

A Pocket Guide to the

***Policies and Procedures
for the Protection of Children***

Archdiocese of Boston

Dear Friends in Christ,

The Archdiocese of Boston continues to be committed to the protection of children and the prevention of their abuse in all its forms. I want to thank the Office of Child Advocacy, Implementation and Oversight, the Office of Pastoral Support and Outreach, the Implementation and Oversight Advisory Committee, the Review Board and, especially, the thousands of lay volunteers in parish ministry as well as the Child Abuse Prevention teams who have worked so hard at helping to create safer environments for children in our parishes, schools and institutions.

In June 2003, the Most Reverend Richard G. Lennon, then Apostolic Administrator of the Archdiocese, promulgated *Policies and Procedures for the Protection of Children*, to take effect on July 1, 2003. Pastors, administrators, principals and directors of every parish, school and institution of the Archdiocese received a copy. A subsequent mailing was sent to all Child Abuse Prevention Teams in the parishes and in parish clusters.

To ensure social awareness of these *Policies* and to disseminate reporting procedures for suspected or actual child abuse and neglect to both civil and church authorities, the Archdiocese has produced this abbreviated form as a pocket guide. This pamphlet contains pertinent excerpts from the *Policies* (July, 2003) and provides a convenient overview of the offices and personnel involved in implementation. The full text of the *Policies and Procedures for the Protection of Children* is available at the Archdiocesan website: www.rcab.org. Like any instrument of social change, the *Policies and Procedures* undergo periodic review toward improvement. Any questions or comments about the *Policies* should be directed to the Office of Child Advocacy, Implementation and Oversight.

Betrayal of trust and abuse of power have caused enormous pain to children, their families, parish communities, and priests who have remained faithful to the mission and mandate of the Church. The Archdiocese's active participation in efforts to heal this wound out in the open, away from secrecy, will help restore the integrity of the Church. Implementation of these *Policies* engages both the clergy and the laity, and both employees and volunteers, in a concerted effort to protect the children within the community of faith. It is our prayer that the effort and mobilization of people and resources in the Church in Boston and throughout the United States will redound to an improvement in all institutions and areas of society in dealing with the endemic problem of child abuse.

Devotedly yours in Christ,

Sean Patrick O'Malley, OFM.Cap.
Archbishop of Boston

Implementation of the Policies and Procedures for the Protection of Children

The Archbishop of Boston is responsible for the promulgation and implementation of these *Policies and Procedures for the Protection of Children*. Any violation of these *Policies and Procedures* is to be reported directly to the Archbishop.

The Review Board is a body of nine persons that advises the Archbishop on complaints of child abuse. The Board may offer advice on all aspects of these cases, but especially assesses the complaints of child abuse by a cleric and helps the Archbishop determine the suitability of an accused cleric for ministry.

In collaboration with the Office for Child Advocacy, Implementation and Oversight, the Review Board is also responsible for the review every two years of these *Policies and Procedures*.

The Office for Child Advocacy, Implementation and Oversight will oversee the implementation of the safe environment programs and the establishment of a Child Abuse Prevention (CAP) Team in each parish or parish cluster. CAP Teams will provide training to support mandated and non-mandated reporters in their parishes, provide guidance concerning reporting procedures, and act as a liaison from each parish to the Office for Child Advocacy. The Implementation and Oversight Advisory Committee assists the Director in all of his/her responsibilities.

The Office for Child Advocacy, Implementation and Oversight is responsible for assessing the implementation of these *Policies and Procedures* and reporting the results to the Archbishop.

The Office for Pastoral Support and Outreach is a program of the Archdiocese staffed by lay professionals that offers pastoral support, outreach, and referrals for professional assistance to persons who report having been sexually abused as children by clergy, archdiocesan personnel, or volunteers. The Office will also extend appropriate support to family members of such persons and to archdiocesan parishes, schools, and other institutions affected by a complaint of child abuse.

Safe Environment Programs

All clergy, archdiocesan personnel, and volunteers who minister, work, or serve in a capacity involving contact with children under age eighteen must:

- complete the prevention and education programs mandated by the Archdiocese.
- submit the required Criminal Offender Record Information (CORI), to be renewed annually.

All clergy, archdiocesan personnel, and volunteers must:

- complete the background checks mandated by the Archdiocese.

All persons who apply for entrance into the seminary or permanent diaconate program, who seek incardination into the Archdiocese or employment in a parish, school, or other archdiocesan institution, or who volunteer for a position involving contact with children under age eighteen must:

- complete all elements of the application process mandated by the Archdiocese.

As part of the psychological testing required in the screening process for all applicants to the seminary and the permanent diaconate program, the Archdiocese

- will conduct an assessment of the applicant's fitness for working with children and

-- will require each seminarian to participate in a formation program that addresses issues related to child abuse.

The safe environment programs for adults aim to prevent child abuse by raising awareness of the nature of abuse and its prevalence in all segments of society. Adults will be trained to recognize the signs and symptoms of child abuse and how to intervene when children are at risk.

The safe environment programs for children seek to assist parents in educating and protecting their children and to assist parishes, schools, and other archdiocesan institutions to cooperate with parents in developing and maintaining safe and secure environments.

The Code of Pastoral Conduct provides a set of standards for conduct in pastoral situations. Priests, deacons, pastoral ministers, administrators, staff, employees and volunteers in parishes, religious communities, institutes, and organizations must uphold Christian values and conduct, and the Code provides specific norms on Conduct With Children and Youth; Sexual Conduct; Harassment; Conduct for Pastoral Counselors and Spiritual Directors; Confidentiality; Conflicts of Interest; Reporting Ethical or Professional Misconduct; Administration; Clergy and Staff or Volunteer Well-Being.

Pastoral Support and Outreach

Working with the Archbishop, the Office for Pastoral Support and Outreach offers pastoral support, outreach, and professional assistance to persons who report having been abused as children by clergy, archdiocesan personnel, or volunteers, to their family members, and to parishes, schools, and other archdiocesan institutions affected by a complaint of child abuse.

The Archbishop normally extends an offer to meet personally with persons who claim to have been abused as children by priests or deacons.

The pastoral support offered by the Office for Pastoral Support and Outreach includes referrals for pastoral counseling, spiritual direction, parish consultation, and retreats. The outreach conducted by the Office for Pastoral Support and Outreach will include disseminating information to increase awareness and understanding of the prevention, identification, and treatment of child abuse. The professional assistance offered by the Office for Pastoral Support and Outreach includes referrals and funding for psychological counseling with a licensed mental health professional.

The Office for Pastoral Support and Outreach maintains information that is obtained from persons seeking support or assistance in a confidential manner. In the initial interview, the staff member who conducts the interview will discuss the nature of confidentiality and its limitations and, where required by civil law, explain the legal requirements for reporting child abuse or neglect to civil authorities.

In the initial interview of the person reporting child abuse by a cleric, archdiocesan personnel or a volunteer, the staff member will ask the person whether he/she wishes to make a formal complaint to Church authorities. The staff member will ensure that this person understands that the offer of pastoral and psychological assistance is not contingent upon willingness to file a complaint and that no information gathered by the Office for Pastoral Support and Outreach will be entered into an investigation by the Church without his/her written permission.

In cooperation with the Office for Pastoral Support and Outreach and the appropriate Regional Bishop, the Archbishop will arrange for pastoral outreach to a parish, school, or archdiocesan institution affected by a complaint of child abuse by clergy, archdiocesan personnel, or volunteers.

Reporting Child Abuse and Neglect to Civil Authorities

From the *Statutes of the Commonwealth of Massachusetts*, chapter 119, §51A

A report is to be filed with civil authorities when a mandated reporter has “reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse inflicted upon him or her which causes harm or substantial risk of harm to the child’s health or welfare including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth.”

That person “shall immediately report such condition” to the Department of Social Services “by oral communication and by making a written report within forty-eight hours after such oral communication.”

Mandated reporters include a “priest, . . . [a] person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, . . . [and a] person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis.”

“In addition to those persons required to report pursuant to this section, any other person may make such a report if any such person has reasonable cause to believe that a child is suffering from or has died as a result of such abuse or neglect.”

Any person “so required to make such oral and written reports who fails to do so shall be punished by a fine of not more than one thousand dollars.” No mandated reporter “shall be liable in any civil or criminal action by reason of such report.” No other person who files a report “shall be liable in any civil or criminal action by reason of such report if it was made in good faith.”

From the *Policies and Procedures for the Protection of Children*

The Archdiocese requires all clergy, archdiocesan personnel, and volunteers to contact the appropriate civil authorities when a person has knowledge or reasonable cause to suspect that a person under eighteen years of age is being, or has been, abused or neglected. (*In addition to those persons mandated by the MA General Laws to report child abuse and neglect, the Archdiocese has elected to also require its volunteers to do the same*).

A priest who receives a disclosure of child abuse or neglect during the Sacrament of Reconciliation is exempt from the requirement.

Reporting to Church authorities does not excuse any person from the obligation to report to civil authorities, except as may be allowed by civil law.

The Archdiocese will support the right of an adult who reports having been abused as a child to make a report to the District Attorney of the place where the abuse allegedly occurred, even anonymously. The Archdiocese will not discharge or in any manner discriminate or retaliate against any person who in good faith makes a report of child abuse.

The Archdiocese will train clergy, archdiocesan personnel, and volunteers to report suspected child abuse or neglect to civil authorities. When such a report is filed concerning child abuse by a cleric, one of the archdiocesan personnel, or a volunteer, a copy of the report is to be communicated to the Secretary for Ministerial Personnel within twenty-four hours.

Reporting Child Abuse to Church Authorities

Any person may make a complaint to ecclesiastical authorities concerning child abuse by clergy, archdiocesan personnel, or volunteers. When a cleric, one of the archdiocesan personnel, or a volunteer receives a complaint of child abuse, he/she will communicate it to the Secretary for Ministerial Personnel within twenty-four hours.

In accord with civil law, an anonymous allegation of child abuse against clergy, archdiocesan personnel, or volunteers will be reported to civil authorities. It will also be reported to the Archbishop who will determine how to handle the allegation attentive to the rights of all persons, including the right of someone who is accused to know the identity of the person who is alleged to have been abused.

The Delegate for Investigations will ensure that an appropriate report concerning the abuse has been filed with civil authorities. When appropriate, and in accord with these *Policies and Procedures*, the Delegate will consult with civil authorities concerning the coordination of an ecclesiastical investigation with a civil or criminal investigation.

Principles for Communications and Investigations

Transparency and openness will characterize Archdiocesan communications, exercised within the context of legitimate protection of the reputation and privacy of persons and the common good of the Church.

The investigation of a complaint of child abuse will be kept as confidential as the circumstances of an individual case allow, in order that the reputations of both the complainant and the accused are protected. Due care will be taken so that the good reputation of any person is not endangered by the communication of information during an investigation or canonical process.

The Archdiocese will not normally enter into confidentiality agreements, nor will it bind a complainant to confidentiality or nondisclosure as part of an agreement to provide services, support, treatment, or in settlement of financial claims.

The Vicar General/Moderator of the Curia will oversee communications with a parish, school, or other archdiocesan institution affected by a complaint of child abuse. The Secretary for Communications will offer timely and pastorally appropriate information in accord with these *Policies and Procedures*. The Secretary for Communications will also coordinate contact with the media.

The Archdiocese will investigate complaints of child abuse in accord with the principles of truth, honesty, openness, and justice while respecting confidentiality, privacy, and the reputation of persons. The Archdiocese will cooperate with civil authorities concerning investigations of a complaint of child abuse and conduct investigations with respect for civil law and the rights of individuals.

The Archdiocese will observe the norms of canon law concerning the gathering of information from children during an investigation. Children below fourteen years of age will not normally be permitted to give testimony.

When the Secretary for Ministerial Personnel or supervisor communicates a complaint to an accused person, he/she will recommend that the accused retain appropriate legal representation and will provide information on contacting an approved canonical advocate whenever a possibility exists that canonical penalties may be applied.

In order to uphold due process, a person who brings an allegation of child abuse to the Church will be informed that a written and signed complaint is normally necessary before the Church can undertake an investigation.

Handling Complaints Against Archdiocesan Personnel and Volunteers

Within twenty-four (24) hours of receiving a complaint of child abuse by one of the archdiocesan personnel or a volunteer, the Secretary for Ministerial Personnel will contact the Archbishop. The Secretary will then inform the Chancellor and the appropriate Cabinet Secretary and give the complaint to the immediate supervisor of the accused person. The supervisor will communicate the complaint to the accused; when feasible, the complaint will be communicated to the accused in person.

The supervisor will direct the accused and his/her agents to have no contact with the complainant, the complainant's immediate family, and/or the person who brought forth the complaint prior to the completion of an investigation.

If the accused is employed by the Archdiocese or one of its institutions, the supervisor will immediately place the accused person on administrative leave, as defined in the personnel policies of the Archdiocese.

When the Archbishop decrees that an investigation is to be initiated, the Secretary for Ministerial Personnel will communicate the complaint to the Delegate for Investigations. The Delegate will undertake an investigation promptly in collaboration with the Director of Human Resources. The accused person will be given sufficient opportunity to respond to the complaint.

When the Delegate for Investigations has concluded the investigation, he/she will communicate a report to the Chancellor.

No person known to have abused a child will be permitted to minister, work, or serve in an archdiocesan institution. When a person admits to child abuse or the abuse has been established by a lawful process, the Chancellor will direct the appropriate supervisor to remove the person immediately from ministry, terminate the contract of an employee or independent contractor, or dismiss a volunteer, in accord with Church law. An appeal of a dismissal can be made to the Vicar General/Moderator of the Curia within ten business days of legitimate notification of the decision.

When the Chancellor determines that the complaint is false or that it cannot be substantiated, administrative leave will be terminated promptly and every effort will be made to return the individual to employment or service in the Archdiocese.

Handling Complaints Against Clergy

Within twenty-four (24) hours of receiving a complaint of child abuse by a member of the clergy, the Secretary for Ministerial Personnel will contact the Archbishop. The Secretary will then inform the

appropriate Regional Bishop and Cabinet Secretary. The Secretary or his designee will communicate the complaint to the accused cleric; when feasible, the complaint will be communicated in person.

The investigation of a complaint of child abuse by a Bishop will be guided by the directives of canon law, which reserves such cases to the Roman Pontiff.

The person who communicates the complaint to the accused cleric will also communicate a precept directing the cleric and his agents to have no contact prior to the completion of an investigation with the complainant, the complainant's immediate family, and/or the person who brought forth the complaint.

The Archbishop will decree the initiation of a preliminary investigation when a complaint of child abuse by a cleric has at least the semblance of truth, unless such an investigation is clearly unnecessary.

When the Archbishop decrees the initiation of a preliminary canonical investigation, he will offer to meet with the accused cleric. For the period of the preliminary investigation, the Archbishop may request that an accused cleric voluntarily refrain from the public exercise of sacred ministry and/or the exercise of an ecclesiastical office.

The Delegate for Investigations will conduct the preliminary investigation, normally with the assistance of an investigative team. The Delegate is to seek information that indicates whether the alleged act can be canonically proven, whether it is actionable according to the law of the Church, and whether a canonical penalty may be lawfully imposed.

When the evidence required by canon law has been collected, the Delegate for Investigations will communicate a report to the Archbishop. The Archbishop or his designee will forward to the Review Board the report of the Delegate for Investigations and the proceedings of the preliminary investigation. The Review Board will offer the Archbishop an independent report including assessment of the complaint and advice on the suitability of the accused for ministry.

When the Archbishop determines that the evidence indicates that the complaint is false, or that the evidence is not sufficient to establish the probability of a delict, he will declare the accused cleric to be acquitted of the complaint. Prior to returning the cleric to ministry, the Archbishop may consult the Review Board and request their further recommendations. In accord with Church law, every step possible will be taken to restore the good name of the person falsely accused.

When the Archbishop determines that he has at least probable knowledge that the accused cleric has committed the offense of the child abuse, he will transmit the proceedings of the investigation to the Congregation for the Doctrine of the Faith. The communication of the proceedings to the Congregation is not a finding of guilt or a conviction of the accused cleric.

When the Archbishop transmits the proceedings of a preliminary investigation to the Congregation, he will send a *votum* to the Congregation and apply the precautionary measures of canon 1722 to the accused cleric, pending the outcome of the process.

When the Congregation for the Doctrine of the Faith directs the Archbishop to conduct a judicial penal trial, the trial will be conducted in accord with the norms of canon law. When a matter does not proceed according to a judicial penal trial, the Archbishop may institute an administrative process for declaring or imposing a penalty, in accord with the provisions of Church law. The Archbishop can exercise his executive power of governance to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.

When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state if the case so warrants. If the penalty of dismissal has not been applied, the offender ought to lead a life of prayer and penance.

When an accusation has been found to be false or unfounded, every step possible will be taken to restore the good name of the cleric who was accused. Whenever a cleric is to be restored to ministry, the Archbishop will invite him to a personal meeting to discuss steps to be taken to restore him to ministry.

If a decision is rendered by a judicial sentence, an appeal may be directed to the Congregation for the Doctrine of the Faith. A person who claims to have been aggrieved by an administrative decree may seek recourse to the hierarchic superior of the person who issued the decree.

The Archdiocese will not permit any priest or deacon incardinated in the Archdiocese of Boston known to have committed an act of child abuse to be transferred for ministerial assignment to another diocese. For changes of residence, the Archdiocese will forward any and all information concerning any act of sexual abuse of a minor and any other information indicating that the cleric has been or may be a danger to children or youth. Likewise, the Archdiocese will not permit any priest or deacon who has committed an act of child abuse to be transferred to the Archdiocese of Boston for ministerial assignment.

The Office of Child Advocacy, Implementation and Oversight

Tel: 617-746-5994 Fax: 617-746-5702

The Office of Pastoral Support and Outreach

Toll Free: 866-244-9603 Fax: 781-794-2584

Local: 781-794-2581

The Office of Professional Standards and Oversight

Tel: 617-746-5624 Fax: 617-779-4571

The Office of Human Resources

Tel: 617-746-5829

MA Department of Children and Families

Tel: Days: 617-748-2000

Evenings/Weekends: 1-800-792-5200

MA District Attorney Offices by County:

Essex: 978-745-6610

Middlesex: 781-897-8300

Norfolk: 781-830-4800

Plymouth: 508-584-8120

Suffolk: 617-619-4000

REPORTING CHILD ABUSE TO CIVIL AND CHURCH AUTHORITIES

A report must be filed with civil authorities concerning abuse of a child or young person who is now under the age of 18:

- **Civil law:** When a mandated reporter has reasonable cause to believe that a person under the age of 18 is suffering abuse or neglect, he/she is to report immediately to the Department of Children and Families (DCF).

- **The law of the Archdiocese of Boston** requires all clergy, archdiocesan personnel, and volunteers to contact the appropriate civil authorities when a person has knowledge or reasonable cause to suspect that a person under eighteen (18) years of age is being, or has been, abused or neglected.

**The Commonwealth of Massachusetts
Department of Children and Families
800-792-5200
617-748-2000**

A person who was abused as a child but who is now an adult:

- **Civil law:** The person has the right to file a report with the local District Attorney.

See Text for List of DA Numbers

The Statutes of the Commonwealth of Massachusetts, chapter 119, §51A

The report to DCF must be made immediately by telephone and a written report submitted within 48 hours, containing:

- the names and addresses of the child and his parents or other person responsible for his care, if known;
- the child's age; the child's sex;
- the nature and extent of the child's injuries, abuse, maltreatment, or neglect, including any evidence of prior injuries, abuse, maltreatment, or neglect;
- the circumstances under which the person required to report first became aware of the child's injuries, abuse, maltreatment, or neglect;
- whatever action, if any, was taken to treat, shelter, or otherwise assist the child;
- the name of the person or persons making such report.

A report concerning child abuse by clergy, archdiocesan personnel, or volunteers may also be filed with Church authorities.

Any person may make a complaint to ecclesiastical authorities concerning child abuse by clergy, archdiocesan personnel, or volunteers.

**The Director of Professional Standards & Oversight,
Mark Dunderdale
617-746-5624**

**Office of Pastoral Support and Outreach
617-746-5995
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Vivian_Soper@RCAB.org**

The law of the Archdiocese of Boston requires clergy, archdiocesan personnel, and volunteers to communicate:

- any complaints they receive concerning child abuse by clergy, archdiocesan personnel, and volunteers;
- any report filed with civil authorities concerning child

Policies and Procedures for the Protection of Children, article 7

"Persons making a complaint about child abuse to the Church will normally be asked to provide the following information:

- the name of the person against whom the complaint is made, and the name of the complainant;
- a detailed description of the alleged abuse, including relevant dates, times, and circumstances;
- the names and contact information for persons who may have knowledge of the alleged abuse.

The Archdiocese will cooperate with civil authorities concerning investigations of a complaint of child abuse and conduct investigations with respect for civil law and the rights of individuals."

NOTE: Child Abuse Prevention (CAP) Teams exist in every parish and parish cluster of the Archdiocese and have been trained in reporting procedures. The CAP Team may be consulted for help in contacting the appropriate DCF and District Attorney offices and filing a report.