

Policy for the Protection of Children and Youth

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DIOCESE OF SPRINGFIELD, MA

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DIOCESAN POLICY FOR THE PROTECTION OF CHILDREN AND YOUTH

Diocese of Springfield Policy for the Protection of Children and Youth

[Section 1: Services to Victims](#)

[Section 2: Prevention and Education](#)

[Section 3: Reporting Responsibilities](#)

[Section 4: Guidelines for Dealing With Complaints](#)

[Section 5: Review Board](#)

[Section 6: The Accused](#)

[Section 7: Legal Representation](#)

[Section 8: Reassignment of Clergy and Religious](#)

[Section 9: Clergy Monitor](#)

[Section 10: False Accusations](#)

[Section 11: Screening and Selection - Clergy, Staff and Volunteers](#)

[Section 12: Communication](#)

[Section 13: Conclusion](#)

General Statement of Guidelines

As revelations of sexual abuse by Church personnel have come to light, the Diocese of Springfield has experienced the same emotions as those experienced by all Catholics: we are shocked, saddened, and ashamed. In addition, we are truly sorry about what has happened, and we ask for forgiveness. We know that true healing can only come about when there is forgiveness. We understand that some who have been harmed by the Church are not yet ready to forgive. This policy is part of our attempt to help with the process of healing. We aim to create an environment that protects our children from harm. We hope, and pray, for the healing of all those who have been harmed.

The Diocese of Springfield will face the issue of sexual abuse by clergy, staff and volunteers in an open and straightforward manner. We will strive to respond with compassion to those who have been harmed; take action to redress the wrongs by appropriate disciplinary and

administrative action; work for just solutions; extend God's healing love to all those injured; and protect and promote the safety of children.

We are committed to continuously reviewing and refining these policies and procedures. We will comply with all laws regarding the reporting of allegations of sexual abuse against children to the proper civil authorities for investigation. When civil authorities are involved with a criminal investigation, the Diocese of Springfield will defer to the civil/criminal process and use every available means to continue the investigation of allegations.

Section 1: Services to Victims

1.1 The Diocese of Springfield shall provide (through internal or external referral) pastoral, psychological and spiritual support to victims, their families, and the faith community.

1.2 The Diocese of Springfield will designate a competent lay coordinator to organize and direct outreach to victims and to deliver assistance and support services to persons who have been abused by Church personnel.

1.3 The Diocese of Springfield will:

- a. Be respectful of all persons bringing a complaint.
- b. Provide an advocate/advisor upon request.
- c. Help victims obtain counseling support.
- d. Meet with victims (and families if appropriate) and extend the Church's apology for harm done.
- e. Provide information about support groups.
Help victims and families obtain spiritual direction.
- f. Help bring concerns to the proper Church officials outside the Diocese of Springfield when indicated.
- g. Provide printed material that outlines the services available, procedures for making a complaint, appellate procedures, and civil reporting requirements.
- h. Make periodic public announcements about the services available and the procedures for making a complaint.

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

1.5 Parishes and religious communities/institutions may also be considered victims of child sexual abuse by clergy or other church personnel. The Church is guided by the following principles in its response to affected communities:

- a. Faith communities, organizations, and institutions undergo a complex process of grieving when they learn about accusations of child sexual abuse by a trusted and respected leader.
- b. A critical element in healing is providing accurate information regarding the facts of the allegations and the investigations.

- c. Communication may be limited by the concern for privacy of the victim and victim's family and the need to protect the rights of the accused, particularly when criminal charges are pending
- d. The healing of a parish, organization, or religious community/institution is a multi-disciplinary challenge requiring expertise from a variety of sources.
- e. Healing also comes from the sharing and dialoging of parishioners. The Diocese will facilitate such sharing.
- f. To facilitate healing, the Bishop may meet with the affected community.

1.6 The Diocese of Springfield shall maintain a list of available resources for victims, faith communities, and those accused of abuse. Those resources shall include the following disciplines: Pastoral counseling, legal, psychological counseling, medical, victim support groups, and treatment facilities.

Section 2: Prevention and Education

2.1 Educating priests, deacons, religious, staff, volunteers, and parents

Training sessions will be provided for:

- a. Priests, permanent deacons, and religious;
- b. Staff and volunteers who have regular contact with minors, or who make home visits;
- c. Parents and other adults.

The trainings will be mandatory, and will include the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of sexual abuse.
- c. Signs and symptoms of sexual abuse in children and youth.
- d. Policies and procedures for prevention of sexual abuse by clergy or other church personnel.
Policies and procedures for reporting allegations of sexual abuse.
- e. Types of disclosures and how to respond appropriately.
- f. Policies and procedures for responding to allegations of sexual abuse.

Parochial school students and their parents will receive education through their school on the prevention of child sexual abuse.

2.3 With the assistance of the Diocese and the pastors, parishes shall seek out a parishioner for the ministry of Safe Environment coordinators. The coordinators shall act as a liaison between the Diocese and the parish to ensure that this policy is known and followed.

Section 3: Reporting Responsibilities

3.1 State laws mandate that certain persons report suspected incidents of child abuse, acquisition, possession and or distribution of child pornography and sexually abuse of vulnerable adults to civil authorities. All clergy, staff, and volunteers, even those not mandated by state law, must report knowledge or belief that a child or vulnerable adult is the victim of abuse to child & adult protection agencies or law enforcement authorities and the appropriate Church official or supervisor.

Clergy, staff, volunteers, or other agents of the Church or religious institution shall report suspected abuse if he or she:

- a. Has knowledge that a child or vulnerable adult is the victim of abuse.
- b. Has reasonable cause to suspect that a child or vulnerable adult has been abused.

"Vulnerable person" includes anyone "in an infirm state, of physical or mental deficiency, or deprivation of personal freedom, that in fact, even occasionally, limits their capacity to intend or to want or in any way to resist the offense."

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

The only exception to this policy is the disclosure made to a priest in the sacrament of reconciliation. However, any priest who hears the confession of someone who abuses children shall urge that person to turn him/herself in to the civil authorities. If the priest hears the confession of someone who is the victim of abuse, he shall urge the victim to report the abuse to the proper civil authorities.

Section 4: Guidelines for Dealing with Complaints

4.1 All persons involved shall be treated in a manner consistent with the Gospel values of dignity, compassion, understanding, and justice. The Diocese of Springfield's response to complaints and allegations is multi-faceted and includes:

- a. The pastoral care of the victim.
- b. A thorough, fair, and objective investigation.
- c. The well-being of the community.
- d. The assessment and treatment of the offender.

4.2 When the Diocese becomes aware of an allegation of child sexual abuse against a priest or permanent Deacon, the Church will initiate a prompt, objective, preliminary investigation. When there is sufficient concern that child sexual abuse has occurred, the church will take immediate appropriate measures to remove the cleric from ministry and place him on administrative leave. The Church will also notify the Congregation for the Doctrine of the Faith. Anonymous complaints will be referred to the appropriate civil authority.

4.3 Upon receipt of a complaint of child sexual abuse by clergy, staff, or volunteer, the Diocese of Springfield will refer the matter to civil authorities and begin an internal investigation according to established procedures and, if the accused is a cleric, in accordance with canon law. When civil authorities are conducting a criminal investigation, the Diocese of Springfield will defer to, and cooperate with, that investigative process.

4.4 The Diocese of Springfield shall retain all records and other materials related to the matter that may be considered evidence. The records shall contain intakes, the complainant's description of the allegations, investigation reports, and records of services provided to those

harmful by sexual misconduct. Any person may secure legal representation to pursue claims. However, it is not necessary to retain an attorney or file a lawsuit to resolve a complaint with the Diocese of Springfield.

4.5 Retaliation or discrimination against a person who has made a complaint or who reports sexual abuse is strictly prohibited and will not be tolerated.

4.6 The United States Conference of Catholic Bishops, in its document Statement of Episcopal Commitment, (November 13, 2002), addresses the issue of allegations against a Bishop: "In cases of an allegation of sexual abuse of minors by bishops, we will apply the requirements of the Charter also to ourselves, respecting always Church law as it applies to bishops. In such cases, the Metropolitan will be informed when an allegation has been made against a bishop (the senior suffragan bishop will be informed when an allegation has been made against a Metropolitan)."

4.7 Individual circumstances may prescribe a course of action at variance with these guidelines. Actions that are inconsistent with these guidelines will be documented and will include a statement setting forth the circumstances requiring the variance and the actions taken in place of those prescribed in these guidelines.

Section 5: Springfield Diocese Review Board

5.1 The Bishop shall continue to support the work of the Review Board. The board shall:

- a. Report directly to the Bishop or his designee.
- b. Consist of nine members appointed for three-year, renewable terms. The review board members will be lay persons who are not in the employ of the Diocese of Springfield.
- c. Establish its own rules and procedures for operation.
- d. Have access to all information in the possession of the Diocese of Springfield,
- e. Retrospectively and prospectively review allegations and advise the Bishop as to the credibility of complaints of misconduct.
- f. Employ a trained investigator to investigate allegations.
- g. Review investigation reports and make recommendations to diocesan leadership regarding all actions necessary to resolve complaints.

Review and make recommendations regarding the continuation of the cleric in pastoral ministry, counseling, or aftercare.

Review and make recommendations regarding the fitness for ministry of any cleric whose ministry was restricted due to false, unsubstantiated, or unverifiable accusations of misconduct.

5.2 The Bishop shall appoint the Victim's Advocate to act as liaison to the Review Board.

5.3 All information gained by the review board shall be considered confidential and may only be disclosed, under certain circumstances, to the parties involved, the Bishop, and as required by civil and/or canon law.

5.4 Persons who are involved in civil suits against the Diocese may present their case to the Review Board. However, they are not allowed to bring their attorney to the presentation to the Review Board.

Section 6: The Accused

6.1 In both civil and canon law, a person is presumed innocent until proven guilty. The presumption of innocence does not preclude the Diocese of Springfield from taking immediate, prudent action to protect the community in response to complaints and before an investigation is complete.

6.2 After an allegation is made, no bishop or priest involved in the investigation may hear the sacramental confession of the accused.

6.3 Administrative leave will be imposed consistent with the provisions of canon law. The length of time for leave will be specified along with living arrangements, location, financial support, treatment, conduct, and aftercare, where applicable. At the end of the imposed time limit, the terms of administrative leave will be re-evaluated pursuant to canon law.

6.4 The director of priest personnel will support and assist any priest on administrative leave to find housing and other pastoral support. The Diocese of Springfield shall be responsible for his financial support.

6.5 Accused clergy will be advised to retain civil and canonical counsel. When necessary, the Diocese of Springfield may provide canonical counsel to the accused.

6.6 Non-clergy, staff, and volunteers will be placed on administrative leave during an investigation of credible complaints. The length of time for imposed administrative leave will be specified and, upon expiration, will be re-evaluated.

6.7 Pastoral and psychological support is essential for any staff member or clergy accused of sexual abuse.

The Bishop may require the accused clergy to obtain psychiatric assessment, evaluation, counseling and/or treatment. It is expected that he will comply with this referral. If the accused does not comply, the Bishop or his designee shall make all decisions regarding the accused's ministry and ministerial status without his input.

Non-clergy staff and volunteers accused of sexual abuse may be required to participate in pastoral and/or psychological counseling as a condition of further employment or volunteer activities.

6.8 The Diocese of Springfield recognizes that possibility that if a permanent deacon is accused of sexual misconduct, his family will face enormous strain. The Diocese of Springfield is committed to the emotional, psychosocial, and spiritual support of the deacon's spouse, children, and other family members.

6.9 When allegations are substantiated, the Diocese of Springfield may seek restitution from the offender for the services provided to persons harmed by the sexual abuse. The offender may be held responsible for the costs of therapy and for all other expenses incurred by the Diocese of Springfield including but not limited to attorney fees, court costs, and judgments.

Section 7: Legal Representation

7.1 Legal expenses of accused clergy and other Church personnel:

The cost of legal defense shall be borne by the accused. The Diocese of Springfield may reimburse him/her for reasonable legal fees if he/she is found to be innocent of the allegations and there is a determination that the accused complied with the applicable policies.

7.2 The Diocese of Springfield has a right to take action against guilty parties to recover judgments and/or legal expenses it incurs as a result of child sexual abuse by clergy, religious, staff, and/or volunteers.

Section 8: Reassignment of Clergy and Religious

No priest or permanent deacon who engages in sexual activities with a minor shall be allowed to return to any ministry. THERE SHALL BE NO EXCEPTIONS TO THIS POLICY.

8.1 When allegations are unsubstantiated, or unverifiable, the Bishop, in consultation with the review board, will consider the following factors in making decisions about ministry reassignment:

- a. The completed investigation report.
- b. The assessment of the review board and delegate.
- c. The outcome of proceedings in a civil or criminal court case.
- d. The judgment, recommendation, and advice of professional therapists.
- e. The well-being of the faith community and all those ministered to by the Church or religious community/institute.
- f. The concerns of complainants and their families.
- g. The ability of the Church or religious community/institute to assure the safety of the community or organization to be served.
- h. The ability of the clergy to provide effective ministry in light of the circumstances.
- i. The best interests of the Diocese of Springfield and its people.
- j. The stewardship of the Diocese's financial resources.

8.2 Under no circumstances will an offender be allowed to celebrate Mass publicly, wear clerical garb, or present himself publicly as a priest or permanent deacon. If the review board

recommends that a priest be denied the opportunity to return to ministry and the Bishop agrees, the priest may be offered an opportunity for job training, or when appropriate, he may apply for retirement.

8.3 If the review board recommends that a priest be limited to restricted ministry, live in a supervised setting, resign from ministry, or apply for laicization, the Diocese of Springfield may pursue all available courses of action permitted by the Code of Canon Law. If the review board recommends a permanent deacon be confined to restricted ministry, the Diocese of Springfield may pursue all available course of action permitted by the Code of Canon Law.

If it is recommended that the priest or permanent deacon be removed from ministry and he refuses, canonical procedures for removal from office will be initiated and followed. If the priest holds an ecclesiastical office and refuses to resign, a formal ecclesiastical trial may be instituted.

8.4 When imposing penalties on a cleric, the Bishop will take care that the cleric does not lack what is necessary for his support (c. 1350 §1). In accordance with Canon Law (c. 1350 §2), if a defrocked cleric is truly in financial need, the Bishop will provide for him appropriately.

8.5 No religious or non-incardinated priest, or permanent deacon known to have sexually abused a minor will be accepted for ministry in the Diocese of Springfield. Furthermore, before any priest or permanent deacon transfers to or takes up residence in another diocese for any purpose, his ordinary/hierarchy shall forward an accurate and complete description of the cleric's record to the ordinary/hierarchy in the new location. The description shall include any information in the transferee's background indicating that he could be a danger to children or young people. This applies in all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.

Section 9: Clergy Monitor

If the Bishop determines that a priest be placed on administrative leave, confined to restricted ministry, live in a supervised setting, resign from ministry, or apply for laicization, the Clergy Monitor shall be responsible for monitoring the activities of the priest.

9.1 The Clergy Monitor may provide pastoral support for the priest offender throughout the transition from ministry to private life.

9.2 The Clergy Monitor shall have access to the Review Board's investigation and recommendations regarding the priests to be monitored.

9.3 It is expected that the priest keep the Clergy Monitor informed of the following: address, living arrangements, employment status, involvement with mental health providers, and other circumstances as determined by the Bishop or the Clergy Monitor.

9.4 The Clergy Monitor shall develop a Treatment Plan for each monitored priest. The plan shall include any conditions set by the Bishop or the Clergy Monitor necessary to ensure the safety of the community.

9.5 If a priest does not comply with these expectations, the Bishop may withhold financial support from the priest.

Section 10: False Accusations

When allegations are false, the Diocese of Springfield will work closely with the accused and the faith community to restore the trust and re-create the pastoral and ministerial relationships. The Diocese of Springfield will provide a supportive environment and counseling or therapy to the accused to help mitigate the effects of the false accusation. The Diocese of Springfield will work with the falsely accused person to restore his or her good name and reputation and create a workable plan for the future. The Diocese of Springfield will inform the faith community of the results of the investigation.

10.1 The Diocese of Springfield recognizes that the trauma of being falsely accused can do irreparable harm to the accused's ability to be effective in ministry. However, no person falsely accused of child sexual abuse should suffer any adverse consequences or have his or her future ministry opportunities compromised as a result of a false accusation. Therefore, when making decisions about the reassignment of the falsely accused, the Bishop will consider the following factors:

- a. The completed investigation report.
- b. The recommendation of the review board and delegate.
- c. The spiritual, emotional, and psychological well-being of the accused.
- d. The judgment, recommendation, and advice of trained mental health professionals.
- e. The well-being of the faith community and of all those ministered to by the Church or religious community/institute.
- f. The ability of the cleric, staff, or volunteer to provide effective ministry in light of the circumstances.
- g. The best interests of the Diocese of Springfield and all its people.

10.2 The Priest Monitor shall serve as a link between a falsely accused person and the Diocese of Springfield. The Priest Monitor shall provide pastoral support for the accused to ensure that the accused's ability to minister effectively in the wake of false accusations is fully restored.

Section 11: Screening and Selection - Clergy, Staff and Volunteers

11.1 All applicants to the priesthood and/or permanent diaconate are required to participate in psychological screening and background checks to assess their fitness for the ministry and their fitness to work with minors.

11.2 All priests and permanent deacons seeking incardination, as well as priests or religious seeking ministry or residency in the Diocese of Springfield, must demonstrate their fitness to work with minors.

Superiors of religious congregations proposing names of individuals for ministry or residency in a Church institution are required to state in writing that there is nothing in the person's history or behavior that would make him or her unsuitable to work with minors.

Pastors, associate pastors, administrators, or directors of Church institutions may not grant permission for full-time, part-time, or regular weekend ministry to an external priest or permanent deacon without prior written approval of the bishop or his designee.

11.3 All staff and volunteers who work with or have regular contact with children, or who make home visits, shall be screened for their fitness to work with minors. The Diocese of Springfield shall screen potential staff and shall conduct background checks of potential staff prior to extending an offer of employment. Applicants who refuse to grant permission for the background checks and other screening will not be considered for any position in the Diocese.

11.4 The basic screening program for all staff and volunteers shall include:

- a. A completed employment/volunteer application
- b. A CORI check
- c. A personal interview with the applicant
- d. Reference check

11.5 No individual who has sexually abused a minor will be employed or engaged as a volunteer for the Diocese of Springfield. The Diocese of Springfield will immediately terminate any staff member or volunteer if it discovers evidence of previous child sexual abuse by the person.

11.6 The Diocese of Springfield will adopt a Code of Conduct for clergy, staff, and volunteers. The Code of Conduct will establish guidelines for appropriate interactions between Church personnel and those whom they serve and will establish disciplinary consequences for violations of the Code of Conduct.

Section 12: Communication

The Diocese of Springfield is committed to honesty, openness, and transparency with the public. The Diocese is also committed to the protection of privacy and the reputation of both the victims and the alleged perpetrators in all cases of allegations of sexual misconduct.

Requests for information made by outside parties regarding matters of sexual misconduct shall be referred to the spokesperson for the Diocese.

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

Section 13: Conclusion

13.1 These policies will be reviewed one (1) year from the date of adoption. Subsequently, they will be reviewed every three (3) years.

13.2 The review of these policies will be undertaken by a committee comprising lay people with expertise in the fields of child welfare, law enforcement, psychiatry, social work, medicine, and/or the law.

Recommendations for revision shall be presented to the Bishop.