

DECREE
ON
CHILD
PROTECTION



POLICIES, PROCEDURES
AND RECOMMENDATIONS

THE ARCHDIOCESE OF CINCINNATI

JULY 1, 2018



Office of
The Archbishop
100 East Eighth Street
Cincinnati, Ohio 45202
513-421-3131 ext. 2810

Dear Friends,

The Archdiocese of Cincinnati has had polices and directives about child protection in place since 1993, when our *Decree on Child Abuse* first took effect. When the *Decree on Child Abuse* was promulgated, we made a commitment to evaluate the *Decree* and its implementation every five years. That initial *Decree* was revised and updated in 1998. At that time, the title was changed to the *Decree on Child Protection*. The *Decree on Child Protection* was revised again in 2003 and in 2008 partially in response to the *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 United States Conference of Catholic Bishops in 2002. We revised the *Decree* once more in 2013 to reflect adoption by our Archdiocese to the *Charter* approved by the USCCB in 2011.

By this letter I promulgate the latest revision of the *Decree on Child Protection* for the Archdiocese of Cincinnati. The revised *Decree* will take effect on July 1, 2018. It applies to all Archdiocesan or Religious *parishes, schools, offices, agencies and other institutions, along with any of their sponsored activities, which operate under the administrative authority of the Archbishop*. On that date, this *Decree* supersedes any existing policies in the Archdiocese which deal with the issues of child protection or child abuse, insofar as they are not in conformity with this *Decree*. All provisions of this *Decree* also apply to vulnerable adults as defined herein.

This *Decree* seeks to protect, enhance and, in some cases, restore the trust that our faith calls for between agents of the Church and the children, adolescents, and vulnerable adults entrusted to their care.

Over the last several years, I have personally witnessed the hurt and anger that occurs when children are exploited by the adults who are there to protect them. To those survivors and their families who have experienced child abuse, I extend my sincere apology and ask forgiveness on behalf of the Archdiocese for the harm inflicted by any agents of the Archdiocese. I ask for your continued prayers for healing and reconciliation. If you know someone who has been abused at any time by an agent of the Archdiocese, I urge you to contact the Coordinator of Ministry to Survivors of Abuse in the Archdiocese at 513.263.6623 or 1.800.686.2724, Ext. 6623, as well as civil authorities. I urge agents of the Archdiocese who believe they pose a risk to children to come forward and seek assistance.

All the members of our local Church are called to be vigilant that this *Decree* is fully implemented.

I offer my thanks and the thanks of all the faithful of the Archdiocese to those persons who have collaborated in preparing and implementing previous versions of this *Decree*, as well as all who have had a hand in this present revision.

All of us serve a Lord who has shown Himself capable of bringing to safety and salvation all those who have faith in Him. In these times, we place our trust in Him, believing that He will lead us on the right path.

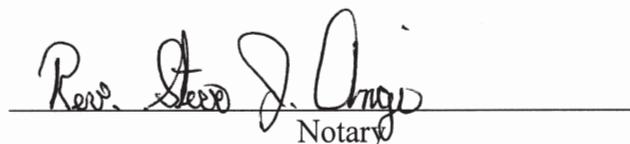
May Our Blessed Mother continue to intercede for us. May the Holy Spirit continue to guide and protect us.

Sincerely yours in Christ,



Most Reverend Dennis M. Schnurr
Archbishop of Cincinnati

Given this 17th day of January, 2018
at the Chancery of the Archdiocese of Cincinnati
Cincinnati, Ohio



Notary



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GLOSSARY OF TERMS **As Used In This *Decree***

Accused Person

an individual who is accused of having engaged in any act of child abuse as defined in this *Decree*.

Adult

an individual who is eighteen years of age or older.

Archbishop

the Archbishop of Cincinnati.

Archdiocese

the Roman Catholic Archdiocese of Cincinnati.

Archdiocesan Organization(s)

any subdivision of the Roman Catholic Archdiocese of Cincinnati, or any Archdiocesan or Religious order, parish, school, office, agency, or other institution, along with any of their sponsored activities, which operate under the administrative authority of the Archbishop.

Chancellor

the Chancellor of the Archdiocese, or the person otherwise delegated by the Archbishop.

Child

a person under eighteen years of age; for purposes of this *Decree*, “Child” also includes “Vulnerable Adults,” as defined below.

Child Abuse

any of the following:

- a. Engaging in any activity prohibited by Ohio Revised Code Chapter 2907 relating to a child;
- b. Endangering a child as defined by the *Ohio Revised Code*;
- c. Denying to a child, as a means of punishment, proper or necessary subsistence, education, medical care, or other care necessary to a child for the child’s health;
- d. Using restraint that causes a child pain or injury;

- e. Administering prescription drugs or psychotropic medication to a child without written parental approval and the written approval and ongoing supervision of a licensed physician;
- f. Providing alcoholic beverages or controlled substances to a child. For the purpose of this *Decree on Child Protection*, this does not include the offering of the Precious Blood to someone under the age of 21 within the context of an official Church function;
- g. Committing of any act, other than by accidental means or by actions taken in self-defense or under similar justifiable circumstances, that results in any injury or death to a child or commission of any act by accidental means that results in any injury or death to a child and that is at variance with the history given about the injury or death;
- h. Inflicting by any individual of physical or mental injury that threatens to harm a child's health or welfare.
- i. Possessing, viewing, distributing, or reproducing Child Pornography, or violating any state or federal law regarding receipt and/or possession of Child Pornography. "Child Pornography" means: any visual depiction, including any photograph, film (whether its developed or not), video, picture, data stored on computer discs or electronically, or computer-generated images or pictures, no matter how it was produced, of sexually explicit conduct; where a) the production of such visual depiction involves the use of a minor (someone under 18 years of age) engaging in sexually explicit conduct; b) such visual depiction is a digital image, computer image, or computer-generated image that is indistinguishable from that of a minor engaging in sexually explicit conduct; c) or a visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

Civil Authorities

a public children's service agency, a municipal or county peace officer, a prosecuting attorney, a juvenile court judge (or his/her representative), and/or other law enforcement officers handling child abuse or neglect cases.

Cleric

an ordained priest or an ordained deacon who is incardinated in the Archdiocese, or a priest or deacon incardinated in another diocese or in a religious order, who is engaged in a ministry under the control or auspices of the Archdiocese.

Coordinator of Ministry to Survivors of Abuse

the person designated by the Archbishop to respond to and assist people who have been identified as having been abused by any cleric, employee, or volunteer of the Archdiocese.

Decree

this *Decree on Child Protection*.

Employee

any person who is employed by the Archdiocese or an Archdiocesan Organization, as defined above. An employee may be a cleric or a lay person, either of whom may also be a member of a religious institute. The Archbishop utilizes this *Decree* for USCCB charter compliance.

Local Church Community

a parish, school, or other ministry location such as a hospital, university, etc.

Offender

an individual who has performed an act of child abuse.

Parent

for the purpose of this *Decree*, “Parent(s)” also includes “Guardian(s)”. “Parent” means: a) either of the natural or adoptive parents, unless the parents are separated or divorced, or their marriage has been dissolved or civilly annulled, in which case “parent” means the parent who is the legally designated residential parent and legal custodian of the child; b) an individual acting in the place of the natural or adoptive parent with whom the child lives; or c) an individual who is legally responsible for the child’s welfare.

Policy

a provision of this *Decree* which mandates an action or standard of behavior on the part of specified persons, the Archdiocese, or an Archdiocesan Organization. The policies of this *Decree* are particular law of the Archdiocese, as defined by the *Code of Canon Law*.

Promoter of Justice

the Promoter of Justice of the Archdiocese, or the person otherwise delegated by the Archbishop or competent ecclesiastical authority.

Recommendation

a provision of this *Decree* which urges an action or standard of behavior on the part of specified persons, the Archdiocese, or an Archdiocesan Organization.

Response Team

a group of qualified individuals, including the Chancellor, the Coordinator of

Ministry to Survivors of Abuse, and a licensed social worker who will review the initial information regarding an allegation of child abuse and develop a short-term response. The Response Team may also develop a plan for a long-term response.

Responsible Supervisor

the hiring and/or supervising agent, paid or unpaid: for the parish, the pastor; for a school, the principal; for a parish education program, the director/coordinator/associate; for a parish youth ministry program, the director; for an Archdiocesan department, the department head; for any other Archdiocesan Organization, the person in charge thereof.

Review Board

a consultative body to the Archbishop concerning abuse cases whose deliberations are confidential.

Safe Environment Coordinator

the person designated by the Archbishop to make interpretations of this *Decree*, maintain compliance with the training program approved by the Archbishop, and supervise the background check approval process.

Semblance of Truth

the level at which an allegation is deemed to have credibility, but is not yet proven.

Suspect

to imagine one to be guilty or culpable based on slight evidence or on facts and circumstances which do not amount to proof.

Training Program

for the purpose of this *Decree*, “training program approved by the Archbishop” means: VIRTUS® Child Awareness Session which includes training on the provisions of this *Decree*.

Volunteer

for purposes of this *Decree*, a “volunteer” is an adult who is not a cleric or employee (for example, a catechist, scout leader, coach, server coordinator, parent interns, student teachers and others in similar capacities etc.) who function in any capacity to assist in activities with children. This includes all adults accompanying children on any overnight activity.

Vulnerable Adult

any person 18 years of age or older whose ability to physically protect him/herself from any form of abuse (as defined in this *Decree*) is impaired due to a persistent mental, physical, cognitive or developmental disability.

DECREE ON CHILD PROTECTION

INTRODUCTION

Every society esteems its children. In their innocence, a society recognizes its own innate goodness and its calling to build a better world. In its incompleteness, a society understands that hope for a fuller life and a second chance is never extinguished. This is no less true for the Church.

Faithful to the Lord's desire to let the children come to Him, the Church has, from its beginning, initiated children into its sacramental life. It has opened to them the treasure of truth and has striven to form them in gospel values. It has attempted to guide and support parents in their crucial role. Parishes have devoted tremendous energy and resources to the development of their young members, and countless individuals have dedicated themselves to nurturing young Catholics. God has placed those most fit for the Kingdom of God in our hands. We have taken our charge seriously.

But there are sometimes exceptions. Both through neglect and active abuse, adults in the community of faith have, on occasion, inflicted harm upon children instead of having served as channels of life and grace. This is a very serious matter. It is especially so because children and adolescents are not equipped to understand such situations or to defend themselves. It is not only persons who have been abused and their family members who suffer and who may be confused and angry. The offender may well suffer from a sickness which cannot easily be controlled. Parishes and schools are left hurt, confused, and embarrassed. The Church's reputation in the community, and, therefore, its ability to fulfill its mission, is harmed.

Although the abuse of children and adolescents is a reality in our society, such abuse, whether physical, sexual, verbal, or emotional, whether inflicted by lay or ordained, professionals or volunteers, cannot be tolerated in the Church. The Archdiocese of Cincinnati recognizes the need to address the abuse of children, and it attempts to do so through this *Decree*.

The purpose of this *Decree* is two-fold. It is intended first to prevent the abuse of children and adolescents. Prevention can best be achieved by educating children, clerics, employees, parents, and volunteers about the realities of abuse. It can be aided by the screening of adults who aspire to serve the youth of the Archdiocese and all Archdiocesan Organizations, and through assistance to those who might be inclined toward abuse. The second purpose of this *Decree* is to provide a system for handling incidents of abuse if they occur. The key elements of this system include reporting the allegation to Civil Authorities, assessing the allegation, caring for the abused individual and his/her family, acting appropriately with regard to the accused person, and attending to the affected local church community.

There are a number of principles which underlie the details of this *Decree*:

1. All allegations of child abuse are to be taken seriously and must be reported to civil authorities.
2. Incidents of abuse are to be handled forthrightly, but with due regard for confidentiality and the privacy of all concerned.
3. The Archdiocese will cooperate with all Civil Authorities responsible for handling incidents of child abuse.
4. A person alleging abuse should never be made to feel responsible for the abuse.
5. The paramount concern of the Archdiocese is the well-being of the person alleging abuse and his/her family.
6. An accused person has the right to due process, both civilly and canonically.
7. As disciples of Jesus Christ, all persons directly or indirectly involved with incidents of child abuse are called to act with honesty, charity, and confidence in the Lord's power to forgive and to heal.

Our knowledge of child abuse continues to grow, as does our understanding of how to respond appropriately. Therefore, every five years, commencing with the effective date of this *Decree*, the Review Board of the Archdiocese of Cincinnati will evaluate the *Decree* and its implementation. The Review Board will offer to the Archbishop recommendations for improving this *Decree* and its implementation.

Questions about this *Decree*, or suggestions for improving this *Decree*, should be addressed to the:

Chancellor and/or Safe Environment Coordinator
Archdiocese of Cincinnati
100 E. 8th Street – 8th Floor
Cincinnati, Ohio 45202-2129
Telephone: (513) 421-3131, Ext. 2846
Fax: (513) 421-6225
E-Mail: sangi@catholiccincinnati.org

Reports of known or suspected acts of child abuse should be addressed to the Civil Authorities and to the:

Coordinator of Ministry to Survivors of Abuse
Archdiocese of Cincinnati
100 E. 8th Street
Cincinnati, Ohio 45202-2129
Telephone: (513) 263-6623 = Dedicated Line to Report Abuse

The Website of the Archdiocese of Cincinnati is www.CatholicCincinnati.org.

SECTION I: PREVENTION

The provisions of this section are intended to help ensure that no child is ever abused. Everyone in the community has a part to play: parents, priests, deacons, educators, youth ministers, youth volunteers, even children themselves and adults who are not directly involved in work with children. In the case of sexual abuse, even if the child is the one who seeks to sexualize the relationship, it is the responsibility of the adult to maintain proper boundaries.

A. Education

Everyone needs to be aware of the causes and signs of child abuse, what steps to take to protect children, and what procedures to follow if abuse is suspected or observed.

Employees and Adults Who Volunteer with Children

The clergy of the Archdiocese, and those lay persons employed or engaged as employees or volunteers at all Archdiocesan Organizations, have an obligation to be knowledgeable about causes and signs of child abuse, what steps to take to protect children, and what procedures to follow if abuse is suspected or observed. Not only are the persons described above responsible for the well-being of children on a day-to-day basis, but also they are perceived by the community and children as special and trustworthy individuals. Some of the persons in this category have duties mandated by civil law with regard to reporting known or suspected child abuse, about which they must especially be aware.

A.1 Policy –

All clergy, employees, and volunteers shall acknowledge their receipt of this *Decree*, **in writing**, and shall agree to be bound by its terms. All clerics, employees, and volunteers are to be familiar with the existence of this *Decree* and to be knowledgeable about those provisions which apply to them in the position(s) in which they serve in the Archdiocese or any Archdiocesan Organization. They shall be aware specifically of the obligations for reporting known or suspected child abuse to civil and church authorities and the consequences of failure to report (cf. Appendix A).

A.2 Policy –

All Archdiocesan programs designed to certify clerics, educators, youth ministers, and others who serve children, whether as employees or volunteers, must require as a condition of certification documentation that the candidate is in compliance with this *Decree*, has successfully completed a background

check through fingerprinting or otherwise in a manner approved by the Chancellor in accord with the current policies of the Archdiocese, and has attended a training program approved by the Archbishop, which includes training on the provisions of this *Decree*. Those who develop and sponsor such programs are responsible for the implementation of this Policy.

A.3 Policy –

All candidates for ordination, clerics, volunteers, and employees must attend the training program approved by the Archbishop on this *Decree* before they have contact with children. Responsible supervisors who hire personnel furnished by a third party contractor who have contact with children, or who utilize auxiliary services personnel, are to inform such personnel of the existence of this *Decree*, inform them of the requirements of this *Decree* which pertain to them (for example, the C.9 Policy), and give such personnel the option of attending the approved training program on this *Decree*.

A.4 Policy –

Prior to presenting the approved training program on the *Decree*, an adult must have completed the facilitator training as required by the provider of the approved training program and the Archdiocese.

A.5 Policy –

Due to the sensitive nature of the training on the *Decree*, some individuals may not feel comfortable attending the approved training program. Anyone in this particular situation may request that the materials needed for safe environment training be provided in an alternate way. These requests are to be directed to the Chancellor and/or to the Safe Environment Coordinator and will be kept confidential.

A.6 Policy –

When the Archdiocese or any Archdiocesan Organization sponsors events or activities for children which take place in the home of individuals, all Archdiocesan policies regarding child protection (including the provisions of this *Decree* and any others governing Church activities with children) shall be in effect.

A.7 Policy –

Clerics, employees, and volunteers should learn as much as they can about the causes, forms and symptoms of child abuse through reading, participation in workshops, and meeting all continuing education requirements, and staff

discussions.

A.8 Policy –

Clerics, employees, and volunteers are required to attend a program highlighting changes to this *Decree* each time this *Decree* is revised.

A.9 Recommendation –

Unless otherwise required by this Decree, all adult volunteers and parents of children, are encouraged to attend the approved training program, including training on the provisions of this *Decree*, even if they are not volunteers as defined in this *Decree*.

A.10 Recommendation –

Children who volunteer in service to other children, while being supervised by adults in accord with this *Decree*, should not attend the approved training program on this *Decree*, due to the sensitive nature of the content of those sessions.

Parents and Children

Parents have an obvious interest in and responsibility for protecting their children from abuse. An understanding of the causes and effects of abuse will assist parents in making sound decisions with regard to their children and in recognizing any signs of abuse exhibited by their children. Children, too, can help to protect themselves by having a simple, practical appreciation of potential risks and appropriate responses. In addition, schools will provide all parents with information about this *Decree* and how to obtain a copy.

A.11 Policy –

Catholic schools, education programs, and other youth programs in the Archdiocese and in all Archdiocesan Organizations are to include in their health and sexuality curricula an appropriate discussion of child abuse, bullying, and safe environment training. Such programs are to include training for children in practical methods to protect themselves and about how to respond to abuse by any adults and/or peers.

Any adult who receives a report of child-on-child abuse should immediately report the same to Civil Authorities and to the Chancellor or to the Coordinator of Ministry to Survivors of Abuse.

A.12 Policy –

The Archdiocese and all Archdiocesan Organizations must assist parents with learning about the causes, forms, and symptoms of child abuse, what is necessary to have a safe environment for children, and how to respond to known or suspected abuse by adults and peers. The training program approved by the Archbishop on the *Decree*, parent training, brochures, other articles and inserts, speakers, discussion groups and the document *How to Protect Your Child From Abuse* (in both English and Spanish), located at <http://www.catholiccincinnati.org/protecting:children/resources-and-publications>, are all means to accomplish this.

A.13 Recommendation –

Parents should strive diligently to develop good communication with their children and to alleviate any tensions which may interfere with good communication. Parents should avail themselves of “teachable moments” to discuss with their children in a positive fashion the realities of child abuse.

B. Screening Adults

Persons who serve our children contribute much to their spiritual, emotional, intellectual, and physical well-being. It is the intention of the Archdiocese that no person who has been convicted or adjudicated of physically or sexually abusing a child, any offense of violence, or any sexual crime of any nature will work with children in the Archdiocese or in any Archdiocesan Organization. Accusations without convictions will be further investigated by the specific Archdiocesan Organization and/or the Archdiocese. The Archdiocese reserves the right to exclude any person from activities with children if there has been a violation of any of the provisions of this *Decree*, or if additional information is brought to the Archdiocese showing that a child may be at risk.

B.1 Policy –

Background checks through fingerprinting or otherwise in a manner approved by the Chancellor in accord with the current policies of the Archdiocese must be performed on adults as follows:

Candidates for Ordination

As part of their admission process to the seminary or diaconate formation, all candidates for ordination in the Archdiocese must complete an acceptable criminal background check through fingerprinting or otherwise in a manner approved by the Chancellor in accord with the current policies of the Archdiocese. A candidate may not be admitted to the seminary or into diaconate formation until an acceptable criminal background check has been

completed. In addition, as part of the admission process, a B.4 Form (cf. Appendix B) must be completed. The B.4 Form will be submitted to the Chancellor's Office or to the Safe Environment Coordinator for a check of the register noted in the B.4 Policy. These register checks must be completed for all candidates for ordination.

Candidates for ordination from other dioceses may not have contact with children until an acceptable criminal background check through fingerprinting or otherwise in a manner approved by the Chancellor is completed in accord with the current policies of the Archdiocese.

Clerics

A cleric may not have contact with children until an acceptable criminal background check through fingerprinting or otherwise in a manner approved by the Chancellor is completed in accord with the current policies of the Archdiocese. In addition to an acceptable criminal background check, a cleric who is not incardinated in the Archdiocese must furnish an acceptable letter of good standing from his ecclesiastical superior to the Chancellor's Office before having contact with children in the Archdiocese.

Employees

Any applicant for employment in the Archdiocese or any Archdiocesan Organization must supply to the hiring agent personal information adequate to assess his or her suitability for contact with children. An applicant must provide references in accordance with Archdiocesan Human Resources current policies. Responsible supervisors must speak with persons provided by applicants as references to verify the applicant's suitability for employment.

An applicant for employment in the Archdiocese or any Archdiocesan Organization may not be hired until an acceptable background check through fingerprinting or otherwise in a manner approved by the Chancellor is completed in accord with the current policies of the Archdiocese.

In addition, a B.4 Form (cf. Appendix B) must be completed or have been completed in the past by all applicants for employment. The B.4 Form will be submitted to the Chancellor's Office or to the Safe Environment Coordinator for a check of the register noted in the B.4 Policy. This register check must be completed before an employee is hired.

Volunteers

A volunteer may not have contact with children until an acceptable background check in a manner approved by the Chancellor is completed in accord with the current policies of the Archdiocese.

Auxiliary Services Personnel

Auxiliary services personnel, such as school nurses and psychologists, who are government employees or subject to state regulations, are strongly encouraged, but not required, to complete a criminal background check through fingerprinting or otherwise by the Archdiocese in their capacities as auxiliary services personnel. The responsible supervisor is required to obtain a copy of the criminal background check through fingerprinting or otherwise, in a format acceptable to the Chancellor, from the employer of such auxiliary services personnel. If a criminal background check is not available through his or her employer, auxiliary services personnel must complete an acceptable criminal background check through fingerprinting or otherwise in a manner approved by the Chancellor, in accord with the current policies of the Archdiocese. If auxiliary services personnel also serve in other capacities as clerics, volunteers, or employees, they are subject to the provisions of this *Decree* pertaining to the other capacities in which they are serving. Auxiliary services personnel may not have contact with children until an acceptable background check is obtained. The background check must be completed annually or in accordance with applicable state laws and regulations.

Personnel Furnished by a Third Party Contractor

When a responsible supervisor contracts with a third party contractor for personnel, if the personnel will have contact with children (for example, a gym teacher, a school custodian, construction personnel, etc.), the responsible supervisor must obtain proof of an acceptable background check through fingerprinting or otherwise, in a manner approved by the Chancellor, for any such personnel in accord with the current policies of the Archdiocese. If third party contractor personnel also serve in other capacities as clerics, volunteers, or employees, they are subject to the provisions of this *Decree* pertaining to the other capacities in which they are serving. Third party contractor personnel may not have contact with children until an acceptable background check is obtained. The background check must be completed annually or in accordance with applicable state laws and regulations.

B.2 Policy –

All Archdiocesan Organizations are to establish procedures for gathering information and completing the reference checks mentioned above. Reference check information shall be retained in a confidential file at the location of employment until seven years after employment ends, at which time all application documents for those who are hired are to be destroyed.

B.3 Policy –

Those persons who recruit volunteers to participate with children in any Archdiocesan Organization must exercise caution in selecting volunteers. No

volunteer has the right to insist on a particular volunteer position. If there is any cause for concern in a particular case, the matter should be brought to the attention of the responsible supervisor for further review.

B.4 Policy –

The Archdiocesan attorney is to maintain a permanent, confidential register of all priests, deacons, employees, and volunteers of the Archdiocese or an Archdiocesan Organization who have abused children.

B.5 Policy –

Prior to allowing a priest or deacon or lay person to engage in a ministry in the Archdiocese (for example, preaching a mission, giving a talk on Mission Sunday, leading a confirmation retreat, presiding at a wedding or baptism), the responsible supervisor must determine that the person is in good standing with the Catholic Church. For a person coming from outside the Archdiocese, the responsible supervisor must obtain an acceptable letter of good standing from the ecclesiastical superior. A sample letter of good standing is available from the Chancellor.

B.6 Recommendation –

Responsible supervisors should speak with a reasonable number of persons whose names are offered as references by a potential volunteer to assess suitability of the potential volunteer for contact with children.

B.7 Recommendation –

Adult volunteers who do not function in any capacity to assist in activities with children are strongly encouraged to complete an acceptable criminal background check through fingerprinting or otherwise in a manner approved by the Chancellor in accord with the current policies of the Archdiocese.

C. Volunteer with Children

Persons entrusted with the care of children under this *Decree* devote much attention to planning and executing activities which are beneficial to children. At the same time, they must be vigilant to guard against actual or potential situations which can inflict harm, or which even give rise to suspicions of potential abuse.

C.1 Policy –

Except when civil law explicitly permits certain persons (for example, licensed social workers) to counsel children without parental consent, a child may

receive scheduled, individual instruction or counseling from a cleric, employee, or volunteer only with the written consent of the child's parent.

C.2 Policy –

A child may participate in an organized program or activity sponsored by the Archdiocese or an Archdiocesan Organization only with the written consent of the child's parent on a standard *Permission, Release and Medical Power of Attorney* form (available on line at the Archdiocese website at: www.catholiccincinnati.org). Such written consent should provide for emergency care of the child, as warranted by the program or activity.

C.3 Policy –

For any organized program or activity sponsored by the Archdiocese or an Archdiocesan Organization, at least two adults, both of whom have successfully completed a training program approved by the Archbishop and background check through fingerprinting or otherwise in a manner approved by the Chancellor in accord with the current policies of the Archdiocese, and who are not related to each other or living in the same household, must be present for any activity including, but not limited to, after school tutoring of any sort (whether the tutor is hired by the parents or not).

- a. Moreover, the number and gender of the adults are to be in proportion to the age, number, and gender of the participants, and the duration and difficulty of the activity. Prudence is required in applying this policy to different age groups, length of activity, and the risk level of the activity.
 - (i) A ratio of 1:10 is recommended;
 - (ii) Whenever there is a mixed group of boys and girls it is preferred that one adult of each gender is present. The proportion of male/female chaperones should be similar to the proportion of the children;
 - (iii) Single gender athletics must have at least one adult of the same gender as the players (e.g., in case of injury or illness requiring attention in a rest room).
- b. Whenever possible, one of the adults should be a parent of a participant.
- c. Exceptions for this C.3 Policy are only allowed for the Sacrament of Reconciliation, regular day-school or religion classes conducted on the grounds of the Archdiocese or any Archdiocesan Organization, and if, for unanticipated reasons, only one adult can actually be present for an activity which is not overnight.
- d. For purposes of this C.3 Policy only, "adult" excludes 18 and

19 year olds not yet graduated from high school and others who have graduated from high school but who wish to attend activities with members of their high school class during the three months following their graduation with others who are less than 18 years of age, i.e. mission trips, High School summer sports, etc.

This C.3 Policy must be adhered to strictly for any overnight activity; otherwise said activity must be cancelled.

C.4 Policy –

No child may be disciplined corporally or corrected with abusive language.

C.5 Policy –

A cleric, employee, or volunteer must obtain the consent of the child's parent before inviting or allowing a child to visit in the adult's home. If the adult has little or no advance notice of the visit, and another adult is present, such consent is not required.

C.6 Policy –

No child may visit overnight in a rectory (or other residence of an Archdiocesan cleric) or stay overnight with an Archdiocesan cleric in any other place, unless in the company of his or her parent. (An exception can be made when the child is a close relative of the cleric, but even this is discouraged.)

C.7 Policy –

Responsible supervisors are to ensure that the policies of schools, education programs, youth, athletic and scouting groups, and the like provide for implementation of the first four policies listed above, including the definition of responsibility for enforcement. The names of all responsible supervisors for any extracurricular activities shall be clearly stated on materials given to parents when any child is signed up to attend such events.

C.8 Policy –

Clerics, employees, and volunteers will use prudence when communicating with a child including, but not limited to, written communications, electronic communications, the Internet, online services, e-mails, instant messaging, online bulletin boards, social networking sites, social media, text messaging, pod casts, blogs, chat areas, and telephones, including cell phones.

Appropriate and ethical communication boundaries in ministry must always be observed. Any form of communication that is intended to inappropriately manipulate a child or that incorporates any suggestive language, suggestive photos, sexual innuendos, inappropriate personal self-disclosures, etc., is forbidden. This includes visual, digital, or electronic communications in any format.

C.9 Policy –

In addition to the other Policies in this *Decree*, there are behavioral expectations of adults who are priests, deacons, auxiliary services personnel, personnel furnished by a third party contractor, employees, and all volunteers of the Archdiocese and its subdivisions.

- a. **Physical contact with children:** Physical boundaries must be set that will promote a positive, nurturing environment while protecting children from misunderstandings. Following an explicit code of permitted behavior also assists in protection against false allegations of abuse.

1) Appropriate physical contact: Appropriate physical contact between adults and children is a positive part of a healthy relationship. The following are regarded as appropriate examples of physical contact:

- Side hugs;
- Shoulder to shoulder or “temple” hugs;
- Pats on the head, shoulder or back when culturally appropriate;
- Handshakes;
- Knuckle bumps;
- “High-fives” and hand slapping;
- Holding hands during prayer or when a child is upset;
- Holding hands while walking with small children;
- Kneeling or bending down for hugs with small children.

2) Prohibited physical contact: Some forms of physical contact have been used by adults to initiate inappropriate contact with children. In order to maintain the safest possible environment for children, the following are examples of physical contact prohibited from use by priests, deacons, auxiliary services personnel, personnel furnished by third party contractors, employees, and all volunteers:

- Any physical contact that the child resists; any touching without the permission of the child;
- Any form of unwanted affection;
- Inappropriate, forceful or lengthy embraces, and/or “bear hugs;”
- Kisses;
- Lap-sitting;
- Touching buttocks, chest, knees, thighs, or genital areas;
- Placing hands in the pockets of a child;
- Showing any affection in isolated areas such as bedrooms, closets, adult-only or staff-only areas, or other private rooms;
- Laying down, cuddling, or sleeping near a child;
- Being in bed with a child at any time;
- Wrestling;
- Tickling;
- Piggyback rides;
- Massage given by an adult to a child;
- Massage given by a child to an adult;
- Stroking the hair or shoulders of a child;
- Any activity with a sexual connotation.

b. **Emotional boundaries:** In addition to physical boundaries that must be set, emotional boundaries must be created between children and any person who is bound by this *Decree*. Examples of emotional boundary violations include:

- Compliments that relate to physique or body development;
- Meeting alone in locations away from a parish, school, agency, institution, or other Archdiocesan Organization;
- Meeting alone in remote locations on the property of a parish, school, agency, or other Archdiocesan Organization;
- Calling, e-mailing, or texting a child for purposes other than those directly related to academics or ministry;
- Displaying and/or taking excessive photographs of a child;
- Engaging in sexually oriented conversations not related to education or ministry;
- Privately contacting a child by social media for any purpose.

- c. **Prohibited behaviors:** In addition, priests, deacons, auxiliary services personnel, personnel furnished by third party contractors, employees, and all volunteers are prohibited from the following:
- Using, possessing, or being under the influence of alcohol or any illegal drugs while working with children;
 - Offering a child cigarettes, other smoking materials, or tobacco products, alcohol or illegal drugs, or allowing a child to use or consume these items;
 - Encouraging or allowing a child to visit inappropriate, sexual, or violent internet websites;
 - Providing a child with gifts/money without the permission of parents unless when distributed equitably to all children (for example, buying inexpensive gifts for all the altar servers);
 - Ridiculing beliefs held by a child's parents;
 - Asking a child to keep secrets from the child's parents;
 - Speaking to a child in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating;
 - Using bad language, swearing, and/or cursing in the presence of a child;
 - Behaving rudely in the presence of a child;
 - Possessing any sexually-oriented or morally inappropriate materials (e.g. magazines, cards, videos, films, DVDs, clothing, etc.) in the presence of a child;
 - Engaging in, viewing, and/or listening to child pornography, possessing child pornography on any personal electronic device, or on any electronic device owned by the Archdiocese or an Archdiocesan Organization.
 - Being nude in the presence of a child; exposing a person's genital or erogenous zones in the presence of a child including, but not limited to, buttocks, pubic regions, or chest.
 - Engaging in sexual contact with a child. Sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse, or the touching of any erogenous zone of another including, but not limited to, the thighs, genitals,

buttocks, pubic region, or chest, for the purposes of sexually arousing or gratifying either person.

- Any overnight activity that does not provide for separate rooms for chaperones and children.

d. **Matters related to the transportation of children:** If it becomes necessary for any priest, deacon, auxiliary services personnel, personnel furnished by a third party contractor, employee, or volunteer to provide transportation for children, the following guidelines must be strictly observed:

- Priests, deacons, auxiliary services personnel, personnel furnished by a third party contractor, employees, and volunteers must **never transport one child alone**. There should be at least two adults in every vehicle that transports children. In exceptional situations, it may be permitted for one adult to transport children in a vehicle, provided a caravan of vehicles goes directly from point A to point B, with no stops in between;
- When traveling in a caravan there must be a minimum of one adult in every vehicle. If a vehicle is traveling alone, there must be at least two adults in the vehicle;
- Children must be directly transported to their destination, or make only previously planned stops (e.g. stopping for food or gas on a long trip). If an emergency stop must be made, all reasonable efforts must be made to ensure that two adults are present (e.g. calling another car in the caravan to pull over as well);
- Children must never be transported without written permission from the child's parent;
- Clerics, auxiliary services personnel, personnel furnished by a third party contractor, employees, and any volunteers must comply with the other provisions in C.9 with children while in the vehicle.

D. Preventative Intervention

Policies cannot in themselves restrain an adult from abusing children. Abusers often fail to see the need to seek help or change abusive interactions. All adults have a responsibility to be vigilant and to intervene to prevent child abuse. Those who believe they pose a risk to children must seek assistance for themselves to avoid behavior which may place a child at risk.

D.1 Policy –

Any cleric, employee, or volunteer who observes another cleric, employee, or other volunteer behaving in a manner which may pose a potential risk to a child is to report the matter to the Civil Authorities and must comply with all applicable civil laws. In such cases, if abuse is suspected or observed, all persons who suspect or observe the abuse shall follow the Section II Response provisions of this *Decree*.

D.2 Policy –

The proper superior or supervisor is to deal expeditiously with any situation of potential risk brought to his or her attention, regardless of whether the potential risk is sexual or non-sexual in nature and regardless of whether the potential risk must be reported to Civil Authorities. If a serious potential risk is not resolved satisfactorily, the superior or supervisor must take appropriate action, with due regard for Archdiocese personnel policies and civil law due process.

D.3 Policy -

An administrator of any Archdiocesan Organization is responsible for the enforcement of this *Decree* at his or her location.

D.4 Recommendation

A parent or any adult who observes a cleric, employee, or any volunteer behaving in a manner which may pose a potential risk to a child is advised to: (i) call the matter to the attention of the offending adult, and (ii) report the matter in confidence to the proper supervisor without delay. In cases of actual or suspected child abuse, all persons who suspect or observe the abuse shall report it to the appropriate Civil Authorities. Parents should be called immediately in all cases where any accusations of child abuse have taken place toward their child.

SECTION II: RESPONSE

If the steps outlined in the Prevention section of this *Decree* are followed, many potential instances of child abuse will be eliminated. Nevertheless, some instances might occur or be alleged. In these cases, the church community, under the leadership of the Archbishop and its other pastors and administrators, must respond expeditiously and with compassion and care to the person claiming abuse, to his/her family, to the Civil Authorities, to the local church community affected, to the larger community, and to the accused person. The primary objectives of this response are personal and communal healing and the prevention of any further abuse.

People involved directly or indirectly in incidents of child abuse, indeed, even the general public, look to the Archbishop for personal pastoral care for individuals and their families, for public statements, when appropriate, and for a consistent application of Archdiocesan policies and this *Decree*.

Another important element of the response is a Response Team, whose task is to formulate specific plans for individual cases. The Response Team is intended to ensure a high degree of objectivity in determining an appropriate response.

In accord with Article 7 of the *Charter for the Protection of Children and Young People* revised by the United States Conference of Catholic Bishops in 2005 and again in June 2011, the Archdiocese will be open and transparent in communicating with the public about the sexual abuse of children within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by the sexual abuse of a minor.

Everything that follows in this section on Response has the weight of policy. The principles provided in the Introduction of this *Decree* are to guide those managing the response.

A. Initial Tasks

Section 1 below applies to all allegations and cases of actual or suspected child abuse regardless of who the accused person is. Sections 2 through 5 also apply when the accused person is a cleric, employee, or volunteer of the Archdiocese.

1. Reporting to Civil Authorities

The Archdiocese will comply with all applicable civil laws with respect to reporting allegations of known or suspected abuse of children, or use or possession of child pornography to Civil Authorities. The full cooperation of

the Archdiocese will be offered.

Because of the serious nature of child abuse, the law imposes obligations on many, and affords protection for all (ORC § 2151.421), in the reporting of known or suspected child abuse. It is the expectation that all who are subject to this *Decree* shall promptly alert the Civil Authorities and cooperate with them in good faith whenever there are allegations of child abuse, or acts of child abuse are known or suspected, unless to do so would violate a sacred trust (i.e. Sacrament of Reconciliation) or an established legal privilege. The report is to be made to Civil Authorities without preliminary screening, investigation, or judgment by the person who is mandated by law to make the report.

Ohio law requires all persons acting in an official or professional capacity, as defined in ORC § 2151.421(A)(1)(b), to immediately report any actual or suspected act of child abuse to the public children's services agency or to a municipal or county peace officer in the county where the child resides or where the abuse or neglect is occurring. (ORC § 2151.421(A)(1)(a)). Failure to do so is a misdemeanor and can result in prosecution. The Archdiocese encourages all persons to immediately report any actual or suspected acts of child abuse to Civil Authorities. In either case, a person reporting in good faith in making such a report is immune from both civil and criminal liability. (ORC § 2151.421(H)(1)(a)).

Many acts of child abuse are felonies. Ohio law requires everyone who knows that a felony has been or is being committed to report that information to law enforcement authorities. (ORC § 2921.22) There are certain exceptions to this requirement. Thus, those who learn of such information through a privileged communication (cf. Appendix A) are not required to disclose information obtained through such communications.

All clerics, employees, and volunteers of the Archdiocese are to be familiar with the provisions of both ORC § 2151.421 and § 2921.22 (cf. Appendix A). In situations where there may be questions about the duty to report, the Chancellor, the Coordinator of Ministry to Survivors of Abuse, and/or the Safe Environment Coordinator should be consulted promptly.

An allegation of child abuse which is made by someone who chooses to remain anonymous must be reported to the Civil Authorities in the same way as an allegation made by someone who chooses not to remain anonymous.

The person making the allegation of child abuse is also encouraged to personally report the allegation to appropriate Civil Authorities.

2. Reporting and Investigating - Church Authorities

a. Any cleric, employee, or volunteer (except licensed counselors, psychologists, or social workers when their knowledge is protected by legal privilege and priests when their knowledge is protected by the seal of the sacrament of Reconciliation), whether obligated by state law to report to Civil Authorities or not, who witnesses an act of child abuse perpetrated by another cleric, employee, or volunteer or suspects that such an act has occurred or receives a report of such an act, must immediately report the incident to the Chancellor¹ or to the Coordinator of Ministry to Survivors of Abuse. The Coordinator of Ministry to Survivors of Abuse shall inform the Chancellor of any report that has been made.

b. Other persons who know or suspect that a child has been abused by an agent of the Archdiocese are expected to report the incident to the Chancellor or to the Coordinator of Ministry to Survivors of Abuse, unless to do so would violate a sacred trust (i.e. Sacrament of Reconciliation) or an established legal privilege. The Coordinator of Ministry to Survivors of Abuse shall inform the Chancellor of any report that has been made.

c. A person who wants to make a report of sexual abuse of a child by an agent of the Archdiocese, no matter how long ago the sexual abuse occurred, is encouraged to contact the Chancellor or the Coordinator of Ministry to Survivors of Abuse unless to do so would violate a sacred trust (i.e. Sacrament of Reconciliation) or an established legal privilege. The Coordinator of Ministry to Survivors of Abuse shall inform the Chancellor of any report that has been made.

d. The reported incident of child abuse or suspected child abuse will be promptly reported by the Chancellor to the appropriate Civil Authorities or by the Coordinator of Ministry to Survivors of Abuse in the absence of the Chancellor if it has not already been reported. The full cooperation of the Archdiocese will be offered. A report will be made to the Civil Authorities even if the person wishes to remain anonymous. The person making the report of child abuse to the Archdiocese is also encouraged to personally report the allegation to the appropriate Civil Authorities.

e. If the Chancellor believes that legal advice or direction is warranted, the Chancellor will arrange for consultation by the Archdiocesan attorney with the Archbishop, the Vicar General, the Chancellor, the Director of

¹ With appropriate public notice, the Archbishop is free to appoint another qualified Archdiocesan official to fulfill some or all of the duties of the Chancellor described in this *Decree*, should the Archbishop judge that the objectives of this *Decree* would be better served.

Communications & Mission Promotion, the insurance administrator, and/or any other affected officer or local responsible supervisor of the Archdiocese with respect to any incident or allegation which has been reported.

f. After the investigation and recommendation of the Civil Authorities, the Chancellor shall follow their recommendation(s) regarding the accused, and shall coordinate the Archdiocesan response with the supervisor of the cleric, employee, or volunteer. If the Civil Authorities decide to take no action, the Chancellor shall initiate an investigation and take appropriate action based upon the findings of that investigation. The incident is to be investigated quickly by the Chancellor, or a person delegated by the Archbishop. This investigation is to be coordinated with, and must not interfere with, any civil investigation and is to include, whenever possible, interviews with the person alleging abuse, the accuser, the accuser's parents, the person making the report, the accused person and any other person who may have knowledge about the situation. This investigation is not intended to uncover all other possible cases of abuse perpetrated by the accused person; that aspect of the investigation is left properly to the Civil Authorities. These investigations will be conducted with due regard for confidentiality, privacy, and concern for the good name of all those involved. Care will always be taken to protect the rights of all those involved, particularly those of the person(s) making the report, the person alleging abuse, and the accused person.

If the accused person is a priest or deacon, the case will be handled in accord with the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (cf. Appendix E). After the investigation has been completed, a decision will be made regarding the status of any accused person.

g. If the charges have at least the semblance of truth (even if not proven conclusively), steps 4 and 5 below are to be implemented immediately. If after an investigation it is concluded that the charges of child abuse are unsubstantiated, the original copy of the investigation report is to be placed in a confidential file in the Chancery. All other copies are to be destroyed. Should the Chancellor learn later that the Civil Authorities have substantiated the charge or if new evidence is uncovered, then the case is to be reopened, and steps 4 and 5 below are to be implemented immediately.

h. The Chancellor will prepare a written report of the investigation to be distributed to the Archbishop and to those other persons the Chancellor determines should receive it.

3. Immediate Pastoral Response to a Person Who Has Experienced Abuse

Whenever abuse occurs or is alleged, the person claiming the abuse and his/her family have a strong emotional reaction. It is essential that effective, immediate, and compassionate care be provided to these individuals until the procedures outlined below are completed. Ordinarily, responsibility for this care will fall to those at the local level, and will continue until the Response Team's plans are implemented. When necessary, the local Dean should see to this care when so requested by the Chancellor or the Pastor of the affected parish. The Coordinator of Ministry to Survivors of Abuse will be contacted and will assist with the response in cases involving physical or sexual abuse of a child. The Archdiocese will cooperate with all Civil Authorities or agencies which are investigating and responding to the reported incident

4. Immediate Action Regarding an Accused Person Where the Accusation of Child Abuse Has the Semblance of Truth

a. The Chancellor will direct the accused person's supervisor to place the person on a leave of absence from any official duties pending the final resolution of the matter. Regular salary and benefits are to be provided. The accused person's permanent status should be resolved as soon as possible, pending any criminal proceedings and the long-term response plan of the Response Team (cf. Appendix D).

If the accused person is a priest, in addition to being placed on a leave of absence, temporary residence at a distance from the current assignment and without contact with children is to be arranged.

Any accused priest or deacon should be encouraged to seek and may be urged to voluntarily comply with an appropriate medical and psychological evaluation. Someone from the Archdiocesan central offices may assist with scheduling the medical and psychological evaluation. All of these actions are to be approved by the Archbishop.

b. The responsible supervisor, or another person designated by the Archbishop or the Chancellor, will notify the local church community that an allegation has been made. Care is to be taken to avoid defamation of the character of the accused person.

c. The accused person should seek his or her own legal counsel. An accused priest or deacon should also seek canonical counsel.

d. Provided there is enough proof, the Chancellor will direct the Archdiocesan attorney to place the name of the accused person on the register mentioned in the B.4 Policy of the Prevention section of this *Decree*.

5. Formation of Response Team

a. From a list of qualified persons, maintained for this purpose by the Chancellor, the Chancellor will convene a Response Team comprised of the following:

- 1) The Chancellor;
- 2) A licensed social worker with experience in dealing with child abuse, or a licensed psychologist or psychiatrist with experience in dealing with child abuse, or the Coordinator of Ministry to Survivors of Abuse; and
- 3) A person with qualifications relating to the specific circumstances of the case, for example, a principal, if a school community is most directly affected.

b. The Response Team is to meet within one week after the accused person has been placed on a leave of absence. The Response Team's tasks are listed in Appendix D.

c. The Chancellor will serve as the chairperson of the Response Team. Any of the Response Team members may contact the Archbishop or Civil Authorities about the case.

d. If not a member of the Response Team, the Coordinator of Ministry to Survivors of Abuse will provide assistance to the Response Team as needed.

e. The Response Team will disband upon the completion of the tasks delineated in Appendix D.

B. On-going Tasks

1. Central Office Tasks

The Archbishop, the Response Team, the Chancellor, and the Coordinator of Ministry to Survivors of Abuse will bear the major responsibility for the Archdiocese's response to incidents of child abuse, as outlined above and in Appendix D. However, others can provide valuable assistance with the response.

a. Review Board

An Archdiocesan Review Board is required by the policies of the United States Conference of Catholic Bishops. Currently, these policies are found in the *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. All credible allegations must be brought to the attention of and reviewed by the Review Board.

The Review Board, established by the Archbishop, will function as a confidential consultative body to the Archbishop. The Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the Review Board members will be lay persons who are not in the employ of the Archdiocese. At least one member should have particular expertise in the treatment of sexual abuse of children. At least one member should be a priest who is an experienced and respected pastor. The members will be appointed for a five-year term, which can be renewed. A member may be appointed to a partial term.

The Chancellor, the Promoter of Justice, the Coordinator of Ministry to Survivors of Abuse, and the Safe Environment Coordinator will serve as *ex officio* members of the Review Board. *Ex officio* members are not permitted to vote on a recommendation given to the Archbishop or to serve as the Chairperson of the Review Board.

The Review Board will advise the Archbishop in his assessment of allegations of abuse of children by clerics, employees, and volunteers, and in his determination of suitability of ministry. The Review Board will offer advice on all aspects of cases of sexual abuse of children, whether retrospectively or prospectively. The Review Board may review active cases and reassess old cases as needed. The Review Board will regularly review policies and procedures for dealing with the abuse of children. The Review Board will assist the Chancellor with the implementation of the Response section of this *Decree*.

The fiscal year of the Review Board shall be from July 1 through June 30. The Board will meet at least twice a year. At the first meeting of the fiscal year, the Review Board members shall designate a Chairperson. If the Chairperson is not present at a meeting, the members present shall designate a member to serve as the Chairperson for that meeting. The Chancellor shall schedule the meetings and maintain minutes of the meetings. The Chancellor may also call on members of the Review Board at any time, individually or collectively, for advice. Every five years the Review Board will offer to the Archbishop recommendations for improving this *Decree* and its implementation.

All deliberations of the Review Board as a whole or of its members individually are to be maintained in strict confidentiality. The reputation and privacy of all individuals involved will be upheld. The names of persons who experienced abuse shall be disclosed to Review Board members only if absolutely necessary.

Formal recommendations to the Archbishop will be in writing. The Chairperson will sign such recommendations in the name of the whole Review Board. If the recommendation is not unanimous, the number of votes for, against, and abstaining will be disclosed to the Archbishop.

The Chancellor is responsible for presenting the cases to the Review Board. The members of the Review Board may request that the Promoter of Justice (the person holding this office, or in some cases, a special Promoter for a particular situation) review the files related to a specific situation and offer another perspective about the facts and whether or not the Chancellor has presented a factual account of the situation.

It is not expected that the Review Board will ever meet in person with an accuser, the accused person, or a person claiming abuse. Such contact is the proper task of the person(s) delegated by the Archbishop to perform the investigation.

The Archbishop will receive regular updates from the Chancellor following each Review Board meeting. If a specific concern arises, any member of the Review Board may contact the Archbishop directly. Review Board members are always free to contact the Civil Authorities about cases.

b. Personnel Management

The Office of Human Resources, the Department of Educational Services, the Priests' Personnel Office, and other offices of the Archdiocese which assist any Archdiocesan Organization in their daily responsibilities, may offer guidance to these personnel in their responses to incidents of child abuse, in accord with this *Decree*.

c. Media Relations

There is benefit to a forthright and honest presentation of the Church's attempt to provide a suitable response to incidents and allegations of child abuse within the Church. It is the task of the Archdiocesan Director of Communications & Mission Promotion to serve as the official public spokesperson for the Archdiocese, its personnel, the personnel at any Archdiocesan Organization, and the Response Team, and to assist these people in responding to inquiries from the media. For clear communications, all media inquiries are to be referred immediately to the Archdiocesan Director of Communications & Mission Promotion. All responses and statements to the media will be guided by the principles which underlie this *Decree* (cf. Introduction).

d. Legal Actions

When instances of child abuse lead to legal actions, the rightful claims of any person who was allegedly abused, the protection of the Archdiocese, and the legal rights of the accused person must be carefully balanced. All personnel of the Archdiocese, and personnel at any Archdiocesan Organization, will cooperate fully with the Civil Authorities in their investigations, always notifying the Chancellor of these contacts. The Chancellor bears exclusive responsibility (subject to the authority of the Archbishop) for managing the response of the Archdiocese to claims and civil actions, and for advising the personnel of the Archdiocese, any Archdiocesan Organization, and the Response Team, in this regard, always with the assistance of qualified attorneys. The Chancellor also bears responsibility for advising the Archbishop in the event that canonical procedures are warranted. Normally, the Archdiocese will not provide legal counsel for accused persons.

e. Retention of Records

Once implementation of the Response Team's long-term response plan has begun, the Chancellor will place a dossier in a confidential file of the Chancery under the name of the accused person. The dossier will include the Chancellor's investigation report, the short-term response plan, the long-term response plan, and any other pertinent documents. Records will be retained in accord with the norms of civil law and canon law.

2. Local Tasks

The leaders of any Archdiocesan Organization, especially priests, deacons, and professional staff, occupy a critical position in the response to incidents and allegations of child abuse. It is they who know the persons who were allegedly abused, their families and the local church communities. It is they who can offer a particularly effective ministry of healing, both short-term and long-term. It is the task of the leaders of all Archdiocesan Organizations to see that the provisions of this *Decree* with regard to all responses to child abuse are fully and carefully implemented on the local level. It is also incumbent upon these persons and those who work with them to uphold the values enunciated in this *Decree*, to listen well, and to provide concrete means for healing. They are to be especially attentive to the pastoral needs of individuals and their families.

At the same time, local leaders must recognize that their communities are part of a larger church family. Thus, they must look to the Response Team and appropriate officials of the Archdiocese for guidance and direction and stand ready to offer advice to these persons. Specifically, all contact with the media is to be arranged through the Archdiocesan Office of Communications.

In the end, a collaborative effort among leaders of all Archdiocesan Organizations, the Response Team, and Archdiocesan officials, as well as openness on the part of all involved, will lead to the most effective response to cases and allegations of child abuse. Such a response will itself be a powerful means for preventing future cases of child abuse.

APPENDIX A

OHIO REVISED CODE

The Ohio Revised Code (“ORC”) states the obligations for reporting known or suspected child abuse to civil authorities and the consequences of failure to report. Included in Appendix A are the current versions of ORC § 2151.421 and ORC § 2921.22. Any revisions to the ORC made after the date of this *Decree*, however, must also be adhered to.

ORC § 2151.421. Duty to report child abuse or neglect; investigation and followup procedures.

(A)

(1)

(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; health care professional; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care

professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)

(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that

section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a municipal or county peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the

receiving agency or officer. The written report shall contain:

- (1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;
- (2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;
- (3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)

(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.

(E)

(1) When a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace officer who receives the report shall refer the report to the appropriate public children services agency.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(F) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)

(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (K) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated

child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)

(1)

(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)

(1) Except as provided in divisions (I)(4) and (O) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (N) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any

information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)

(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(b) A health care professional that obtains the same information contained in a report made under this section from a source other than the report may disseminate the information, if its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board or the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death or to the director. On the request of the review board or director, the agency or peace officer may, at its discretion, make the report available to the review board or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(K)

(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

(3) A memorandum of understanding shall include all of the following:

(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the

child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected.

(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (K)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(L)

(1) Except as provided in division (L)(4) or (5) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (L)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division(L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (L)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (L)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (L) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (L)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care professional who provided health care services to the child about whom the report was made.

(M) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(N) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(O)

(1) As used in this division:

(a) “Out-of-home care” includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) “Administrator, director, or other chief administrative officer” means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If

the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(P) As used in this section:

(1) “Children’s advocacy center” and “sexual abuse of a child” have the same meanings as in section 2151.425 of the Revised Code.

(2) “Health care professional” means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. “Health care professional” does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) “Investigation” means the public children services agency’s response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

History:

130 v 625 (Eff 10-10-63); 131 v 632 (Eff 11-11-65); 133 v S 49 (Eff 8-13-69); 133 v H 338 (Eff 11-25-69); 136 v H 85 (Eff 11-28-75); 137 v H 219 (Eff 11-1-77); 140 v S 321 (Eff 4-9-85); 141 v H 349 (Eff 3-6-86); 141 v H 528 (Eff 7-9-86); 141 v H 529 (Eff 3-11-87); 143 v H 257 (Eff 8-3-89); 143 v H 44 (Eff 7-24-90); 143 v S 3 (Eff 4-11-91); 144 v H 154 (Eff 7-31-92); 146 v S 269 (Eff 7-1-96); 146 v H 274 (Eff 8-8-96); 146 v S 223 (Eff 3-18-97); 147 v H 215 (6-30-97); 147 v H 408 (Eff 10-1-97); 147 v S 212 (Eff 9-30-98); 147 v H 606 (Eff 3-9-99); 148 v H 471 (Eff 7-1-2000); 148 v H 448 (Eff 10-5-2000); 149 v H 510 (Eff 3-31-2003); 149 v H 374 (Eff 4-7-2003); 149 v S 221. Eff 4-9-2003; 150 v S 178, § 1, eff. 1-30-04; 150 v H 106, § 1, eff. 9-16-04; 150 v S 185, § 1, eff. 4-11-05; 150 v S 66, § 1, eff. 5-6-05; 151 v S 17, § 1, eff. 8-3-06; 151 v S 238, § 1, eff. 9-21-06; 152 v H 314, § 1, eff. 6-20-08; 152 v S 163, § 1, eff. 8-14-08; 152 v H 280, § 1, eff. 4-7-09; 153 v S 79, § 1, eff. 10-6-09; 2011 HB 153, § 101.01, eff. Sept. 29, 2011; 2014 HB 483, § 101.01, eff. Sept. 15, 2014; 2014 HB 213, § 1, eff. Sept. 17, 2014; 2015 HB 64, § 101.01, effective Sep 29, 2015; 2016 HB 158, § 1, effective Oct 12, 2016; 2016 HB 493, § 1, effective March 14, 2017.

ORC § 2921.22. Failure to report a crime or knowledge of a death or burn injury.

(A)

(1) Except as provided in division (A)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(2) No person, knowing that a violation of division (B) of section 2913.04 of the Revised Code has been, or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

(B) Except for conditions that are within the scope of division (E) of this section, no person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the person, or any serious physical harm to persons that the person knows or has reasonable cause to believe resulted from an offense of violence.

(C) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician or advanced practice registered nurse whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained. For purposes of this division, “advanced practice registered nurse” does not include a certified registered nurse anesthetist.

(D) No person shall fail to provide upon request of the person to whom a report required by division (C) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person’s knowledge that may have a bearing on the investigation of the death.

(E)

(1) As used in this division, “burn injury” means any of the following:

(a) Second or third degree burns;

(b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;

(c) Any burn injury or wound that may result in death;

(d) Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by section 3743.01 of the Revised Code.

(2) No physician, nurse, physician assistant, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury

immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under division (E)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the state fire marshal. The report shall comply with the uniform standard developed by the state fire marshal pursuant to division (A)(15) of section 3737.22 of the Revised Code.

(5) Anyone participating in the making of reports under division (E) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding section 4731.22 of the Revised Code, the physician-patient relationship or advanced practice registered nurse-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under division (E) of this section.

(F)

(1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in section 3113.31 of the Revised Code, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under division (F)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(G) Divisions (A) and (D) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; physician and patient; advanced practice registered nurse and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional

character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under section 2739.04 or 2739.12 of the Revised Code.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or community addiction services provider whose alcohol and drug addiction services are certified pursuant to section 5119.36 of the Revised Code.

(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of section 2907.02 or 2907.05 of the Revised Code or to victims of felonious sexual penetration in violation of former section 2907.12 of the Revised Code. As used in this division, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.

(H) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(I) Whoever violates division (A) or (B) of this section is guilty of failure to report a crime. Violation of division (A)(1) of this section is a misdemeanor of the fourth degree. Violation of division (A)(2) or (B) of this section is a misdemeanor of the second degree.

(J) Whoever violates division (C) or (D) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

(K)

(1) Whoever negligently violates division (E) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates division (E) of this section is guilty of a misdemeanor of the second degree.

(L) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse.

History:

134 v H 511 (Eff 1-1-74); 136 v H 750 (Eff 8-26-75); 136 v S 283 (Eff 11-26-75); 137 v H 1 (Eff 8-26-77); 137 v S 203 (Eff 1-13-78); 138 v H 284 (Eff 10-22-80); 142 v H 273 (Eff 9-10-87); 143 v H 317 (Eff 10-10-89); 144 v S 343 (Eff 3-24-93); 145 v H 335 (Eff 12-9-94); 146 v H 445

(Eff 9-3-96); 146 v S 223 (Eff 3-18-97); 149 v S 115. Eff 3-19-2003; 152 v S 248, § 1, eff. 4-7-09; 2013 HB 59, § 101.01, eff. Sept. 29, 2013; 2014 HB 232, § 1, eff. July 10, 2014; 2016 HB 216, § 1, effective April 6, 2017; 2016 SB 319, § 1, effective July 1, 2017.

APPENDIX B
Archdiocese of Cincinnati
B.4 FORM (page 1 of 2)

Register Check in Accordance with Section B.4 of the Decree on Child Protection
Print Clearly

Applicant for Employment:

Hiring Agent:

<i>Last Name</i>	<i>Name of School, Parish, etc.</i>
<i>First Name and Middle Initial</i>	<i>Street Address</i>
<i>Maiden Name (if applicable)</i>	<i>City</i> <i>State</i> <i>Zip</i>
<i>Last Four (4) Digits of Social Security No.</i>	<i>Name of Hiring Agent</i>
<i>Position Applied For</i>	<i>Position of Hiring Agent</i>

Applicant: Have you ever committed, or been convicted or adjudicated of, any of the following: (1) physically or sexually abusing a child, (2) any crime of violence (3) receipt or possession of child pornography, or (4) a sexual crime of any nature?

Signature of Hiring Agent *Date*

NO **YES** If yes, describe:

NO
 YES Explanation _____

Attorney for Archdiocese of Cincinnati _____
Date _____

Please review the following before sending this to the Office of Safe Environment for Protection of Children and Youth, Archdiocese of Cincinnati, 100 East Eighth Street – 8th Floor, Cincinnati, Ohio 45202-2129:

Hiring Agent will:

- Type or print requested information at top of form. Then sign and date as indicated.
- Include signed, dated and witnessed APPLICANT'S CERTIFICATION (page 2 of 2).

The Chancery will:

- Send B.4 Form to the attorney for the Archdiocese who will complete the middle section of the form.
- Return a copy of this form, with the attorney's signature and/or comments, to the hiring agent. **The "YES" BOX CHECKED means approval for hiring.**

APPENDIX B
Archdiocese of Cincinnati
B.4 FORM (page 2 of 2)

APPLICANT'S CERTIFICATION

This Certification must be signed by every applicant for employment at any Archdiocesan Organization who is eighteen years of age or older and who is in a position which involves contact with children. I hereby attest and certify that I have never been convicted or adjudicated of, nor pled guilty to: physically or sexually abusing a child; receiving or possessing Child Pornography; endangering children, including child abuse, in violation of Ohio Revised Code Section 2919.22; contributing to the unruliness or delinquency of a child, in violation of Ohio Revised Code Section 2919.24; rape, in violation of Ohio Revised Code Section 2907.02; attempted rape, in violation of Ohio Revised Code Section 2923.02 and 2907.02; kidnapping, in violation of Ohio Revised Code Section 2905.01; any crime for which you were required to register as a sex offender; pandering sexually oriented matter involving a minor, in violation of Ohio Revised Code Section 2907.322; sexual battery, in violation of Ohio Revised Code Section 2907.03; unlawful sexual conduct with a minor, in violation of Ohio Revised Code Section 2907.04; gross sexual imposition, in violation of Ohio Revised Code Section 2907.05; sexual imposition, in violation of section Ohio Revised Code Section 2907.06; importuning, in violation of Ohio Revised Code Section 2907.07; voyeurism, in violation of Ohio Revised Code Section 2907.08; public indecency, in violation of Ohio Revised Code Section 2907.09; any offense of violence; or any existing or former offense of any municipal corporation, of this state, any other state, or the United States, that is substantially equivalent to any of the above offenses. (If you have been convicted or adjudicated of, or pled guilty to, any of the above offenses and wish to explain the circumstances thereof, please do so on a separate sheet.) I further certify that I have never been discharged from employment or a volunteer position because of any activity covered by the foregoing statutes.

I hereby authorize any present or former employer, person, firm, corporation, or government agency to answer any and all questions and to release or provide any information within his/her knowledge or records, and I agree to release and hold any and all of them harmless and free of any liability for releasing any truthful information that is within their knowledge and records. I further authorize the Archdiocese of Cincinnati to conduct a check of my police criminal records and agree that I will fully cooperate in providing all information and signing all documents necessary to conduct such a check.

I hereby attest and certify that the above information provided by me is true and correct to the best of my knowledge. I understand that misrepresentations or omissions may disqualify my application and/or result in my immediate dismissal if I am already employed.

Signature of Applicant

Date

Institution Name

Witness

This Applicant's Certification is only one part of the B.4 Form and of the application process. Applicants must also supply other personal information and references, as required in Section B.1 (*See, Decree p. 9*) of the *Decree on Child Protection* and as required on the B.4 Form.

APPENDIX C

Check List for Hiring Employees and Complying with the *Decree on Child Protection*

1. An applicant must provide references in accordance with Archdiocesan Human Resources current policies. The responsible supervisor is to speak with persons offered as references and verify suitability for employment.
2. The applicant must complete an acceptable criminal background check through fingerprinting or otherwise in a manner approved by the Chancellor in accord with the current policies of the Archdiocese. The applicant may not be hired, and may not have contact with children, until after an acceptable background check is completed.
3. The applicant must complete the B.4 Form (cf. Appendix B).
4. The applicant's name will be submitted to the Chancellor's Office for verification that his or her name is not listed on the register noted in the B.4 Policy.
5. The applicant must attend the training program approved by the Archbishop on this *Decree* before they have contact with children.

Check List for Engaging Volunteers and Complying with the *Decree on Child Protection*

1. The potential volunteer must complete an acceptable criminal background check through fingerprinting or otherwise in a manner approved by the Chancellor in accord with the current policies of the Archdiocese. The potential volunteer may not have contact with children until an acceptable background check is completed.
2. The potential volunteer must attend the training program approved by the Archbishop on this *Decree* before they have contact with children.
3. The responsible supervisor is encouraged to contact persons offered as references to assess the suitability of the potential volunteer.

APPENDIX D

RESPONSE TEAM TASKS

1. Preliminary Plan of Action

- a. At its initial meeting (cf. Section II, 5b.), the Response Team is to review the Chancellor's investigation report to date, assess the nature of the case, and agree upon a preliminary plan of action.
- b. The preliminary plan of action may involve making personal contact with the person alleging abuse and his/her parents, with the leadership of the local church community, and with the accused person.
- c. This work of the Response Team will be coordinated with the efforts of the Civil Authorities through the Chancellor. The Chancellor will also regularly consult with the Archdiocesan attorney and apprise the Office of Communications of relevant information concerning the Response Team's work.

2. Short-Term Response

- a. Within two weeks of its initial meeting the Response Team is to meet to review the information gathered during implementation of the preliminary plan of action and to develop a plan for a short-term response. The short-term response plan may include the following elements:
 - 1) addressing the needs of the person alleging abuse and his/her family (for example, psychological evaluation, spiritual assistance, immediate demands upon the Archdiocese or the accused person, continued contact with the Response Team);
 - 2) addressing the needs of the local church community (for example, public disclosure of the matter, group counseling, remembering process);
 - 3) addressing the needs of the Civil Authorities dealing with the case;
 - 4) addressing the needs of the accused person.
- b. The Response Team is to report to the Archbishop its plan for a short-term response and the implementation of the response, including the assignment of responsibilities.
- c. The Chancellor will communicate responsibilities assigned in the plan to the specific Archdiocesan or Religious central office, parish, school, agency, or institution personnel. Compliance by these persons is required. The Response Team will implement any responsibilities it has assigned to itself.
- d. Members of the Response Team are to confer regularly during the implementation of the short-term response plan, making adjustments to the plan as needed. The Chancellor will confer regularly with the Archdiocesan or Religious central

office, parish, school, agency, or institution personnel regarding their responsibilities under the plan.

3. **Long-Term Response**

- a. As the short-term response plan reaches full implementation, the Response Team may meet to review the case and to develop a plan for a long-term response. The long-term response plan is to include the following elements:
 - 1) addressing the needs of the person alleging abuse and his/her family;
 - 2) addressing the spiritual and psychological needs of the person alleging abuse and his/her family;
 - 3) addressing the needs of the local church community;
 - 4) addressing the needs of the Archdiocese;
 - 5) addressing the needs of the accused person (for example, therapy, future role in Church life, public disclosure at any future assignments).
- b. The plan and the implementation of the response, including the assignment of responsibilities, are to be communicated to the Archbishop.
- c. The Chancellor will communicate responsibilities assigned in the plan to the specific Archdiocesan or Religious Order, central office, parish, school, agency, or institution personnel. Compliance by those persons is required. The Response Team will implement any responsibilities it has assigned to itself.
- d. The Response Team and other appropriate persons will continue to meet as needed to monitor, evaluate and adjust implementation of the long-term response plan. They will meet until such time as the members of the Response Team determine that such meetings are no longer important for effective implementation of the long-term response plan.

4. **Related Issues**

a. Clientele

The Response Team principally serves the Archdiocese in its attempt to provide a proper response to incidents of child abuse. As such, the Team is an official organ of the Archdiocese and operates under its auspices and in complete cooperation with Civil Authorities.

b. Confidentiality

The proper response to an incident of child abuse will ordinarily involve the sharing of information among a number of people. Whenever the greater good is served — bearing in mind the priority of the accuser’s well-being — the members of the Response Team may function as a conduit of information among the

various persons involved in the incident. Ordinarily, the internal deliberations of the Response Team are to remain confidential. Usually, communication between the Response Team and the Civil Authorities, if any, will be handled by the Chancellor. Response Team members are always free to contact the Civil Authorities or the Archbishop about a case. The Response Team should determine who besides the Archbishop and the Director of Communications & Mission Promotion should receive a copy of the short-term and long-term plans.

c. Reimbursement

The working hours of the Response Team members are reimbursable by the Archdiocese according to standard rates for their respective professions. Out-of-pocket expenses are also reimbursable. Other expenses must receive prior approval from the Chancellor. The Chancery staff will provide secretarial support to the Response Team.

d. Mental Health Services

In some cases the person alleging abuse, members of his/her family, or the local church community affected by an act of abuse may require the assistance of mental health or social service professionals. Typically, the short-term response plan will provide for evaluative counseling and the long-term response plan for any continuing assistance, as needed. When such assistance is called for in either the short-term response plan or in the long-term response plan, the Archdiocese stands ready to assume any associated costs, as part of its healing ministry, if those costs are not covered by insurance. Such assistance will be provided through Catholic Charities/Catholic Social Services or some other counselor, therapist, support group, etc., mutually agreed upon by the person alleging abuse and the Archdiocese. The Coordinator of Ministry to Survivors of Abuse will be responsible for the Archdiocesan role in providing this assistance.

e. Other Professionals

The Response Team may enlist the services of the Safe Environment Coordinator and/or the Archdiocesan legal counsel as they pursue their tasks, after consulting with the Chancellor. This is also true of other professionals whose assistance the Response Team may need. Such attorneys or other professionals will be viewed as serving the Archdiocese, not the accused or the person alleging abuse. Any fees will be paid by the Archdiocese.

APPENDIX E

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UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

ESSENTIAL NORMS FOR DIOCESAN/EPARCHIAL POLICIES DEALING WITH ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY PRIESTS OR DEACONS

First Approved by the Congregation for Bishops, December 8, 2002; Revised most recently in
June 2011

PREAMBLE

On June 14, 2002, the United States Conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*. The charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by diocesan and priests or deacons. (1) These norms are complementary to the universal law of the Church and are to be interpreted in accordance with that law. The Church has traditionally considered the sexual abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 §2, and CCEO, canon 1453 §1 (Sacramentorum sanctitatis tutela, article 4 §1).(2)

NORMS

1. These Essential Norms have been granted *recognitio* by the Holy See. Having been legitimately promulgated in accordance with the practice of the United States Conference of Catholic Bishops on May 5, 2006, they constitute particular law for all the dioceses/eparchies of the United States of America.(3)

2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.

3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.

4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include

- A. advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
- B. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and
- C. offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473-- i.e., withdraw the accused from exercising the sacred ministry or any

ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process. (4)

7. 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/eparchy and to the accused.

8. When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (CIC, c. 1395 §2; CCEO, c. 1453 §1). (5)

A. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must 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). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch how to proceed (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.

B. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), 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 is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

9. At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, 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. (6) Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry. (7)

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch 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.

11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their

investigation. In every instance, the diocese/eparchy will advise and support a person's right to make a report to public authorities. (8)

12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese/eparchy. Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop 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 children or young people.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law 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 children or young people so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children or young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678, (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the life (CIC, c. 586).

13. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Notes

1 These Norms constitute particular law for the dioceses, eparchies, clerical institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. When a major superior of a clerical institute or society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.

2 If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

3 Due regard must be given to the proper legislative authority of each Eastern Catholic Church.

4 Article 19 *Sacramentum sanctitatis tutela* states, “With due regard for the right of the Ordinary to impose from the outset of the preliminary investigation those measures which are established in can. 1722 of the Code of Canon Law or in can. 1473 of the Code of Canons of the Eastern Churches, the respective presiding judge may, at the request of the Promoter of Justice, exercise the same power under the same conditions determined in the canons themselves.”

5 Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment. With regard to the use of the phrase

"ecclesiastical ministry," by clerical members of institutes of consecrated life and societies of apostolic life, the provisions of canons 678 and 738 also apply, with due regard for canons 586 and 732.

6 Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1° -2°, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, and 1389-1396.

7 The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff.; CCEO, cc. 178, 979ff.):

- a) He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187- 189; CCEO, cc. 967-971).
- b) Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).
- c) For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).
- d) The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
- e) Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1-1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c.387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1°-2°, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2, and 1520) so that the cleric affected is afforded the opportunity of recourse against them in accordance with canon law (CIC, cc. 1734ff.; CCEO, cc. 999ff.).

8 The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

APPENDIX F
Contact Numbers to Report Allegations of Child Abuse
Resources: County Children’s Protective Services

Adams County	Children’s Services	937.544.2511
Auglaize County	Dept. of Job and Family Services	419.739.6505
	Sheriff’s Office (After Hours)	419.739.2147
Brown County	Dept. of Job and Family Services	937.378.6104
	Sheriff’s Office (After Hours)	937.378.4435
Butler County	Children’s Services	513.887.4055
Champaign County	Job and Family Services	937.484.1500
Clark County	Family and Children Services (intake)	937.327.1748
	(After Hours).....	937.324.8687
Clermont County	Children’s Protective Services and Adult	513.732.7173
	(After Hours - Dispatch)	513.732.7867
Clinton County	Child Protection Unit	937.382.5935
	(After Hours).....	937.382.2449
Darke County	Job and Family Services	937.548.4132
	Sheriff’s Office (After Hours)	937.548.2020
Greene County	Children’s Services	937.562.6600
	(After Hours).....	937.879.4357
	From Fairborn	937.878.1415
	(After Hours).....	937.372.4357
Hamilton County	Children’s Protective Services (Hotline)	513.241.KIDS (513.241.5437)
Highland County	Children’s Services Agency.....	937.393.3111
	Sheriff’s Office (After Hours)	937.393.1421
Logan County	Children’s Services	937.599.7290
Mercer County	Dept. of Job and Family Services	419.586.5106
	Sheriff’s Office (After Hours)	419.586.7724
Miami County	Children’s Services	937.335.4103
	(After Hours-Goes to 911 Center)	937.339.6400
Montgomery County	Children Services Division	937.224.5437
Preble County	Dept. of Job and Family Services	937.456.1135
Shelby County	Dept. of Job and Family Services	937.498.4981
	Sheriff’s Office (After Hours)	937.498.1111
Warren County	Children Services	513.695.1546
	(After Hours).....	513.695.1600

**If the number is not listed as a HOTLINE,
ask for the Children’s Intake Worker before beginning the report.**

**MEMBERS OF THE REVIEW BOARD
FOR THE *DECREE ON CHILD PROTECTION*
July 1, 2017**

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The Honorable James Brogan
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Mr. Mark Komanecky
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Brian Spears – *ex officio* Coordinator of Ministry to Survivors of Abuse
Sister Victoria Vondenberger – *ex officio* Promotor of Justice



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