



## CREATING AND MAINTAINING A SAFE ENVIRONMENT FOR MINORS AND VULNERABLE ADULTS IN THE DIOCESE OF PALM BEACH

I.

### **POLICY**

Recognizing that each individual is created by God, the Diocese of Palm Beach is committed to the safety and well-being of its minors and vulnerable adults and implements procedures to minimize risk and barriers and to build and foster a culture of safe environment. The Diocese does not tolerate abuse or neglect of anyone. It will comply with all obligations of civil and canon law; it will promote healing where it is needed, provide education, training and guidance when it is appropriate, and endeavor to prevent any abuse of minors or vulnerable adults with firm justice and mercy towards all.

### **I. GLOSSARY OF TERMS**

**Background Screening** – 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 the position sought. Such background investigation typically includes a Level 2 fingerprint criminal background search (“CBS”). A Level 2 CBS includes a state-wide criminal and juvenile records check through the Florida Department of Law Enforcement and a federal criminal record check through the Federal Bureau of Investigation.

**Charter** – The document, *2018 Charter for the Protection of Children and Young People*, originally developed by the United States Conference of Catholic Bishops in 2002, outlines the goals, duties and responsibilities of dioceses in the United States in response to the issue of minor abuse.

**Child/minor** – A person who is under 18 years of age.

**Church Personnel** - For purposes of this policy only, Church Personnel includes all individuals who minister, work, or volunteer in any school, parish, or other Diocesan entity whose compliance with this policy is sought. The term has no legal meaning or significance outside the scope of this policy and is not indicative of any employment or agency relationship. **Church Personnel** shall mean all of the following:

*Clergy*: shall mean all priests and deacons who have faculties of the Diocese.

*Employee*: shall mean any lay individual who is employed by or engaged in ministry who is given payment for services rendered (any form of compensation, whether monetary or otherwise) 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, or other Diocesan entity that is controlled by or operated by the Bishop. This definition does not include independent contractors, consultants, vendors, or other persons who are not subject to the supervision of the Diocese and for whom no such duty to withhold payroll taxes exists.

*Religious Brothers and Sisters*: shall mean religious brothers and sisters who are regularly involved in ministry on behalf of the Diocese, any Parish, School, Early Childhood Center, or other Diocesan entity.

*Seminarians*: shall mean those men enrolled in a seminary as seminarians of the Diocese of Palm



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Beach or who are involved in ministry at the Diocese, any Parish, School, Early Childhood Center or other Diocesan entity.

*Covered Volunteer*: shall mean any unpaid person engaged in or involved in any Diocesan institution or parish activity who is entrusted with the care and supervision of minors or vulnerable adults, or has access or regular contact with minors or vulnerable adults in the performance of his/her ministry.

*Independent Contractor*: shall mean any non-employed lay individual who is hired or engaged to perform services (for any form of compensation, whether monetary or otherwise) on behalf of the Diocese including any Parish, School, Early Childhood Center, or other Diocesan entity, unless otherwise excluded in this policy.

**Credible allegation** – A claim based upon identifiable facts, such as specific names, places, or time frames, details of incidents or names of corroborating persons.

**DCF** – Department of Children and Families

**Diocesan Contact Person** – The Bishop has designated the Chancellor, 561-775-9507 to be the contact person.

**Diocesan Review Board** – A confidential consultative body to the Bishop, comprised of a majority of laity not employed by the Diocese of Palm Beach, with skills and experience consistent with the requirements of the USCCB's *Charter for the Protection of Children and Young People*, the Review Board assists the Bishop in assessing allegations and fitness for ministry as well as review of all related policy.

**Office of Safe Environments** - The office responsible for distribution of and adherence to Diocesan policies and procedures required to promote a safe environment for minors or vulnerable adults. This office oversees the background screening of all clergy, religious, employees and covered volunteers and oversees all educational and training programs for those same individuals. The office maintains the records required for the annual audit conducted by the United States Conference of Catholic Bishops ("USCCB"). In the Diocese of Palm Beach, the Office of Safe Environments is under the supervision of the Safe Environment Coordinator (SEC) and Chancellor.

**Promoter of Justice** - The person appointed by the Bishop whose responsibility it is to provide for the public good. In penal proceedings, he brings the accusation on behalf of the Church, and prosecutes it before the tribunal.

**Safe Environment Coordinator** – The individual designated by the Bishop to coordinate and oversee the Safe Environment program, which is required by the *Charter for the Protection of Children and Young People*.

**Sexual Abuse** – Sexual abuse means any act constituting sexual abuse as defined in Chapter 39 and Chapter 415, Florida Statutes, whether perpetuated against a minor or vulnerable adult as defined herein. A copy of the applicable provisions of the statutes is attached to the end of this policy.



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**Victim Assistance Coordinator** – An individual designated by the Bishop to be responsible for initial pastoral response and subsequent pastoral care in the name of the Diocese to victims of sexual abuse by Church Personnel.

**Vulnerable Adult** – A person 18 years of age or older whose ability to perform normal activities of daily living is impaired due to a mental, emotional, long-term physical or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

### II. PREVENTION

In an effort to guard the safety of minors and vulnerable adults under the care of the Diocese, all Church Personnel, ages 18 and older, will be required to submit a Level 2 criminal background investigation. Eligibility for employment, volunteer work, or ministry will be contingent and conditioned upon a satisfactory background investigation. This background investigation will be updated every five (5) years. This policy applies even if an individual has been cleared through an FBI or FDLE check conducted by their employer or another non-diocesan entity. In addition, any person under the age of 18 who is employed by a parish, school, or other diocesan entity must also be screened in accordance with this policy.

**Volunteers and employees under the age of 18 are not allowed to have unsupervised access to minors or vulnerable adults.** This includes youth ministers, coaches, mentors, scout leaders, babysitters, etc. These individuals who may assist with minors and vulnerable adults must be immediately supervised by a volunteer or employee who has been VIRTUS trained and has successfully completed a Level 2 Background Check.

In addition, the State of Florida requires screening of summer camp employees and volunteers, regardless of age. Therefore, in the case of summer camps or any other applicable state-mandated screening requirements, minors (employed or volunteering) must be screened pursuant to state law.

#### **Safe Environment Education**

##### VIRTUS

All Church Personnel, including employees, independent contractors, and Covered Volunteers, are required to successfully complete safe environment training through the VIRTUS program, unless otherwise exempt from this requirement in this policy. This training must be renewed every five years. Training must be completed prior to service. All employees are required to complete safe environment training upon hiring regardless of their contact with minors and vulnerable adults.

##### Vulnerable Adult Training

All Church Personnel who minister to vulnerable adults, including homebound, nursing home residents, hospital patients, or homeless are required to successfully complete vulnerable adult training.

#### **Responsibility of Chancellor, Pastor, Principal or Administrator**

The background investigation of Church Personnel shall be the responsibility of the Chancellor, Pastor, Administrator, or other person responsible for managing the Church Personnel subject to this policy. All information reported is considered confidential; the responsible administrator shall preserve confidentiality to the fullest extent possible.



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### **Background Screening/Persons or Roles Requiring Screening**

All Church Personnel will be required to electronically submit a completed Criminal Background Check Form as well as a complete set of fingerprints to facilitate a criminal background screening.

All Diocesan employees and covered volunteers including clergy, religious, seminarians, principals, instructional personnel, school and parish employees, directors of religious education, catechists, youth ministry directors and volunteers, coaches (whether paid or volunteer), music/choir directors, counselors of minors or vulnerable persons, Boy/Girl Scout Troop Leaders, independent contractors working as substitute teachers or temporary school office personnel, and child care center employees and volunteers, as well as work release and community service workers (provided the worker is a parishioner known to the pastor and regardless of contact with minors) will be background checked every five years through the FBI/FDLE screening process described later in this policy. For all individuals, this policy supplements requirements of any federal or state policy.

Not all volunteers need to be screened for a criminal history. Those volunteers whose duties do not include contact with minors or vulnerable adults need not be screened for a criminal history. Some *examples* of volunteers in parishes and schools who do not need to be screened for a criminal history are:

#### *Volunteer Parish Roles Not Requiring Screening (Virtus Training is Optional)*

1. Sacristans, unless accessible to altar servers who are minors
2. Altar dressers; persons responsible for washing and maintaining altar linens
3. Lectors
4. Parish Council members; Finance Council members
5. Ladies' Guild, Council of Catholic Women, Bible Study Groups, Ministry groups that do not have contact with minors or vulnerable adults
6. Men's and Women's adult organizations that do not have contact with minors or vulnerable adults

#### *Volunteer or Vendor School Roles Not Requiring Screening (if accompanied by an Employee or Covered Volunteer at all times) (Virtus Training is Optional)*

1. Presenter at meeting or event
2. Career Day type events (participant or person staffing a booth)
3. Repair person
4. A parent or other relative who is only attending a school event or classroom activity is not a Covered Volunteer and, therefore, does not need to be screened. Attendance on school field trips, however, requires screening.

It is anticipated that the above-listed volunteers' will not involve duties that include unsupervised contact with minors or vulnerable adults.



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### **Distribution of this Policy**

A copy of this policy and the procedures for implementation will be distributed to all parishes, schools, and other Diocesan entities. All pastors, principals and designated administrators are to be familiar with this policy and with their respective responsibilities for training and background screening Church Personnel and are required to fully implement the training and screening requirements within their respective entities. The policy will be posted on the Diocese of Palm Beach public website and on the Diocese of Palm Beach intranet site accessible to employees. Annually, public announcements will be made via web, print media and/or parish bulletins about the Diocese's efforts to provide a safe environment and the manner in which concerns, or allegations may be reported.

### **New Church Personnel**

Before beginning work, ministry or volunteer services, Church Personnel must complete the appropriate criminal background process and receive clearance from the Office of Safe Environments. All offers for any employment are contingent upon approval from the Office of Safe Environments. All new hires requiring FBI/FDLE checks will be fingerprinted at an approved Diocesan location.

All new Church Personnel must sign acceptance of and adhere to the *Diocese of Palm Beach Code of Pastoral Conduct*.

All new Church Personnel who are entrusted with the care or supervision of minors or vulnerable adults or who, in the performance of their ministry, have access or regular contact with minors and vulnerable adults must complete VIRTUS training before beginning work, ministry, or volunteer services.

All employees must complete Virtus training regardless of regular contact with minors and vulnerable adults.

### **General Fingerprinting Procedure**

Church Personnel must register online by accessing <http://sep.diocesepb.org> after consulting with the compliance administrator at the entity they will work/volunteer. At the time of registration, an appointment may be made to be fingerprinted at a Diocesan designated location. Fingerprints must be taken by a Diocesan trained or certified employee or volunteer.

### **Third Party Vendors**

No third-party vendors, other than vendors approved by the Office of Safe Environments, can be used by any Diocesan entity for the purpose of background checks and/or clearance unless otherwise required by law. Results of all fingerprinting and background checks will be processed through the Office of Safe Environments.

### **International Background Check**

Any prospective Church Personnel from another country who has not been in the U.S. for at least one year may receive an International Background Check. Special forms are required and available through the Office of Safe Environments.



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### **Clearance Process and Results of Criminal Background Screening**

There are three categories of criminal background results.

*Category 1:* Criminal Background Search shows no criminal record. If a Church Personnel does not have any criminal record, the Office will notify the Church Personnel's administrator in writing that the individual is cleared. The clearance notice shall be kept in their personnel/volunteer file at the corresponding entity.

*Category 2:* Criminal Background Search shows a non-disqualifying criminal record. If a Church Personnel has a criminal record that is non-disqualifying, the Office will notify the Church Personnel's administrator of the non-disqualifying criminal record. The notification shall be kept in a separate, locked, confidential file at the corresponding entity.

The Office may contact the Church Personnel with the criminal record to obtain the underlying facts as well as any extenuating circumstances and may request additional information including responsible administrator may be asked to make a recommendation to the Diocesan Office of Safe Environments whether to permit the Church Personnel to be employed or volunteer, notwithstanding the non-disqualifying criminal record. The decision of the Diocese will be promptly communicated to the entity in writing.

*Category 3:* Criminal Background Search shows a disqualifying criminal record. If a Church Personnel has a criminal record that is disqualifying, as described in Appendix A of this policy, the Office will notify the designated administrator and Church Personnel of the disqualification from employment or volunteer ministry. The disqualification notice shall be kept in a separate, locked, confidential file at the corresponding entity. The Church Personnel will be notified of an exemption process, if available.

Restriction on employment or volunteer service of any Church Personnel or rejection notices on any Church Personnel or applicants at the entity shall be kept in a locked, confidential file at the corresponding entity.

### **Renewals**

All Church personnel need to be rescreened according to this policy every five (5) years. Notice will be sent to the compliance administrator at each entity by the Office of Safe Environments when rescreening is due. If, after two reminders of the need for rescreening there has not been compliance, a notice will be sent to the entity administrator, the compliance administrator and the employee/volunteer that they are in inactive status and must refrain from all ministry until they comply.

### **Working or Volunteering with Restrictions**

A person may be permitted to work or volunteer, with restrictions. For example, if a person has had a DUI or reckless driving conviction, he/she may be allowed to work or volunteer but may be



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prohibited from driving on behalf of the parish, school, or other Diocesan entity, even in the employee's or volunteer's own vehicle.

### **Disqualifying Offenses**

Prior findings of guilt, pleas of guilt or pleas of no contest (regardless of adjudication) for certain misdemeanors and felonies prohibit an individual from employment or volunteer ministry in an entity of the Diocese. See Appendix A for a list of disqualifying offenses.

### **Record Maintenance**

Digital fingerprint images will be retained in a secure electronic database at the Diocese of Palm Beach. Any identified criminal history, along with Diocesan recommendations for clearance or denial, will be held in a secure location in the Office of Safe Environments.

### **State Licensed and Regulated Facilities**

Some Diocesan facilities are licensed or otherwise regulated by the State of Florida and (1) may in some circumstances be governed by additional requirements and (2) only the State can grant an exemption at those facilities. Church Personnel may be subject to screening by both the Diocese and the State of Florida. If the State requires and performs the criminal background check, the Office of Safe Environments may rely on the State's determination of eligibility and disqualification at those licensed or regulated facilities. However, while the state's determination of disqualification may be final, the state's determination of eligibility is not. The Diocese maintains discretion to make its own determination of eligibility consistent with this Policy and state law.

### **Reconsideration or Appeal**

Any Church Personnel who is disqualified or placed on restriction should be informed by the pastor, principal, or designated administrator, and given the reasons for the rejection or restriction. If the individual believes there is an error, or that the facts of the case are not properly known, he or she will be required to provide written documentation to the Office of Safe Environments before the decision will be reconsidered. Any cost associated with presenting this written documentation must be borne by the applicant or Church personnel.

### **Limitations on Use of Screening Information**

The Diocese may not use the criminal records, juvenile records, or abuse registry information of a person obtained through this screening process for any purpose other than determining whether that individual meets the minimum standard for good moral character or is otherwise qualified for the position sought.

### **Criteria for Excluding Church Personnel from Employment/Ministry**

Background checks involve a search of Florida criminal and juvenile records through the Florida Department of Law Enforcement and federal criminal records through the Federal Bureau of Investigation. Failure to meet the minimum standards of good moral character or the reasonable job-related expectations of the Diocese will be sufficient for disqualification (or immediate termination) from employment or volunteer ministry. In addition, individuals who misrepresent or fail to



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accurately complete their background information, including any criminal record or activity, may be denied employment or volunteer activity, or, if the inaccuracy or misrepresentation is subsequently discovered, the individual may be immediately terminated from employment or volunteer ministry.

All Church Personnel shall be expected to live a life of good moral character. If the Pastor, Administrator, or other supervisor responsible for implementing this policy is not satisfied that this has been met, then the Church Personnel may be disqualified. The decision regarding employment or volunteer ministry shall take into consideration the minimum requirements of a good moral life which are established by the teachings of the Roman Catholic Church and consistent with Florida Law.

Church Personnel who have been found guilty of, entered a plea of guilty, or entered a plea of *nolo contendere* for any offense listed on Appendix A are disqualified from employment or ministry regardless of the date of the offense. Unless prohibited by law, an exemption from disqualification may be granted by the Diocese. For an exemption to be granted by the Diocese, a Church Personnel must demonstrate by clear and convincing evidence that he/she should not be disqualified from employment or ministry. A Church Personnel seeking an exemption has the burden of setting forth sufficient evidence of rehabilitation including, but not limited to: (a) the circumstances surrounding the criminal incident for which the exemption is sought; (b) the time period that has elapsed since the incident; (c) the nature of the harm caused to the victim, if applicable; and (d) the personal history of the Church Personnel since the incident, or any other evidence or circumstances indicating that the Church Personnel will not present a danger if continued employment or ministry is allowed. For some entities regulated by Florida law, the Diocese may not be authorized by law to grant an exemption from disqualification.

### **Visiting Clergy / Non-incardinated Clergy**

- For a visiting priest who is concelebrating Mass on a one-time basis, a celebret (dated within one year) will be accepted.
- For a member of the clergy who is visiting to participate in an event or who will be assisting in a parish for thirty days or less but not an official assignment within the Diocese, a Certificate of Aptitude (COA) is required from the visiting clergy's Bishop or Superior to grant temporary faculties.
- For a member of the clergy who is an extern residing in our Diocese for more than thirty days (including extended visits, part time or year round (i.e. retired) residence) who wishes to assist at a parish, a COA, DPB screening, background (national or international) check, and VIRTUS or similar DPB approved training are required to grant faculties.
- For a member of the clergy who is requesting an official assignment within the Diocese, a COA, DPB screening, background (national or international) check, and VIRTUS or similar DPB approved training are required to grant faculties.
- It is the Chancellor's responsibility to evaluate each request for faculties and approve if appropriate.

### **Standards of Conduct for Church Personnel**

Any form of sexual misconduct is sinful. Certain forms of sexual misconduct can be criminal as well. Church Personnel who engage in any form of sexual misconduct are violating the ministerial relationship, misusing their authority, power and trust, and taking advantage of the vulnerability of



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those they serve. By these unique circumstances of ministerial service, there is an absence of meaningful consent to *any* sexual activity, even if the person is an adult.

It is the responsibility of Church Personnel to maintain appropriate emotional and sexual boundaries with those with whom they work or serve. While it is not possible to identify every form of inappropriate conduct that violates a person's boundaries, based on the foregoing, it is inappropriate for Church Personnel to:

- make sexual propositions or perform any type of sexual act with and/or in the presence of anyone.
- give inappropriate gifts (such as lingerie).
- threaten or cause personal harm or injury or damage to property.
- smoke or encourage smoking on any Diocesan property, at any school or entity.
- observe someone undressing while he/she is changing clothes at school, a sporting event or retreat other than necessary supervision in a locker room or approved changing area.
- denigrate or verbally abuse any person.
- provide medical advice, or medical procedure
- administer drugs, including over-the-counter medication, in the absence of express written permission.
- provide massages or other physical therapy or touch an individual inappropriately.
- examine the genitalia of any person, for any reason.
- use the internet or other mobile electronic devices for pornographic access. \*
- show sexually suggestive objects or pornography. \*
- tell tales of sexual exploits, experiences or conflicts or use sexual vulgar language
- offer a prolonged hug when a brief hug is customary behavior or kiss on the lips.
- invite minors to their home unsupervised or for overnight stays, even with the permission of the parent or guardian.
- offer minors transportation, even with the permission of the parent or guardian.

\*Creating, distributing, or maintaining child pornography in any form is a crime in the State of Florida and is immediately reported to law enforcement officials.

### **Requirements for Outside Groups Using Diocesan Facilities/Space**

Outside groups that use Diocesan facilities but are not affiliated with the Diocese are responsible for meeting the minimum Level 2 screening requirements of Section 435.04 and 1012.465 of the Florida Statutes, pursuant to the terms of the Diocesan Non-Exclusive Space Use Agreement and License. Accordingly, those License-affiliated persons do not have to be screened under this policy, *Creating and Maintaining a Safe Environment*. The *Space Use Agreement and License* can be found on the Diocesan bookkeeper web site.

## **III. RESPONDING TO AN ALLEGATION OF SEXUAL ABUSE OF A MINOR OR VULNERABLE ADULT**

### **Reporting**

If a victim of abuse reports, or if any clergy, religious, lay employee, or volunteer of the Diocese of Palm Beach knows or has cause to suspect that a minor or vulnerable adult has been subjected to any



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form of abuse, sexual abuse, or neglect by any person, including another Diocesan employee or volunteer, religious, or clergy, the following procedures will be immediately observed.

- *Mandatory Reporting to DCF.* All Church Personnel who know, or have reasonable cause to suspect, that a minor or vulnerable adult has been a victim of abuse, shall immediately make any report required by law directly to the Department of Children and Families (DCF). Any mandatory report may be made by calling the toll-free statewide abuse or neglect registry at 1-800-96ABUSE, or by calling the local DCF office responsible for receiving such reports. Any verbal report to DCF, which is required by law to be confirmed in writing, shall be confirmed in writing to the local DCF office within forty-eight (48) hours of making the verbal report. The statutory clergy confidentiality privilege, as provided in Section 39.204, F.S., and as described in Section 90.505, F.S., shall apply to all reporting required under this paragraph.
- *Additional Reporting Requirements.* The Department of Education and/or other applicable licensing agencies may need to be notified pursuant to the law.
- *Victim Assistance Phone line.* The Diocese of Palm Beach maintains a broadly advertised, dedicated phoneline with voice message capacity to receive reports from victims. The phone line is monitored by the Victim Assistance Coordinator, who will speak with the victim and offer assistance. The report is shared with the Chancellor and the Diocesan attorney.
- *Additional Reporting.* All allegations of abuse by Church Personnel or on church premises shall be reported promptly to the Chancellor who shall immediately notify the Diocesan Attorney who will in turn notify the local State Attorney. Procedures for making a complaint will be readily available in printed form.
- *Notification of Pastor/Principal or Supervisor.* Immediately after telephoning DCF and/or the appropriate law enforcement agency, the Diocesan Contact Person will notify the pastor, school principal, director of religious education, or another responsible supervisor, as appropriate.

Copies of all reports to DCF and other agencies are forwarded to the responsible supervisor within the same calendar day. Immediately after receiving copies of the written reports, the supervisor will forward them to the Chancellor and Diocesan Attorney.

- *Content of Report.* Any report made to DCF should contain, when possible, the names and addresses of the minor or vulnerable adult and of the minor or vulnerable adult's parent, guardian, or other adult having custody and control of the minor or vulnerable adult, the minor or vulnerable adult's age, the nature and possible extent of the minor or vulnerable adult's injuries, and any other information that the person reporting believes may be helpful with respect to the investigation of the alleged abuse, and the identity of the alleged perpetrator.
- *Notification of Parent/Guardian.* If the complaint is not received from or does not involve the parent or guardian of the minor or vulnerable adult, arrangements should be made to notify immediately the parent or guardian. Notice should *not* be given to the parent or guardian if he or she is the person against whom the complaint is made. Appropriate pastoral concern and support shall also be shown to all parties involved, including the family. All information relating to a minor or vulnerable adult incident, in which a complaint is made against Church Personnel, shall be assembled and retained in a written form in a confidential manner.



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- *Confidentiality Agreements.* In cases of minor sexual abuse, the Diocese will not enter into confidentiality agreements except for grave or substantial reasons brought forward by the victim or survivor and noted in the text of the agreement.
- *Allegation against the Bishop or Auxiliary Bishop.* If an allegation is made against the Bishop or an Auxiliary Bishop, the Metropolitan Archbishop of the Archdiocese of Miami shall be notified consistent with the Diocese of Palm Beach's *Vos Estis Lux Mundi* policy. In addition, the Catholic Bishop Abuse Reporting Service established a hotline to report sexual abuse, abuse of authority, or other misconduct by a bishop. These reports may be made to ReportBishopAbuse.org or 1-800-276-1561.

### **Responsibility of the Victim Assistance Coordinator**

The Diocesan Victim Assistance Coordinator sees to the immediate pastoral care of persons who claim to have been sexually abused by Church Personnel when they were minors or vulnerable adults. The Diocese is concerned for the spiritual and emotional well-being of alleged victims and is committed to promote healing and reconciliation. The Diocesan Victim Assistance Coordinator will offer appropriate counseling, spiritual assistance, access to support groups and other agreed upon social services.

### **Diocesan Response**

The Diocese will cooperate with public authorities about reporting in all cases, including when the person alleged to have been abused is no longer a minor. In every instance, the Diocese will notify the Diocesan Attorney, who will in turn notify the State Attorney. In addition, the Diocese will advise and support a person's right to make a report to public authorities

### **Communication Regarding Allegation and/or Investigation**

To the extent possible, all communications regarding allegations of minor sexual abuse will protect the identity of the victim and reflect the confidential nature of the investigation. Care will be taken to protect the rights of the alleged perpetrator.

With respect for the privacy and the reputation of the individuals involved, the Diocese 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 alleged ministerial misconduct involving minors.

### **Internal Communications**

Notification to parishes, schools, priests, religious, lay employees, and volunteers will be made through releases provided by the Bishop or his representative. These will be made available as soon as feasible.

### **External Communications**

All media inquiries will be answered by the Diocesan Director of Communication or the spokesperson designated by the Bishop for this purpose. No other Diocesan Church Personnel is to respond to the media except and unless specifically directed by the Bishop. Every effort will be made



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to provide that all information is disseminated in a timely and appropriate manner. To that end, media releases will be made to appropriate individuals as advisable.

### **Personnel Record**

Any employee found guilty of minor sexual abuse or abuse of a vulnerable adult will have this information noted in his or her personnel file. This determination will result in termination from employment with the Diocese of Palm Beach and prohibition of future re-employment. Inquiries for references in cases of guilty employees should be referred to the Office of the Chancellor.

## **IV. PROCEDURES RELATED TO ALLEGATIONS OF ABUSE BY A PRIEST OR DEACON**

### **Initiating the Investigation**

When an allegation of sexual abuse of a minor by any priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the investigation. If an allegation of sexual abuse of a minor by Church Personnel is found credible, the alleged offender will be temporarily relieved of any ecclesiastical ministry or function, in harmony with canon law. To respond effectively to allegations of sexual abuse against Clergy, the Bishop may appoint individuals to investigate the allegations. The Diocese will not interfere with any investigation by law enforcement. When there is sufficient evidence that sexual abuse of a minor by a cleric has occurred, the Congregation of the Doctrine of the Faith shall be notified.

### **Diocesan Review Board**

#### *Membership*

To assist the Bishop in his work, the Diocese has a Review Board that functions as a confidential consultative body established by the Bishop, which is composed of at least five persons of outstanding integrity and good judgment, in full communion w/the Church. The majority of the Review Board members will be laypersons who are not in the employ of the Diocese; but at least one member must be a priest who is an experienced and respected pastor of the Diocese. At least one member should have particular expertise in the treatment of the sexual abuse of minors or vulnerable adults. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice and the Diocesan Attorney participate in the meetings of the Review Board.

#### *Functions*

The functions of this Review Board include:

- Advising the Bishop in his assessment of allegations of sexual abuse of minors and vulnerable adults and in his determination of suitability for ministry;
- Reviewing Diocesan policies for dealing with sexual abuse of minors and vulnerable adults, offering advice on all aspects of these cases, whether retrospectively or prospectively.

#### *Procedures*

- The Review Board shall develop its own procedures for implementing this policy.
- The Review Board or its designee shall report to the Bishop regarding its deliberations. At the



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Bishop's request, the Review Board or its designee and the Diocesan Attorney shall meet with the Bishop to respond to any questions he may have, or provide additional information desired by him. All information received by the Review Board shall be considered confidential and shall not be revealed by any member of the Review Board, except to the Diocesan Attorney, other members of the Review Board, and the Bishop, unless compelled by law.

### **In summary, when an allegation of minor sexual abuse is received:**

- Florida Reporting Law is followed. Call toll-free abuse registry hotline at 1-800-962-2873 or 1-800-342-9152 immediately.
- The Diocesan Contact Person (Chancellor) is notified, 561-775-9507.
- If an allegation is credible, the individual is removed from his/her position pending a law enforcement and internal investigation.
- The recommendations of the Diocesan Review Board are presented to the Bishop.

### **Removing Priests or Deacons**

Nothing in this section shall be construed to preclude the Bishop from temporarily or permanently removing a priest or deacon upon receipt of an allegation, either pending or after the Review Board's completion of its proceedings.

### **Clinical Evaluation**

If a credible allegation of sexual abuse of a minor or vulnerable adult involves a priest or deacon, the alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and to the accused. The individual will be informed of the allegations by the Bishop or his representative and will be given an opportunity to respond to the allegation. He will be advised of his/her right to seek legal and canonical counsel. In the case of a religious order priest, the allegation will be reported to the major superior of the religious order.

### **Response to Admitted or Established Abuse**

When sexual abuse by a priest or deacon is admitted or is established after an appropriate investigation in accord with canon law, the following will pertain:

1. The *Charter* and Diocesan Policy provide that for even a single act of sexual abuse of a minor—past or present—the offending priest or deacon will be permanently removed from ministry. At all times, the Bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor is a crime, for the sake of the



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common good and observing the provisions of canon law, the Bishop shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

2. In every case, the processes provided for in canon law must be observed, and its various provisions be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). These provisions may include a request by the priest or deacon for dispensation from the obligations of Holy Orders and the loss of the clerical state, or a request by the Bishop for dismissal from the clerical state, even without the consent of the priest or deacon. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese will supply canonical counsel to a priest.
3. If the penalty of dismissal from the clerical state has not been applied, the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He will be instructed not to wear clerical garb, or to present himself publicly as a priest or deacon.
4. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

### **Transfer Requirements**

No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese or religious province. Before a priest or deacon can be transferred for residence to another diocese or religious province, the Bishop shall forward in a confidential manner to the local bishop or religious ordinary of the proposed place of residence 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 minors or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life.

### **Restoration of Position**

If the investigation proves the allegation to be not substantiated, the accused individual will be restored to his/her former position or be offered placement in another diocesan position.

***In the case of proven minor sexual abuse, no one will be restored to any Diocesan position. If a priest or religious is removed, he or she can longer function in any ministry for any Arch/diocese.***

Reference: USCCB Charter for the Protection of Children and Young People (June 2018)  
Province of Florida policies  
Diocese of Palm Beach Space Use Agreement and License

Revised November 2017

### **Appendix A**

Revised 10/26/2020



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**List of Disqualifying Offenses**

Prohibited Misdemeanor or Felony Offenses	Statute	Origin
Sexual misconduct with certain developmentally disabled clients and reporting of such conduct	Sec. 393.135	435.04 1012.315
Sexual misconduct with certain mental health patients and reporting of such misconduct	Sec. 394.4593	435.04 1012.315
Medicaid provider fraud	Sec. 409.920	408.809
Medicaid fraud	Sec. 409.9201	408.809
Adult abuse, neglect or exploitation of aged persons or disabled adults	Sec. 415.111	435.04 1012.315
Domestic violence	Sec. 741.28	435.04
Murder	Sec. 782.04	435.04 1012.315
Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child	Sec. 782.07	435.04 1012.315
Vehicular Homicide	Sec. 782.071	435.04
Killing of an unborn quick child by injury to the mother	Sec. 782.09	435.04
Assault, if the victim of the offense was a minor	Sec. 784.011	435.04
Battery, if the victim was a minor	Sec. 784.03	435.04 1012.315
Kidnapping	Sec. 787.01	435.04 1012.315
False imprisonment	Sec. 787.02	435.04 1012.315
Luring or enticing a child	Sec. 787.025	435.04 1012.315
Taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings	Sec. 787.04(2)	435.04 1012.315
Carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person	Sec. 787.04(3)	435.04 1012.315
Exhibiting firearms or weapons within 1,000 feet of a school	Sec. 790.115(1)	435.04 1012.315



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Possessing an electric weapon or device, destructive device, or other weapon on school property	Sec. 790.115(2)(b)	435.04 1012.315
Sexual battery	Sec. 794.011	435.04 1012.315
Prohibited acts of persons in familial or custodial authority	Sec. 794.041	435.04 1012.315
Unlawful sexual activity with certain minors	Sec. 794.05	435.04 1012.315
Prostitution	Ch. 796	435.04 1012.315
Lewd and lascivious behavior	Sec. 798.02	435.04
Lewdness and indecent exposure	Ch. 800	435.04 1012.315
Arson	Sec. 806.01	435.04 1012.315
Burglary	Sec. 810.02	435.04
Fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems	Sec. 817.034	408.809
False and fraudulent insurance claims	Sec. 817.234	408.809
Patient brokering	Sec. 817.505	408.809
Criminal use of personal identification information	Sec. 817.568	408.809
Obtaining a credit card through fraudulent means	Sec. 817.60	408.809
Abuse, aggravated abuse, or neglect of an elderly person or disabled adult	Sec. 825.102	435.04 1012.315
Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult	Sec. 825.1025	435.04 1012.315
Incest	Sec. 826.04	435.04 1012.315
Child abuse, aggravated child abuse, or neglect of a child	Sec. 827.03	435.04 1012.315
Contributing to the delinquency or dependency of a child	Sec. 827.04	435.04 1012.315
Negligent treatment of children	Sec. 827.05	435.04



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Sexual performance by a child	Sec. 827.071	435.04 1012.315
Forgery	Sec. 831.01	408.809
Uttering forged instruments	Sec. 831.02	408.809
Forging bank bills, checks, drafts or promissory notes	Sec. 831.07	408.809
Uttering forged bank bills, checks, drafts or promissory notes	Sec. 831.09	408.809
Fraud in obtaining medicinal drugs	Sec. 831.30	408.809
Resisting arrest with violence	Sec. 843.01	435.04 1012.315
Depriving a law enforcement, correctional, or probation office means of protection or communication	Sec. 843.025	435.04
Aiding in an escape	Sec. 843.12	435.04
Aiding in the escape of juvenile inmates in correctional institutions	Sec. 843.13	435.04
Obscene literature	Ch. 847	435.04 1012.315
Encouraging or recruiting another to join in a criminal gang	Sec. 874.05	435.04 1012.315
Drug abuse prevention and control if another person involved was a minor (Sale, Possession, Distribution)	Ch. 893	435.04
Sexual misconduct with certain forensic clients and reporting of such sexual misconduct	Sec. 916.1075	435.04 1012.315
Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm	Sec. 944.35(3)	435.04
Escape	Sec. 944.40	435.04
Harboring, concealing, or aiding an escaped prisoner	Sec. 944.46	435.04
Introduction of contraband into a correctional facility	Sec. 944.47	435.04 1012.315
Sexual misconduct in juvenile justice programs	Sec. 985.701	435.04 1012.315
Introduction, removal, possession of contraband at juvenile detention facility or commitment program	Sec. 985.711	435.04 1012.315



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Additional Prohibited Felony Offenses	Statute	Origin
Assault, battery and culpable negligence	Ch. 784	435.04 1012.315*
Female genital mutilation	Sec. 794.08	1012.315
Voyeurism	Sec. 810.14	435.04 1012.315
Video Voyeurism	Sec. 810.145	435.04 1012.315
Theft, robbery and related crimes	Ch. 812	435.04 1012.315
Fraudulent sale of controlled substances	Sec. 817.563	435.04 1012.315
Fraudulent use of credit cards	Sec. 817.61	408.809
Exploitation of an elderly person or disabled adult	Sec. 825.103	435.04 1012.315
Sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance	Sec. 831.31	408.809
Drug abuse, prevention and control (Sale, Possession, or Distribution) if no minor was involved	Ch. 893	435.04 1012.315

\* Limited to Sections 784.021, 784.045 and 784.075



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### Appendix B

#### CITATIONS FROM FLORIDA STATUTES

##### From Section 415.102:

(26) "Sexual abuse" means acts of a sexual nature committed in the presence of a vulnerable adult without that person's informed consent. "Sexual abuse" includes, but is not limited to, the acts defined in s.794.011(1)(h), fondling, exposure of a vulnerable adult's sexual organs, or the use of a vulnerable adult to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act that may reasonably be construed to be normal caregiving action or appropriate display of affection.

(28) "Vulnerable adult" means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

##### From Section 39.01 Definitions:

##### **Section 39.01 (67):**

(71) "Sexual abuse of a child" for purposes of finding a child to be dependent means one or more of the following acts:

- (a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
- (b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- (c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.
- (d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:
  1. Any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with, or affection for a child; or
  2. Any act intended for a valid medical purpose.
- (e) The intentional masturbation of the perpetrator's genitals in the presence of a child.
- (f) The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.
- (g) The sexual exploitation of a child, which includes the act of a child offering to engage in or engaging in prostitution, or the act of allowing, encouraging, or forcing a child to:
  1. Solicit for or engage in prostitution;
  2. Engage in a sexual performance, as defined by chapter 827; or
  3. Participate in the trade of human trafficking as provided in s. 787.06(3)(g).

##### **39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.**

(1) (a) Any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the department in the manner prescribed in subsection(2).

(b) Any person who knows, or who has reasonable cause to suspect, that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(c) Any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).



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- (d) Reporters in the following occupation categories are required to provide their names to the hotline staff:
1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
  2. Health or mental health professional other than one listed in subparagraph 1;
  3. Practitioner who relies solely on spiritual means for healing;
  4. School teacher or other school official or personnel;
  5. Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;
  6. Law enforcement officer; or
  7. Judge.

The names of reporters shall be entered into the record of the report but shall be held confidential and exempt as provided in s.39.202.

### **Section 39.204:**

#### **39.204 Abrogation of privileged communications in cases involving child abuse, abandonment, or neglect.--**

The privileged quality of communication between husband and wife and between any professional person and his or her patient or client, and any other privileged communication except that between attorney and client or the privilege provided in s. 90.505, as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, abandonment, or neglect and shall not constitute grounds for failure to report as required by s. 39.201 regardless of the source of the information requiring the report, failure to cooperate with law enforcement or the department in its activities pursuant to this chapter, or failure to give evidence in any judicial proceeding relating to child abuse, abandonment, or neglect.

#### **90.505 Privilege with respect to communications to clergy.**

- (1) For the purposes of this section:
- (a) A "member of the clergy" is a priest, rabbi, practitioner of Christian Science, or minister of any religious organization or denomination usually referred to as a church, or an individual reasonably believed so to be by the person consulting him or her.
  - (b) A communication between a member of the clergy and a person is "confidential" if made privately for the purpose of seeking spiritual counsel and advice from the member of the clergy in the usual course of his or her practice or discipline and not intended for further disclosure except to other persons present in furtherance of the communication.
- (2) A person has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication by the person to a member of the clergy in his or her capacity as spiritual adviser.
- (3) The privilege may be claimed by:
- (a) The person.
  - (b) The guardian or conservator of a person.
  - (c) The personal representative of a deceased person.
  - (d) The member of the clergy, on behalf of the person. The member of the clergy's authority to do so is presumed in the absence of evidence to the contrary.