach will not bind any complainants to a condition of confidentiality or nondisclosure of the complaint except at the specific request of the complainant for substantial reasons. The text of the agreement shall contain the reasons for the confidentiality agreement.

Families and significant others require the same consideration, compassion, and sensitivity as that for the victim in the healing process.

Parishes and religious communities/institutes are also victims of child sexual abuse by clergy or other church personnel. To assist the local community in such a situation, the Bishop or his designated representative will coordinate briefing sessions within the community and will provide education and resource persons for further follow-up. All this is done keeping in mind the right of a victim to maximum privacy, and the right of the accused to a good reputation and fair trial.

X. DISTRIBUTION OF POLICY AND STATE AND LOCAL LAWS

A copy of this Policy shall be distributed and applied to all Parishes, Schools, Group Homes, and other Diocesan entities, and to all persons identified as Church Personnel in the Glossary of Terms and to all future Church Personnel. All administrators are to be familiar with these policies and their respective responsibilities in regard to the implementation of background investigation of Church Personnel. Administrators shall conform to all applicable State and local laws, and shall preserve confidentiality to the fullest extent possible.

GLOSSARY OF TERMS

For the purposes of these policies:

A. “CHURCH PERSONNEL” shall mean all of the following:

- 1) **“CLERGY”**: shall mean all priests and deacons who have faculties of the Diocese of Palm Beach and who shall be subject to background investigation in accord with the diocesan policy relating to clergy.
- 2) **“EMPLOYEE”**: shall mean any lay individual who is employed by or engaged in ministry who is given payment for services (any form of compensation, whether monetary or otherwise) rendered in which the obligation to withhold for payroll tax (FICA, Medicare and withholding) exists, whether part-time or full-time. This definition shall include all such persons whether employed by the Diocese, Parish, School, Early childhood Center, Nursing Home, Group Home, or other Diocesan entity that is controlled by or operated by the Bishop.
- 3) **“RELIGIOUS BROTHERS AND SISTERS”**: shall mean religious brothers and sisters who are regularly involved in ministry on behalf of an entity of the Diocese.
- 4) **“INDEPENDENT CONTRACTOR”**: shall mean any lay person not employed by the Diocese, engaged to perform services on behalf of the Diocese of Palm Beach, including any parish, school, early childhood center, group home or other Diocesan entity that is controlled by or operated by the Bishop.
- 5) **“COVERED VOLUNTEER”**: shall mean any unpaid person who is engaged or involved in any Diocesan institution or parish activity 20 hours per week or more, and all those entrusted with the care or supervision of children, youth or vulnerable adults, no matter how many hours per week.