



Child Protection Policy



Archdiocese of Mobile



THE CATHOLIC CENTER
Archdiocese of Mobile

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Dear Brothers and Sisters in the Lord,

“All children have the right to be safe and protected from harm in any and all environments—home, school, religious institutions, neighborhoods and communities. The Archdiocese of Mobile embraces this right to safety and is dedicated to promoting and ensuring the protection of children”. With those words, Archbishop Lipscomb issued a decree implementing this policy for the Archdiocese of Mobile in July of 2003. Now that I serve as Archbishop of Mobile, it is important that I hereby promulgate this policy in my name so that all will understand that our commitment to protect minors is unchanged.

Since 2003 the Archdiocese of Mobile has instituted a safe environments program in the schools and youth ministries of our archdiocese, impacting some 9,000 minors annually. More than 12,000 adults have completed safe environments training. This training includes background checks and covers such topics as procedures for reporting allegations of abuse to civil authorities and for investigating such allegations. With the implementation of the policy also came the creation of an independent review board established to review each case of alleged child abuse by clergy. The policy also requires the appointment of a victim’s assistance coordinator to help reach out to victims and their families in an effort to foster some healing from the effects of abuse. The Child Protection Policy also mandates periodic review. This process of review has been completed and the Child Protection Policy for the Archdiocese of Mobile (2009) is now promulgated as the policy for the Archdiocese of Mobile. Effort has been made to present this policy in a concise and clear fashion.

As Archbishop, I am pledging to you, the people of the archdiocese, that there will be no tolerance of abuse of minors on the part of those who serve the Church. It is my hope that our archdiocesan policy will ensure this pledge.

I wish to thank all those who serve in the ministry of the Church. We are blessed to have outstanding priests, deacons, religious sisters and brothers, and lay persons who dedicate themselves to making the love of God visible in our midst. Together, we must work to make certain young people are safe when participating in Church ministries.

I pray that the Lord will bless all who work so tirelessly to provide youth ministries for young people so our young people may grow in the ways of the Faith and in the love of our Lord Jesus Christ and His Church.

Sincerely in the Lord,

+ Thomas J Rodi

Most Reverend Thomas J. Rodi
Archbishop of Mobile

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Introduction

1. Every person is created by God. God has given to each of us a dignity that must be respected. Therefore the Catholic Church condemns all forms of abuse of people.
2. In regard specifically to minors, it is the policy of the Archdiocese of Mobile that abuse of minors is reprehensible and intolerable behavior. Any such conduct is, by its very nature, contrary to Christian morality. Therefore, the abuse of minors will not and cannot be tolerated by any personnel.
3. All who serve the mission of the Catholic Church within the ministries of the Archdiocese of Mobile must comply with all applicable local, state and federal laws regarding incidents of actual or suspected abuse of minors and with the provisions of this policy.
4. Through this policy, the Archdiocese of Mobile takes steps to safeguard minors. This policy establishes requirements and procedures in an effort to prevent abuse of minors by personnel within the Archdiocese and to provide for Safe Environments Training and reporting practices, regarding suspected abuse.
5. This Child Protection Policy builds on long established policies of the Archdiocese aimed at preventing abuse of minors. It is responsive to our concern for minors and to the provisions contained in the revised *Charter for the Protection of Children and Young People and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* approved by the full body of the United States Conference of Catholic Bishops in November, 2002 and revised in June, 2005.

1 Definitions

Following are definitions used for the purposes of this Policy.

1.1 Accused

A person charged with or alleged to have committed an act of abuse against a minor, a serious violation of these policies and procedures, or a crime.

1.2 Administrative Leave

Relieving the accused of assigned duties pending further notice from the Archdiocese.

1.3 Archdiocesan Personnel

Priests, deacons, religious, seminarians and lay employees who are subject to the oversight of the Archdiocese of Mobile. Also lay volunteers who have substantial contact with minors and are subject to the oversight of the Archdiocese of Mobile.

1.4 Background Check

The verification of information provided on the Application for Employment or Screening Form, including the required reference contacts, and ascertainment that the applicant has no criminal record that would bear on his/her ability to work with minors.

1.5 Minor

Any person under the age of eighteen (18).^{1, 2}

1.6 Child Abuse

Consists of any of the following:

- a. Sexual Abuse includes any act or interaction, whether or not it involves genital or physical contact, with or without consent, even if initiated by the minor, which involves sexual contact, molestation or sexual exploitation of a minor by an adult.
- b. Physical Abuse includes any act which:
 1. Willfully causes or inflicts physical injury to a minor;
 2. Willfully causes mental injury or psychological injury to a minor by intentionally engendering fear of physical injury to that minor; or
 3. Is otherwise deemed to be physical abuse by the laws of the State of Alabama. Physical abuse does not include the appropriate physical restraint of a minor who is attempting to injure another person or him/herself, or the

¹ A person who habitually lacks the use of reason is to be considered equivalent to a minor.

² Students enrolled in high-school programs that have reached the age of 18 are still subject to adult supervision and continue to be protected under the Child Protection policy.

appropriate physical direction of a minor away from danger or the minimum restraint necessary to place a minor in "time out" or other appropriate limitation of movement to promote the minor's regaining of safety and emotional control.

- c. The acquisition, possession, or distribution of pornographic images of minors under the age of fourteen (14), for purposes of sexual gratification, by whatever means or using whatever technology.

1.7 Credible Accusation

An allegation that, based upon the facts of the case, meets the following thresholds:

- a. Believable and plausible;
- b. Natural, reasonable and probable;
- c. Corroborated with other evidence or another source; and/or
- d. Acknowledged/admitted to by the accused.

In making this determination, consideration should be given to the trustworthiness of the source.

1.8 Lay Volunteer

A person who provides, without compensation, an ongoing service or activity that is officially sanctioned by the Archdiocese of Mobile and/or Archdiocesan personnel.

1.9 Permanent or Temporary Care or Custody or Responsibility for Supervision of a Minor

Includes all Archdiocesan personnel or any adult who has been given responsibility for temporary care or supervision of a minor. The passing of responsibility must be by a parent, guardian or authorized person, regardless of duration, for a church or school related activity.

1.10 Substantial Contact

Contact with minors in which the duration and scope in both time and exposure to minors is neither trivial nor limited and may occur on a routine and/or ongoing basis.

2 Education

Principle

The Archdiocese of Mobile is committed to the education and training of its personnel in the prevention, identification and reporting of child abuse in all its forms. The Archdiocese will aid minors, through the Safe Environments Program, to enhance their ability to protect themselves. Through the Archdiocesan Safe Environments Program parents will be offered resources to enhance their own awareness of child abuse and strategies to better protect minors.

2.1 Purpose and Objective

The Safe Environments Program is required of all employees. It is also required of all volunteers who have substantial contact with minors. The objective of the Safe Environments Program is to provide specific training in the prevention, recognition and reporting of child abuse, as well as specific training in providing for safe environments for minors enrolled in Archdiocesan sponsored activities.

All Archdiocesan sponsored educational programs for minors are required to provide Safe Environments lessons annually. Parents or guardians may request that their minor be excused. This request must be made in writing and kept on file by the pastor or principal, and a copy of the request should be sent to the Office of Child Protection.

The educational requirement for all Archdiocesan personnel is initial training in the first thirty (30) days of employment or volunteer service and the required annual retraining thereafter.

Pastors, principals, administrators and Archdiocesan directors will ensure that all personnel required to receive training do so within the requisite time period or be removed from contact with minors for failure to attend the appropriate training program.

2.2 Personnel

The following Archdiocesan personnel shall participate in training:

- a. All priests, deacons, religious and seminarians
- b. All employees
- c. All volunteers who have substantial contact with minors

2.3 Educational Programs for Students in Catholic Schools and Parish Religious Education Programs

The Superintendent of Catholic Schools will ensure that age-appropriate Safe Environments Programs are available at Pre K-4 through 12th grade levels. Such programs shall be provided annually to minors in all grades of every Catholic School in the Archdiocese, as well as to minors participating in parish religious education programs.

3 Background Checks

Principle

The Archdiocese of Mobile recognizes that a review of criminal history records is an important step toward providing a safe environment for minors enrolled in Archdiocesan programs. Therefore, all volunteers who have substantial contact with minors and all employees while working or volunteering for any archdiocesan ministry and/or program, will undergo state and national background checks before beginning their ministry or employment for the Archdiocese of Mobile.³ Priests, deacons, religious and seminarians will undergo background checks before beginning their ministry. If entering the Archdiocese from another diocese, they will also have a letter of suitability from their ordinary. The letter of suitability will remain in their personnel file at the Chancery.

3.1 Completion of Clearance Requirements

The Archdiocesan Office for the Protection of Minors and Adults will review all background checks and notify the pastor, principal, administrator or Archdiocesan director of any unsuitable applicants. The Office for the Protection of Minors and Adults will maintain on its database a list of all persons in the Archdiocese who have been refused employment or not allowed to provide volunteer services due to background investigations. Volunteers, who have substantial contact with minors and all employees, priests, deacons, religious and seminarians, at the time of application with the Archdiocese of Mobile and before being assigned to a volunteer ministry position, must complete a screening form, an acknowledgment form and a release form. These forms are to be sent to the Office for the Protection of Minors and Adults and kept on file for as long as a person remains in employment or volunteer services.

³ - Students enrolled in high-school programs who have reached the age of 18 are still subject to adult supervision and continue to be protected under the Child Protection policy and are not required to undergo a background check in order to participate in a parish or school sponsored trip.

4 Civil Reporting Requirements

Principle

The Archdiocese of Mobile recognizes that the protection of minors is a responsibility shared by the entire community, including the Church, parents, teachers, healthcare professionals, public safety officials, public and private social services agencies, and the general public. The Archdiocese is committed to cooperating with civil authorities to protect minors.

Additionally, the Archdiocese of Mobile is committed to advising accusers of their right to report independently and will support their exercise of that right as stated in the *Charter for the Protection of Children and Young People*. The Archdiocese will act in accordance with standards that will at all times comply with those of civil law, and this policy will be reviewed periodically by the Archdiocese to ensure consistency with changes in civil law.

4.1 Who Must Report?

Any Archdiocesan personnel who has reason to believe or suspects that a minor has been the victim of physical or sexual abuse shall make a report to the appropriate civil authorities. A report to the Office for the Protection of Minors and Adults shall be made in addition to civil reporting, when the alleged abuse has taken place on Archdiocesan property or involves Archdiocesan personnel. (As identified in Section 5). The sole exception is that ordained priests shall not report any information subject to the priest- penitent privilege.

4.2 What Must be Reported?

Any suspected physical or sexual abuse of a minor shall be reported as soon as practical.

4.3 Requirements for Further Cooperation

Upon request of any civil authority, Archdiocesan personnel shall cooperate fully in the investigation of child abuse. This includes investigations of alleged sexual abuse of minors who are now adults. Archdiocesan personnel shall also cooperate in any resulting judicial proceeding.

5 Internal Archdiocesan Reporting Requirements

Principle

The Archdiocese of Mobile believes unconditionally in the dignity of all minors and condemns any act of child abuse. As a result, all Archdiocesan personnel have a general duty to report knowledge or reasonable suspicion of child abuse, regardless of any adverse consequences of such disclosure. Additionally, the Archdiocese has a pastoral responsibility to establish, implement and enforce an internal program of clear, practical actions to require the reporting of suspected child abuse.

5.1 Obligation to Report When Involving Personnel of the Archdiocese

- a. Any person who has actual knowledge of or who has reasonable cause to suspect an incident of sexual or physical abuse of a minor by any personnel of the Archdiocese of Mobile shall comply with all applicable reporting requirements of local, state and federal laws. The sole exception is that ordained priests shall not report any information subject to the priest-penitent privilege.
- b. A verbal report shall be immediately communicated to the supervisor unless the supervisor is the subject of the complaint, in which case the report shall be made directly to the Director for the Protection of Minors and Adults.
- c. All supervisors who have received a complaint of sexual or physical abuse of a minor involving personnel of the Archdiocese of Mobile will report the allegation to the Director for the Protection of Minors and Adults, while simultaneously reporting to civil authority. Within a reasonable time, a written report will be submitted to the Director for the Protection of Minors and Adults.
- d. If the complaint is made against a priest, deacon, religious or seminarian, the report is made to the Director for the Protection of Minors and Adults and the director will report the allegation to the Archbishop.
- e. In the event that the Director for the Protection of Minors and Adults is not available, the report should be made to the Moderator of the Curia.

5.2 Record Keeping

The Archdiocese shall keep on file in strict and secure confidence all records and reports of abuse, all actions taken and notifications given by the Archdiocese and/or other church authorities in response to such reports, and all relevant evidence and comment concerning the alleged abuse. Copies of original statements provided to law enforcement will be kept on file.

The responsibility for record keeping belongs to the Director for the Protection of Minors and Adults. For the protection of all parties involved, records shall be kept for fifty (50) years after the date of the initial complaint.

6 Internal Archdiocesan Reporting Requirements

Principle

The Archdiocese of Mobile will take reasonable precautions necessary to ensure that minors are safe and protected from harm. Despite such preventive measures, situations of suspected abuse may occur. When allegations of suspected abuse are made against any party, the Archdiocese will consider the rights and interests of all parties and adhere to procedures that (1) minimize the potential for further injury; (2) maximize the potential for a speedy and just resolution; and (3) remain responsive to the tenets of canon and civil laws.

6.1 Allegations Against a Lay Employee or Lay Volunteer

- a. In response to an allegation of child abuse against a lay employee or volunteer, the pastor, principal, administrator or Archdiocesan Director will:
 1. Contact the Director for the Protection of Minors and Adults to assure that spiritual care and support is provided to the accuser and his/her family in a timely manner, the Director for the Protection of Minors and Adults will also notify the Archbishop of the accusation.
 2. Inform the alleged accuser or, in the case of a minor, the alleged accuser's family, of the availability of assistance through the Director for the Protection of Minors and Adults.
 3. The individual against whom an allegation has been made will receive prompt notification of the allegation(s) by the pastor, principal, administrator or agency head and be placed on administrative leave pending further decision.
 4. The individual against whom an allegation has been made is to be directed to remain away from their place of ministry, employment or volunteer service that is the subject matter of the complaint until a resolution of the complaint is concluded.
 5. The individual against whom an allegation has been made is to be directed not to contact or attempt to contact the alleged accuser or the accuser's family.
 6. The individual against whom an allegation has been made is to be informed of the investigative process and of the expectation of his/her full cooperation and participation in the process.
 7. The individual against whom an allegation has been made is to be advised of his/her right to obtain legal counsel.
- b. In response to credible allegations against an Archdiocesan lay employee or lay volunteer, the Archdiocesan Case Review Board may be convened to consider the accusation and make a recommendation to the Archbishop.
- c. If a lay employee or lay volunteer admits guilt, does not contest guilt or is found to be guilty of child abuse, he/she will be immediately terminated. The name of the employee or volunteer will be sent to the Office for the Protection of Minors and Adults and placed on the "Do Not Hire" list.

- d. In instances where allegations of abuse are not supported, the Director of Child Protection will consult with the Archbishop to determine the most appropriate course of action and the disposition of the accused.

6.2 Allegations Against Priests, Deacons, Religious or Seminarians in Service to the Archdiocese

- a. In response to an allegation of child abuse against a priest, deacon, religious or seminarian, the pastor, principal, administrator or Archdiocesan Director:
 1. Contact the Director for the Protection of Minors and Adults to assure that spiritual care and support is provided to the accuser and his/her family in a timely manner. The Director for the Protection of Minors and Adults will also notify the Archbishop of the accusation. By decree, the Archbishop will initiate a preliminary investigation.
 2. Inform the alleged accuser or, in the case of a minor, the alleged accuser's family, of the availability of assistance through the Director of Child Protection.
 3. The individual against whom an allegation has been made will receive notification of the allegation(s) by the Archbishop and be placed on administrative leave pending further decision. (In the case of a religious, the Archbishop will inform the superior and then take appropriate action.)
 4. The individual against whom an allegation has been made is to be directed to remain away from their place of ministry that is the subject matter of the complaint until a resolution of the complaint is concluded.
 5. The individual against whom an allegation has been made is to be directed not to contact or attempt to contact the alleged accuser or the accuser's family.
 6. The individual against whom an allegation has been made is to be informed of the investigative process and of the expectation of his/her full cooperation and participation in the process.
 7. The individual against whom an allegation has been made is to be advised of his/her right to obtain civil and/or canonical counsel.
- b. In response to credible allegations against an Archdiocesan priest, deacon, religious or seminarian, as determined by the Archbishop and reviewed by the advisory Archdiocesan Case Review Board, the Archbishop will notify the Congregation for the Doctrine of the Faith.
- c. A priest, deacon, religious or seminarian who admits guilt or is found to be guilty of child abuse will be permanently removed from ministry and prohibited from functioning or representing him/herself as a priest, deacon, religious or seminarian of the Archdiocese. A priest, deacon, religious or seminarian found not guilty may still be removed from ministry if the Archbishop determines he/she poses a danger to minors.
- d. In the case of a priest, deacon, religious or seminarian from another diocese, the Archbishop will, after an allegation of child abuse has been deemed credible, immediately direct the priest, deacon, religious or seminarian to leave the Archdiocesan facility(ies) and will notify the appropriate ordinary that the individual has been removed.

- e. In instances where allegations of abuse are not supported, the Director for the Protection of Minors and Adults will consult with the Archbishop to determine the most appropriate course of action and the disposition of the accused.

6.3 Prohibition Against Clergy Receiving the Confession of An Accused

Clergy participating in any manner in an investigation are prohibited from receiving the confession of the person accused of committing child abuse.

6.4 Archdiocesan Case Review Board

- a. When a priest or deacon of the Archdiocese is suspected of child sexual abuse or other forms of child abuse, the Archbishop shall consult with the Archdiocesan Case Review Board. This board may also be consulted in cases involving other personnel of the Archdiocese. The Archdiocesan Case Review Board is an advisory body to the Archbishop and consists of at least five persons of outstanding integrity and good judgment. The majority of the Archdiocesan Case Review Board members will be laypersons who are not in the employ of the Archdiocese. At least one member should be a priest who is an experienced and respected pastor of the Archdiocese. Additionally, at least one member should have particular expertise in the treatment of minors who have been sexually abused.
- b. The Archdiocesan Case Review Board will perform the following functions in accordance with the policies and procedures set forth below.
 1. Assess allegations of sexual abuse of minors by priests and deacons in order to advise the Archbishop on the credibility of the allegations and whether the allegations fall within the definition of sexual abuse (see Section 1). Cases of alleged child abuse, other than allegations of sexual abuse, may be referred to the Archdiocesan Case Review Board and assessed in a comparable manner as described above;
 2. Cases reviewed by the Archdiocesan Case Review Board shall be limited to review of information, reports and materials submitted to it. The Archdiocesan Case Review Board shall not take any direct testimony from witnesses including accuser and alleged abuser;
 3. Advise the Archbishop in his determination of suitability for ministry on a case-specific basis. The Archdiocesan Case Review Board will report to the Archbishop directly or through his delegate. The Archbishop will review the recommendations made to him by the Archdiocesan Case Review Board.

6.5 Rights of the Accuser and the Accused

Following an allegation of child abuse, the Director for the Protection of Minors and Adults shall provide the accuser and the person accused with:

- a. A timely response to, investigation of and resolution of the allegations of abuse;
- b. An explanation of the Archdiocesan process and specific procedures for dealing with allegations of child abuse, including the policy on reporting to civil authorities;
- c. Identification and offering of appropriate assistance to help the accuser;
- d. Protection of the privacy and good name of both the accuser and the accused to the extent possible; and
- e. Information pertaining to the outcome of the investigation once it has been concluded.

7 Archdiocesan Response to False Allegations

Principle

The Archdiocese of Mobile recognizes the trauma and harm that occurs as a result of false allegations of child abuse. As a result, the Archdiocese will strive to minimize any adverse personal or professional consequences arising from unsupported allegations.

7.1 Restoring the Good Name of Someone Falsely Accused

The Archdiocese will work with the accused to restore his/her good name and reputation and help the accused to create a plan for the future.

7.2 Informing the Community

The Archdiocese will, to the extent appropriate and in consultation with one falsely accused, inform both the faith community at large and the local parish of the outcome of the investigative process and of the need for spiritual support and restorative justice.

8 Pastoral Care and Victim Assistance

Principle

The relationship between the Church and those to whom it ministers is sacred. The Archdiocese of Mobile recognizes that this sacred trust is broken and profound harm occurs when clergy or other Church personnel engage in child abuse. The Archdiocese further recognizes the Church's pastoral responsibility to reach out to victims of abuse perpetrated by anyone acting in the name of the Church, whether the abuse was recent or occurred in the more distant past.

8.1 Pastoral Outreach to Victims, Families and the Community

In order to repair harm and promote healing, the Archdiocese will offer compassionate and timely pastoral and professional care to victims of child abuse, to their immediate families and to the affected faith communities.

8.2 Director for the Protection of Minors and Adults

The Archdiocese shall designate a “Director for the Protection of Minors and Adults” who will receive notification of all allegations of abuse, promptly inform the accuser of his/her rights and obligations, and coordinate timely and responsive pastoral care provided by the Archdiocese. The Director for the Protection of Minors and Adults will serve as a liaison to any person alleging child abuse and will be responsible for providing information concerning Archdiocesan policies and reporting requirements. The Director for the Protection of Minors and Adults will also be responsible for ensuring that individuals receive appropriate pastoral care. The Director for the Protection of Minors and Adults will meet with accusers, their families, and affected parish and faith communities. The Director for the Protection of Minors and Adults shall initiate an investigation of all allegations of child abuse involving Archdiocesan personnel.

9. Communications

Principle

The Archdiocese should engage the community and the media in its efforts to prevent child abuse, protect minors, and support families.

9.1 Media Contacts and Inquiries

The Archdiocese will communicate as openly as possible and within the boundaries of individual privacy rights with members of the media, the faith community and the general public regarding allegations of child abuse and related issues. Any media contact or inquiries regarding an incident of abuse involving a minor by personnel of the Archdiocese of Mobile must be directed to the Chancery Office.