



POLICIES

DIOCESE OF WILMINGTON

Revised 2015

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DIOCESE OF WILMINGTON

- I. Criminal background checks are required for individuals currently employed or volunteering, being hired or beginning their ministry, referred to here as Church Personnel, in the Diocese if they are to have regular, recurring contact with minors or young people:
- All paid parish and diocesan employees, priests, seminarians, deacons, religious brothers and women religious.
 - All volunteers (over 18) whose ministry will require their close association with minors in Diocesan or parish activities on a regular, recurring basis, and any volunteer who is to serve as a chaperone for activities involving minors on an overnight basis, if only a single activity.

Regular recurring contact with minors is understood to mean those persons who will work or volunteer with children or young persons more than five hours or more a year in their church service.

All employees and volunteers will have a cleared certificate on file prior to employment or volunteer services beginning.

- II. For those identified above, employment, ministerial placement or volunteer services are contingent upon favorable results of the Criminal Background Check.
- III. All criminal background check screenings will be conducted either by the States of Maryland or Delaware or by an investigating agency identified by the Catholic Diocese of Wilmington. Background checks from others states will be accepted provided they were conducted within five years of submission.
- IV. Volunteers 18 and younger are not required to have a background check but will always be supervised by a **cleared** adult when working with minors.
- V. All Church Personnel will review the Diocesan Standards for Ethical and Behavioral Norms and sign an Acknowledgement of Receipt Form.
All Church Personnel will annually review the Diocesan Standards as part of the annual performance appraisal process. (Deacons, Seminarians, Employees)
Volunteers will annually review and sign the Volunteer Covenant.
- VI. All employees and volunteers must complete a renewal of their criminal background check every five years. This renewal will be accomplished through the services of an investigating agency identified by the Catholic Diocese of Wilmington.

- VII. The educational process for all those working with young people is required. This may include the video, pamphlet, presentation of the program power point.
- VIII. There must be two cleared adults present when working with children and young people. In the case of Religious Education classes where the DRE is unable to recruit adequate aides to insure implementation of this rule the follow applies:

The door of the room must be left open, the teacher being visible at all times from the hallway and a hall monitor will observe the classroom on a routine basis.
- IX. International students enrolled in any diocesan/parish school may not be housed with any school, parish or diocesan employee
- X. Posting or accessing pornography or other offensive legal or illegal material, including hate literature, defamatory, libelous, offensive, or demeaning material online is unacceptable behavior. Such behavior is subject to investigation and can result in strong disciplinary action. Posting or accessing child pornography is a criminal offense. If child pornography is discovered the Diocese has an obligation under law to report to civil authority.

Application for employees: Such behaviors will be addressed with progressive discipline and could result in termination.

Application for seminarians: Such behaviors will be addressed and may result in dismissal from studies for the priesthood.

Application for priests and deacons: Such behaviors will be addressed including a possible psychological assessment to determine appropriate follow up. If assessment is required, the priest/deacon will be removed from active ministry during the assessment period and restored to ministry contingent on outcomes of the assessment and treatment.

REVISED POLICY AND PROCEDURES GOVERNING ALLEGATIONS OF SEXUAL ABUSE OF MINORS, DIOCESE OF WILMINGTON

Preamble

The Catholic Church believes, consistent with the teachings of Jesus Christ, that all human suffering and the weaknesses and imperfections of human beings deserve a response rooted in love, compassion, pastoral concern, and assistance. Its basic response to victims of sexual abuse and to the perpetrators of such conduct must be in accord with the pastoral mission of the Church. The Catholic Diocese of Wilmington, therefore, recognizes that cases of allegations of sexual abuse, especially of minors, require swift and just responses which are compassionate

and helpful to the victim, fair to the accused, and sensitive to the greater good of the Catholic people and the civil community.

The Catholic Diocese of Wilmington is committed to the protection and safety of children. This commitment follows the fundamental mission of the Church, to preach the gospel of Christ, to give authentic witness to the moral teaching of the Scriptures and the Church, and to uphold the human dignity of every person. The Diocese of Wilmington is fully resolved to use every effort to prevent the occurrence of any act of abuse within its jurisdiction and to confront any act of abuse immediately and forthrightly.

The emotional and spiritual welfare of a victim will be the immediate and foremost concern when an allegation that sexual abuse has been committed by a person to whom this policy applies. The Diocese will offer loving and compassionate care to victims of sexual abuse and their families upon receiving knowledge of a complaint of sexual abuse. The Diocese will act quickly and decisively in justice for the benefit of all concerned parties and will comply with both canon and civil laws. The ultimate goal is healing for all.

In June of 2002, the Bishops of the United States promulgated a Charter for the Protection of Children and Young People. That Charter sets forth the Bishops' commitment to address, in as effective ways as possible, the protection of children and young people and the prevention of child abuse by Church personnel. The Charter sets forth specific mandates for all Dioceses to implement, directing outreach to victims, developing programs to assure safe environments, and specific directives in handling abuse by priests, deacons, and other Church personnel.

In December of 2002, the United States Conference of Catholic Bishops, after receiving the Recognition of the Apostolic See, issued a decree of Essential Norms dealing with allegations of sexual abuse. The Essential Norms constitute particular law for all Dioceses in the United States of America. The Diocese of Wilmington acknowledges the binding force of the Essential Norms and no part of this policy is to be interpreted in a way that conflicts with those Norms or other binding canons or civil law.

This policy of the Diocese of Wilmington and the procedures contained herein shall apply in all instances when an allegation of sexual abuse of minors is made against members of the diocesan clergy, members of a religious congregation ministering in the Diocese, persons in the employment of the Diocese including unpaid volunteers, and such personnel within all parishes and institutions which are a part of the Diocese.

General Principles

1. The Diocese will respond promptly to all credible allegations of sexual abuse. A credible allegation is one that is believable and plausible.
2. The Diocese will reach out to the victims and their families and communicate sincere commitment and provide for their spiritual and emotional well-being.

3. The Diocese will comply with the obligations of civil law as regards reporting of incidences, and will cooperate with the investigation by civil authority.

Definitions

1. Sexual Abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. For purposes of this policy, sexual abuse shall have the same meaning as defined by the Charter for the Protection of Children and Young People and the Essential Norms.

Sexual Abuse has been defined by different civil authorities in various ways. The Norm to be considered in assessing an allegation of sexual abuse of a minor is whether contact or interaction with a minor qualifies as an external objectively grave violation of the sixth commandment. A canonical offense against the sixth commandment of the Decalogue need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability (moral responsibility) for a canonical offense is presumed upon external violation ... unless it is otherwise apparent." (CIC,c.1321 paragraph 3; CCEO,c.1414 paragraph 2).

2. Church Employee shall include ordained priests, deacons, members of a religious order, seminarians, lay employees, and volunteers approved by the Diocese or a parish to engage in the religious ministries promoted by the Diocese or the parish.
3. Minor is a person under the attained age of 18 years.
4. Diocese is the Catholic Diocese of Wilmington.
5. Cleric means an ordained priest, deacon, or ordained member of a religious order.
6. Priest shall be any priest ordained in the Roman Catholic Church and incardinated in the Diocese of Wilmington or legitimately assigned in the Diocese under the authority of the Bishop of the Diocese of Wilmington at the time an act of sexual abuse of a minor occurred.
7. Deacon shall be a deacon ordained in the Roman Catholic Church and incardinated into the Diocese of Wilmington or legitimately assigned to the Diocese of Wilmington under the authority of the Bishop.
8. Other Church Personnel subject to this policy shall be any employee, agent, or volunteer authorized by the appropriate Church authority to have care, control, or custody of a minor, and having responsibility for the care, control, and custody of a minor, when the act of sexual abuse occurred.

9. Seminarian means a man studying/preparing for the priesthood and officially sponsored by the Catholic Diocese of Wilmington.
10. Allegation or Complaint means a statement or assertion containing sufficient facts, including the name of the cleric or Church employee, the name of the victim, the location, and approximate date of the alleged sexual abuse, and such other facts as give rise to a reasonable suspicion that an accused cleric or Church employee sexually abused a minor.

Every allegation of sexual abuse will be presumed deserving of investigation.

11. Administrative Leave means a person is temporarily prohibited from functioning in his/her formal capacity as priest, deacon, employee, or volunteer while an investigation of child abuse is being conducted.
12. Victim Assistance Coordinator means the professional appointed by the Diocese as the person who will coordinate assistance for the immediate care of persons who claim to have been sexually abused as minors by clergy and other church personnel. The Coordinator will facilitate assessment, counseling, and other therapeutic interventions, spiritual, and pastoral support for the victim and families of victims.

Procedural Policies

An allegation of sexual abuse of a minor by a priest, deacon, or other Church personnel may be initiated in several ways, including: the filing of a written complaint, direct contact with the Bishop or administrative personnel in the Diocese, direct contact with a pastor or school principal or director of religious education or other Church personnel, by the party alleging abuse or a family member thereof, or by a claim presented to civil authority or in a civil law proceeding.

The following actions shall be taken immediately upon receipt of any allegation regardless of who presents the allegation or how the allegation is received:

1. The allegation shall be immediately referred to the Bishop, in the person of the Vicar General for Administration or the Chancellor of the Diocese, and if any other person in the Church receives such an allegation, in whatever manner, he/she shall forward it to the Vicar General or the Chancellor without delay. If the allegation is received in the form of a civil action, the diocesan attorney shall immediately be notified and shall take appropriate action to respond to the civil claim.
2. The alleged abuse shall be immediately reported to civil authority by Church authorities or anyone knowledgeable of the abuse. In all cases when a credible allegation of abuse is given diocesan or other Church personnel, it is incumbent upon diocesan officials to assure a report to civil authority has been made.

3. The diocesan official handling the allegation (the Vicar General or Chancellor) will promptly convey the pastoral offer of the Diocese to the victim and/or parents or guardian of a minor to provide counseling, spiritual, and other types of assistance for the victim, and if appropriate, for the family of the victim. He shall then refer the victim and his/her family to the Diocese's Victim Assistance Coordinator who will arrange for counseling and other assistance.

The Bishop and/or his representative will offer to meet with the victim and the victim's family in recognition of sincere commitment to the spiritual and emotional well-being of the victim and the victim's family.

Allegations Against Clergy or Religious in Service to the Diocese

1. If an allegation of child abuse is made against a priest, deacon, or religious, and the matter is reported to the Diocese, the Vicar General or the Chancellor, after having notified the Bishop, shall refer the matter immediately to civil authority. Depending on the laws of the State (the Diocese encompasses the entire State of Delaware and the nine Counties of the Eastern Shore of Maryland), an act of abuse which occurred in the past may or may not be actionable by civil authority. (In Maryland any act, regardless of the date when it occurred, is actionable by civil authority.) Therefore, whenever any report of abuse is made to Church officials a report must be made immediately to the proper civil authority (both Delaware and Maryland) who will then determine what action shall be taken.

Regarding action by the Church, the Vicar General or the Vicar for Priests will advise the accused of the following actions taken by Church authority:

- Placement on administrative leave and the suspension of faculties.
 - The accused will be advised of his rights under canon law (and civil law) and of the Diocese's intention to conduct a full investigation once civil authority has completed its action in the case.
 - Church officials will request the accused to seek and voluntarily comply with a comprehensive psychological evaluation.
2. After the case has been processed by civil authority, Church authority, as directed by the Bishop, shall immediately begin the preliminary investigation observing the prescriptions of canon law. The findings of the preliminary investigation will be given to the Bishop and at the discretion of the Bishop the Diocesan Review Board will be called into session.
 3. In cases where a cleric of another jurisdiction is accused, after referral to civil authority the matter will be referred to the cleric's proper Ordinary for conduct of the proper investigation. The cleric will not be permitted to function as a priest or deacon in the Diocese of Wilmington while the investigation is in process.

4. In cases where the cleric is a religious or in the case of a non-cleric religious, the Diocese will contact his/her Superior, advising the Superior that (a) all faculties are being revoked in the case of a priest or deacon, (b) the matter is being reported to civil authority, and (c) will relieve the alleged offender of his or her ministerial duties. The cleric will not be permitted to function as a priest or deacon in the Diocese of Wilmington while the investigation is in process. If the religious is not a cleric, he/she will not be permitted to minister in the Diocese of Wilmington pending any investigation.
5. For cases involving diocesan priests or deacons, a Review Board has been established according to the requirements in the Charter for the Protection of Children and Young People and the Essential Norms. Once a case has been processed by civil authority, the Bishop will seek the advice of the Review Board in its capacity as a confidential consultative body in conducting any required investigation as provided in canons 1717.1 and 1718.3. (See Review Board Procedures, Diocese of Wilmington, 2002.)
6. When the Bishop's representative(s) investigating the case determines that sufficient information has been obtained, the Review Board shall consider the case and offer recommendations to the Bishop in the Bishop's assessment of the allegation of sexual abuse of a minor and of suitability for ministry. Having heard the Review Board's recommendations, therefore, the Bishop shall proceed as follows:
 - If the allegation is determined to be not credible, the matter shall be closed. Both the accused and the accuser shall be advised as to the results of the investigation and the closing of the case. As per the provisions in canon law, appropriate actions to clear the name of the accused shall be followed.
 - If an allegation involving a diocesan priest or a diocesan deacon is admitted or is determined by the Ordinary to have occurred after having heard the recommendations of the Review Board, and if accordingly the Bishop determines that removal from ministry or dismissal from the clerical state is to be sought, the Ordinary, in accordance with canon law, shall inform the accused and proceed as provided by canon law and the Essential Norms.
7. A priest or deacon who admits guilt or is found guilty will be permanently removed from the ministry and not allowed to function or represent himself as a priest or deacon and may be laicized.

Allegations Against a Lay Employee or Lay Volunteer

1. In response to an allegation of child abuse against a lay employee or volunteer, the supervisor of the employee or volunteer will:
 - Report to civil authority and then contact the Vicar General or the Chancellor.

- Contact the victim and/or the family of the alleged victim and offer spiritual care and assure assistance by the Diocese.
 - The Vicar General or Chancellor will contact the Diocese's Victim Assistance Coordinator who will meet with the victim and/or family to assure that treatment, support, counseling, and essential assistance is provided in a timely manner. The Vicar General or the Chancellor will offer to meet with the victim and/or the victim's family.
2. The individual against whom an allegation has been made will receive prompt notification of the general nature of the allegation(s) by the supervisor or agency head and be placed on administrative leave pending the outcome of investigations by civil authorities.

Information shared with the accused shall be limited to that which is sufficient to enable the accused to respond to the allegation. Under no circumstances will information be shared that can compromise the civil investigation of the allegation. Whenever possible, civil authorities will be allowed the first contact with the alleged offender, unless such procedure would put the alleged victim and/or others at risk of harm.

The individual against whom an allegation has been made is to be:

- Directed to remain away from the school, agency, parish Church, worship services, or other location(s) which are the subject matter of the complaint until a resolution of the complaint is concluded.
 - Directed not to contact or attempt to contact the alleged victim nor the victim's family.
 - Informed of the investigative process and the expectation for his/her cooperation and participation in said process.
 - Advised of his/her right to his/her own attorney.
3. If the employee is arrested and charged, a review of the facts will be made to determine if he/she should be continued on administrative leave, however, barring extraordinary circumstances, the accused will be terminated.

If a lay employee or volunteer admits guilt or does not contest guilt, he/she will be terminated immediately.

Civil Law Considerations

1. When a complaint of sexual abuse is made against a cleric, a member of a religious community, or lay person of the Diocese, the Diocese will comply with both canon and civil law.

2. If criminal proceedings are undertaken against a cleric of the Diocese or religious or lay person employed by the Diocese of Wilmington, financial responsibility for defense is the responsibility of the accused. The Diocese will provide reimbursement of defense costs if the accused is a priest or religious and is found to be innocent.
3. The Diocese of Wilmington reserves the right to employ counsel on those occasions when necessary, and the Diocese, in justice, may defend itself.
4. In both the secular courts and in canon law, a person is presumed innocent until proven otherwise. However, the presumption of innocence does not preclude the Diocese from taking prudent action before the investigation is completed, including, but not limited to, relieving the alleged offender of his or her ministerial duties, and referring him or her for appropriate medical and psychological evaluation and intervention, provided that such referral does not interfere with the investigation by civil authority.

Standards of Conduct

1. In accord with Article VI of the Charter to Protect Children and Young People, the Diocese has established Standards for clergy and other Church personnel. These Standards shall be provided to each priest, deacon, and all other Church personnel within the Diocese. All Church personnel are required to abide by these Standards. These Standards may be reviewed and revised periodically at the direction of the Bishop.

Review Board

1. A Review Board has been established to function as a confidential consultative body to assist the Bishop in discharging his responsibilities, particularly in respect to diocesan clergy and in the fulfillment of canons 1717-1719. The functions of the Review Board shall be:
 - Advising the Bishop in his assessment of allegations of sexual abuse of minors involving priests and deacons and in his determination of suitability for ministry;
 - Reviewing diocesan policies for dealing with sexual abuse of minors;
 - Offering advice on all aspects of cases involving sexual abuse of minors whether retrospectively or prospectively.
 - The Review Board shall operate under the Diocese of Wilmington Review Board Policies and Procedures.

Communications Policy

1. A Communications Policy for the Diocese of Wilmington with regard to these matters shall be as follows.

Within the confines of respect for civil and canonical rights to privacy and the reputation of all individuals involved, the Diocese will communicate allegations where there is sufficient information to proceed. While canon law requires that the acts of an investigation regarding a priest or a deacon or other Church personnel must be kept confidential, and the Essential Norms further require that deliberations of the Review Board be confidential, nevertheless the Diocese will strive to communicate the major decisions which have been made in individual cases, the status of persons, and the progress of investigations and procedures insofar as possible without divulging such confidential information. The Diocesan Director of Communications will be consulted to assist with appropriate responses to media or the public.

Safe Environment Program

1. A Safe Environment Program, entitled, *For the Sake of God's Children*, is established by the Diocese of Wilmington, and all parishes, schools, and other diocesan institutions shall implement the programs provided therein. The programs shall include education and training of all Church personnel to maintain a safe environment for children. The Diocese will cooperate with parents, community leaders, and other interested parties in establishing and providing a safe environment for children.
2. All school staff and volunteers and others in ministry who have care, custody, and control of children must comply with the statutes of each respective State with regard to criminal investigation and criminal background checks. Background Checks of priests, deacons, and other Church personnel or volunteers with unsupervised access to children may be requested by Church officials when appropriate or necessary and as provided in the policies outlined in *For the Sake of God's Children*.