



CATHOLIC DIOCESE OF YOUNGSTOWN

SAFE ENVIRONMENT POLICY

FOR

THE PROTECTION OF

CHILDREN

AND

VULNERABLE ADULTS

Promulgated August 1, 2020

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DIOCESE OF YOUNGSTOWN

LETTER OF PROMULGATION

Dear Faithful of the Diocese of Youngstown,

As the newly ordained Bishop of Youngstown, I hereby promulgate the *Safe Environment Policy for the Protection of Children and Vulnerable Adults of the Catholic Diocese of Youngstown*, effective immediately.

This policy follows 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*, developed by the United States Conference of Catholic Bishops. The *Safe Environment Policy* was reviewed and recommended by the Diocesan Review Board and the diocesan attorney and covers policies for the protection of children and vulnerable adults.

This policy requires that adults and children be instructed about the causes, forms, symptoms of, and appropriate responses to abuse through age-appropriate learning objectives. The adult curriculum will primarily consist of the VIRTUS program, including the initial training entitled “Protecting God’s Children,” as well as continuing education modules to be completed every five years. The children’s curriculum is intended to supplement the information received in school in accord with the requirements of the State of Ohio. The curricula of our Catholic schools and religious education programs shall contain learning objective intended to protect children from abuse, while also stressing the importance of personal health and development, and the teachings of the gospel with respect to human sexuality and morality.

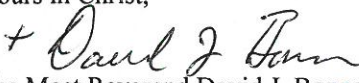
We know from Sacred Scripture that children and vulnerable adults are very close to the Sacred Heart of Jesus. The Church, as the Body of Christ, is committed to doing everything possible to protect the children, young people and vulnerable adults that are entrusted to her care. Through education, screening, and clear procedures for reporting allegations of abuse we will continue to maintain a safe environment. We also renew our commitment to provide a pastoral response to those who were victims of abuse and we encourage anyone who has suffered or witnessed abuse perpetrated by representatives of the Church to bring this to the attention of the Diocesan Safe Environment Office and the local authorities.

This policy also outlines our commitment to bring those who have committed abuse to justice. We should all reflect on the grave warning of our Lord for those who seek to lead little ones astray.

“... Whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone fastened round his neck and to be drowned in the depth of the sea. Woe to the world for temptations to sin! For it is necessary that temptations come, but woe to the man by whom the temptation comes!
(Matt. 18:5-7)

I encourage all of the faithful in the Diocese of Youngstown to read this policy. All of us must work together to create a safe environment where the love of Jesus reigns in our thoughts, words, and actions.

Yours in Christ,


The Most Reverend David J. Bonnar
Bishop
Catholic Diocese of Youngstown

INTRODUCTION

The Diocese of Youngstown first promulgated the *Child Abuse Policy* in 1994. In 1999, the policy was revised and renamed the *Child Protection Policy*. With 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*, written by the United States Conference of Catholic Bishops and approved by the Vatican in 2002, the diocesan policy was revised in 2003 to include the provisions of those documents. The *Charter* was revised by the USCCB in 2005. In 2007, the *Standards of Ministerial Behavior* were promulgated by the diocese and included in the 2008 revision of the *Child Protection Policy*. The *Charter* was again revised in 2018 by the USCCB. In light of these revisions to the *Charter* and considering the desire for a diocesan policy for those who minister to vulnerable adults, the 2008 *Child Protection Policy* was revised and renamed the *Safe Environment Policy for the Protection of Children and Vulnerable Adults of the Catholic Diocese of Youngstown* on August 1, 2020. The healing and caring presence of Jesus must be brought to all victims of child/vulnerable adult abuse. Similarly, the justice of the Gospel must be assured to those same persons, their parents or guardians, and to those responsible for the abuse.

The purpose of this policy is to protect children and vulnerable adults in our diocese from potential abusers, and to clarify the diocesan response in cases of alleged or actual sexual abuse. Although this policy is primarily focused on sexual abuse, other forms of abuse, such as physical, mental, verbal, and psychological abuse, should also be reported. The parents and guardians who entrust their families to our care must be assured that every reasonable precaution will be taken by the diocese when it employs or accepts volunteer service from any person who will be ministering to children and/or vulnerable adults. By the actions required in this policy, “*We now re-affirm that we will assist in the healing of those who have been injured, will do all in our power to protect children and young people, and will work with our clergy, religious, and laity to restore trust and harmony in our faith communities....*” (*Charter*, Preamble)

This policy is implemented:

- 1) to prevent child abuse and vulnerable adult abuse through education, awareness, and monitoring;
- 2) to adopt and ensure fair, objective, and consistent due process procedures for the alleged victims, their parent(s) or guardian(s), and the accused;
- 3) to ensure a prompt, pastoral response to an alleged child and/or vulnerable adult abuse victim in the event of an allegation or complaint against a priest, deacon, seminarian, religious, person in formation, employee, or volunteer of the diocese;
- 4) to define the actions to be taken by the diocese when any complaint or allegation of child/vulnerable adult abuse is received;
- 5) to educate clergy, religious, seminarians, persons in formation, employees, and volunteers in our parishes, schools, offices, agencies, and other institutions which operate under the authority of the Diocesan Bishop about the policy and its implications and requirements.

While this policy applies to any person in the employ of the Diocese of Youngstown, and any person who volunteers his or her service in ministry, special attention is given to provisions regarding priests and deacons. For all clergy, religious, seminarians, persons in formation, and employees, and for those volunteers who work with children and/or vulnerable adults, notification is hereby made that such persons are required to be compliant with this policy (cf. 1.2.15), and, at any time, might be required to provide a set of impressions of the person’s fingerprints as part of a criminal records check. This notification is made in accordance with Ohio Revised Code 109.575. A violation of this policy will result in disciplinary action up to and including termination of employment or volunteer service and in some cases may constitute a crime under Ohio law.

In all cases, 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* will be followed. This policy will be reviewed and revised as needed.

GLOSSARY OF TERMS

ACCUSED PERSON

An individual who is alleged to have performed an act of child or vulnerable adult abuse.

ADULT

An individual who is 18 years of age or older.

ALLEGATION

A claim that child/vulnerable adult abuse has or had occurred.

BISHOP

The Bishop of the Roman Catholic Diocese of Youngstown, or the Diocesan Administrator, as the case may be.

CHANCELLOR

The official delegate of the bishop responsible for overseeing all matters pertaining to child/vulnerable adult abuse in the Diocese of Youngstown. The Chancellor executes this responsibility by working closely with the Safe Environment Coordinator, the Victim Assistance Coordinator, and the Diocesan Review Board.

CHANCERY OFFICE

The office of Diocesan Central Services.

CHARTER

The document, *Charter for the Protection of Children and Young People (Revised June 2018)*, developed by the United States Conference of Catholic Bishops, which outlines the goals, duties and responsibilities of dioceses in the United States in response to the issue of child abuse.

CHAPERONE

An employee or volunteer who will supervise children or vulnerable adults on behalf of a parish, school, or institution of the Diocese of Youngstown. Chaperones must be over the age of 21 and are required to be in full compliance with this policy (cf. 1.2.15; 5.4.7; 5.4.8, 5.4.9, 5.4.10).

CHILD

A person who is under 18 years of age or a person with a physical or mental disability who is under 21 years of age. For purposes of this policy, the term “minor” is considered to be synonymous with the term “child”.

CHILD ABUSE

Consists of any of the following: engaging in any sexual activity with a child as defined under Chapter 2907 of the Ohio Revised Code, or as defined by the *Essential Norms*; or endangering a child as defined in Section 2919.22 of the Ohio Revised Code; or denial, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary to a child for the child’s health; or use of restraint procedures on a child that cause injury or pain; or administration of prescription drugs to a child without the written approval and ongoing supervision of a licensed physician; or providing alcoholic beverages or controlled substances to a child; or commission of any intentional act that results in any injury or death to a child; or infliction of physical or mental injury that threatens to harm a child’s health, welfare or safety.

CLERGY

Ordained bishops, priests, and deacons who are incardinated or serving in the Diocese of Youngstown.

COMPLIANCE OFFICER

The person appointed by the pastor, principal, or supervisor who is responsible for ensuring that their parish, school, or institution is compliant with this policy.

CONFIDENTIALITY

A legally enforceable expectation that a statement is private since it was made under circumstances showing that the speaker intended the statement only for the individual addressed. One of the circumstances leading to a determination of confidentiality may be the relationship between the speaker and the listener; another is the absence of other persons.

CONFLICT OF INTEREST

Occurs when individuals take advantage of a ministerial relationship to further their own personal, political or financial interest.

DIOCESE

The Roman Catholic Diocese of Youngstown.

DIRECTOR OF THE OFFICE OF VOWED RELIGIOUS

The official delegate of the bishop responsible for overseeing all matters pertaining to religious women and men serving in or affiliated with the Diocese of Youngstown.

EMPLOYEE

Any clergy, religious, or lay person employed in the parishes, schools, offices, agencies, and other institutions which operate under the authority of the diocesan bishop. All employees in the Diocese of Youngstown, regardless of their level of contact with children or vulnerable adults, must be compliant with this policy (c.f. 1.2.15).

ESSENTIAL NORMS

- a) The document, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (Promulgated May 2006)*, developed by the United States Conference of Catholic Bishops, which constitute particular law for all the dioceses/eparchies of the United States.
- b) In this policy norms indicate a mandatory statement that must be followed by individuals. Norms indicate a level of conduct below which no individual can fall. In this document, norms are indicated by the words or phrases “shall,” “shall not,” “must,” and “must not.”

GUIDELINES

In this policy, guidelines are statements to guide an individual in his or her actions. Guidelines are not as binding as norms, given that particular situations may allow for reasonable expectations and may call for the individual to exercise reasonable discretion. In this document, guidelines are indicated by the use of the words “recommend/should” or “not recommended/should not.”

INCARDINATION

The canonical affiliation of a priest or deacon to a particular diocese or approved institutes of consecrated life for the purpose of official ministry. Mutual rights and obligations arise from incardination.

LAICIZATION

The process by which a priest or deacon is returned to the lay state.

LEGAL PRIVILEGE

For purposes of this policy, a legal privilege may exist between an attorney and client; a physician and patient; or a cleric and penitent, which may restrict the reporting requirements set forth in Ohio Revised Code Section 2151.421.

LOCAL CHURCH COMMUNITY

A parish, school, or other ministry location.

MANDATED REPORTER

A person who is required to report any suspicion of child/vulnerable adult abuse or neglect to the relevant authorities. In the Diocese of Youngstown all employees and volunteers are mandated reporters (cf. 1.3).

OFFENDER

An individual who performed an act of child or vulnerable adult abuse.

OHIO REVISED CODE (ORC)

The statutes of the State of Ohio; in particular those sections currently in effect which apply to child or vulnerable adult abuse.

PARENT OR GUARDIAN

That person who possesses legal custody of a child or vulnerable adult.

PERSON IN FORMATION

This category includes clergy or lay persons who are in formation to become members of a religious order and men who are in formation for the permanent diaconate.

POLICY

This Safe Environment Policy and any provision of this policy requiring an action or standard of behavior on the part of specified persons or offices, agencies, parishes, or institutions of the diocese. All parts of this policy are particular law of the Diocese of Youngstown, as defined by the Code of Canon Law.

PRUDENCE/ DUE DILIGENCE

Carefulness, precaution, attentiveness, and good judgment as applied to action or conduct. What a reasonable person is reasonably expected to do in a specific situation.

RELIGIOUS

Ordained clergy and non-ordained men and women who have taken vows in approved institutes of consecrated life.

RESPONSIBLE SUPERVISOR

For diocesan Central Services, the executive director or office director; for a parish, its pastor; for a school, its principal; for any other organization or institution, the person who is in charge.

REVIEW BOARD

The confidential consultative body which is advisory to the bishop in matters pertaining to child/vulnerable adult protection and cases of child/vulnerable adult abuse brought against priests or deacons.

SAFE ENVIRONMENT COORDINATOR

The person appointed by the bishop to manage the safe environment program of the diocese, which includes updating the policy, providing opportunities for further education, and tracking compliance.

SEMINARIAN

This category includes men who are in formation to be priests.

STANDARDS

Guidelines and norms derived from more basic principles and values setting forth more specific conduct expected of an individual in more specific situations.

VICAR FOR CLERGY

The official delegate of the bishop responsible for overseeing all matters pertaining to clergy and religious men and women in the Diocese of Youngstown.

VICAR GENERAL

The Vicar General of the Diocese of Youngstown; possesses that executive power in the entire diocese which belongs to the diocesan bishop in law, except for that which the bishop has reserved to himself or is specifically reserved to the bishop by law.

VICTIM ASSISTANCE COORDINATOR

The person appointed by the bishop to aid in the immediate pastoral care of persons who claim to have been abused as children or vulnerable adults by clergy or other Church personnel.

VOLUNTEER

A person who serves without pay in a parish, school or institution of the Diocese of Youngstown, regardless of their level of contact with children or vulnerable adults. This includes, but is not limited to, a catechist, scout leader, coach, server, coordinator, intern, student teacher, extraordinary minister of Holy Communion and others in a similar capacity.

Any volunteer who has unsupervised access to a child or vulnerable adult, or who works directly with a child or vulnerable adult, or who is responsible for a child or vulnerable adult on behalf of the Diocese, must comply with this Policy.

Unsupervised access to a child or vulnerable adult means the person in question has access to a child or vulnerable adult and that either of the following applies:

- (1) no other person 21 years of age or older is present in the same room with the child or vulnerable adult; or
- (2) if outdoors, no other compliant person 21 years of age or older is within a 30-yard radius of the child or vulnerable adult or has visual contact with the child or vulnerable adult (Ohio Revised Code Section 109.574).

VULNERABLE ADULT

Any person who is 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his/her own protection is impaired due to a mental, emotional, physical or developmental disability or dysfunction. This includes both those who live at home and patients of health care facilities.

VULNERABLE ADULT ABUSE

Any act described above as child abuse that is directed toward or involves a vulnerable adult.

Part 1: PREVENTION

The provisions of this section are intended to help ensure that no child or vulnerable adult is abused and that those entrusted to the care of the Church are kept safe. Everyone in the community has a part to play: parents, clergy, teachers, religious educators, lay ministers, and lay volunteers (including youth and adults who are not directly involved in work with children or vulnerable adults).

1.1 EDUCATION

“Diocese/eparchies are to maintain “safe environment” programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizers to provide education and training for minors, parents, ministers, employees, volunteers, and others about ways to sustain and foster a safe environment for minors.” (Charter, Article 12)

- 1.1.1 All parishes, schools, and institutions in the Diocese of Youngstown shall provide their employees and volunteers with access to this policy in a paper or digital format.
- 1.1.2 All clergy, religious, seminarians, persons in formation, and employees, and any volunteers who work with children or vulnerable adults, shall read this policy and complete and sign the Authorization and Verification and Acknowledgement forms (Appendix 9).
- 1.1.3 All clergy, religious, seminarians, persons in formation, and employees, and any volunteers who work with children or vulnerable adults, shall learn about the causes, forms, and symptoms of sexual abuse by attending and participating in the “VIRTUS Protecting God’s Children” program.
- 1.1.4 All clergy, religious, seminarians, persons in formation, and employees, and any volunteers who work with children or vulnerable adults, shall complete continuing education about the causes, forms, and symptoms of child/vulnerable adult abuse.
- 1.1.5 Volunteers who are not working with children or vulnerable adults are also encouraged to participate in the “VIRTUS Protecting God’s Children” program and opportunities for continuing education.
- 1.1.6 The Diocesan Office of Safe Environment shall provide resources for further education about child/vulnerable adult abuse that may be used by parishes, schools, and institutions in the Diocese of Youngstown. These resources should include texts, workshops, in-service programs, and recommendations for staff discussions.
- 1.1.7 Abuse prevention shall be addressed regularly in the usual in-service programs offered for employees and volunteers who work with children and/or vulnerable adults. Similar programs shall be offered by the Department of Clergy and Religious Services.
- 1.1.8 Parents/guardians of children or vulnerable adults are encouraged to learn about the causes, forms and symptoms of abuse. Parishes, schools, and institutions of the diocese are encouraged to assist with this recommendation by annually offering the “VIRTUS Protecting God’s Children” program for parents/guardians and members of the larger community at locations throughout the diocese.
- 1.1.9 Parents/guardians are encouraged to develop a good rapport with their children/wards and to alleviate any tensions which may interfere with good communication. Parents/guardians are also encouraged to avail themselves of “teachable moments” to discuss with their children/wards in a positive fashion the realities of child/vulnerable adult abuse.
- 1.1.10 Children shall be instructed to protect themselves by learning about potential risks and appropriate responses to abuse. Diocesan programs with respect to this instruction are intended to supplement the information that children receive in school in accord with the requirements of the State of Ohio.

- a) The Office of Catholic Schools and the Office of Religious Education, in collaboration with other offices and agencies of the diocese and the State of Ohio, shall develop or identify curricula, programs, and in-service opportunities which will be used for the training of children.
 - b) The curricula of Catholic schools and religious education programs shall contain age-appropriate learning objectives intended to protect children from abuse at each grade level from pre-K through 12. Other youth programs in Catholic parishes and institutions which teach about personal health and development or human sexuality are likewise to include learning objectives on the topic of child protection/safe environment.
- 1.1.11 The Diocese of Youngstown shall maintain and staff a Safe Environment Office, which will be tasked with ensuring compliance with the contents of this policy. This office shall also be responsible for providing all necessary policy booklets, forms, procedures and instructions for personnel as well as materials and opportunities for continuing education (cf. 1.1.6).
 - 1.1.12 The Safe Environment Office, with the assistance of the Review Board, shall assist parish, school and institution personnel with their responsibilities in the implementation of this policy.
 - 1.1.13 Parishes, schools, and institutions shall cooperate with the Safe Environment Office to ensure that they are creating and maintaining a safe environment.

1.2 SCREENING

“Given the extent of the problem of sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.” (Charter, Article 16)

Persons who serve children or vulnerable adults as employees or volunteers are among the faith community’s most valuable assets. They contribute so much to the spiritual, emotional, intellectual, and physical well-being of our community. Hiring agents must take precautions to ensure that only qualified persons are permitted to work with children and/or vulnerable adults.

“The diocesan/eparchial bishop is to evaluate the background of all incardinated priests and deacons. When a priest or deacon, not incardinated in the diocese/eparchy, is to engage in ministry in the diocese/eparchy, regardless of the length of time, the evaluation of his background may be satisfied through a written attestation of suitability for ministry supplied by his proper ordinary/major superior to the diocese/eparchy. Diocese/eparchies are to evaluate the background of all their respective diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. Each diocese/eparchy is to determine the application/renewal of background checks according to local practice. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination.” (Charter, Article 13)

- 1.2.1 All clergy, religious, seminarians, persons in formation, and employees, and any volunteers who work with children or vulnerable adults, shall submit to a background check.
- 1.2.2 No person with a criminal conviction for an offense listed in Appendix 3 shall be permitted to serve as an employee or volunteer in a position that involves regular contact with children or vulnerable adults, by any parish, school, or institution in the Diocese of Youngstown. A person convicted of an offense listed in Appendix 3 may request an exception to 1.2.2. This request for exception will be reviewed by the Chancellor, Safe Environment Coordinator, Victim Assistance Coordinator, Diocesan Investigator, and the person’s local supervisors.
- 1.2.3 Hiring agents shall screen all applicants for employment and any volunteers who will have contact with children or vulnerable adults (Appendix 5).

- 1.2.4 Hiring agents shall take due precautions in order to ensure that only those persons who are psychologically and temperamentally suited are chosen to work with children and/or vulnerable adults.
- 1.2.5 No one under the age of 21 shall work with children or vulnerable adults without an adult 21 years of age or older present who is fully compliant (cf. 1.2.15) with this policy.
- 1.2.6 Each applicant for employment and those volunteers seeking a position involving contact with children or vulnerable adults in the parishes, schools, and institutions of the diocese shall supply to their hiring agent personal information adequate to assess their suitability for contact with children or vulnerable adults.
- a) All applicants shall sign a release (Appendix 9) that authorizes their hiring agent to communicate any information discovered in the screening process to their supervisor and/or the Safe Environment Office of the Diocese of Youngstown.
- b) All applicants shall inform their hiring agent of crimes that will appear on their background check (Appendix 9).
- c) All clergy and/or religious who transfer from another diocese to a parish, school, or institution in the Diocese of Youngstown for the purpose of employment for ministry shall present to the Diocese of Youngstown a letter/statement certifying their suitability for service in the diocese (Appendix 4).
- 1.2.7 All clergy, religious, seminarians, persons in formation, employees, and those volunteers who work with children or vulnerable adults shall sign the Authorization and Verification and Acknowledgement forms (Appendix 9).
- 1.2.8 All clergy, religious, seminarians, persons in formation, employees, and those volunteers who work with children or vulnerable adults shall provide the required background check(s) to the Safe Environment Office of the Diocese of Youngstown.
- 1.2.9 All clergy, religious, seminarians, persons in formation, and employees, and any volunteers who work with children or vulnerable adults, shall agree that if they are arrested, charged, or convicted of any crime they will immediately report such information to their supervisor, who will then report this information to the Diocesan Office of Safe Environment (Appendix 9).
- 1.2.10 The Safe Environment Coordinator shall maintain a permanent register of all diocesan personnel (clergy or lay) who have abused children or vulnerable adults, or about whom questions have been raised, in conjunction with employment or volunteer involvement at parishes, schools, and institutions of the diocese.
- 1.2.11 A dossier shall be filed under the name of an accused person containing all pertinent information relating to the allegations, the status of the accused, and any other pertinent information. The diocesan attorney will approve the contents of the dossier before it is placed in the file.
- 1.2.12 All parishes, schools, and institutions in the Diocese of Youngstown shall appoint a Compliance Officer who is responsible for ensuring that his or her institution is compliant with this policy. Compliance Officers shall also assist with diocesan safe environment audits. This person may be an employee or volunteer, and this position may be added to an existing position.
- 1.2.13 The Diocesan Safe Environment Coordinator shall conduct audits to ensure that parishes, schools, and institutions are compliant with this policy.
- 1.2.14 The Diocesan Safe Environment Coordinator shall maintain a database of all active compliant persons who are working or volunteering in the parishes, schools, and institutions of the diocese.
- 1.2.15 Regarding clergy in particular:

“No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to 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 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 religious life (CIC, c. 586).” (Essential Norms, Norm 12)

“We commit ourselves to work individually in our dioceses/eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly and diaconal formation and their ongoing formation. With renewed urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in Pastores dabo vobis, no. 50, the Program of Priestly Formation, and the Basic Plan for the Ongoing Formation of Priests, as well as similar, appropriate programs for deacons based upon the criteria found in the National Directory for the Formation, Ministry and Life of Permanent Deacons in the United States. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.” (Charter, Article 17)

- 1.2.16 In order for a cleric, religious, seminarian, person in formation, employee, or volunteer to be in compliance with this policy, and therefore cleared to work with children or vulnerable adults, the local compliance officer and the Safe Environment Coordinator must verify that the person has obtained and submitted the following requirements:
- a) necessary criminal records check(s) (cf. 1.2.6);
 - b) VIRTUS certificate of completion (cf. 1.1.3);
 - c) signed Authorization and Verification and Acknowledgement forms (Appendix 9) (cf. 1.1.2).
- 1.2.17 Parishes, schools, and institutions shall never permit persons who are not in compliance to work with children or vulnerable adults.

1.3 REPORTING SEXUAL OR NON-SEXUAL ABUSE OF A CHILD OR VULNERABLE ADULT

Policies cannot in themselves restrain an adult from abusing a child or vulnerable adult. Thus, adults bear the responsibility to assist one another in preventing sexual abuse, and those at risk of sexually abusing children or vulnerable adults must seek assistance to avoid behavior which may place a minor or vulnerable adult at risk. Although this policy is primarily concerned with sexual abuse, all forms of abuse, such as physical, mental, verbal, and psychological abuse, must be reported.

“Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities with due regard for the seal of the Sacrament of Penance. Diocesan/eparchial personnel are to comply with all applicable civil laws with respect to the reporting of allegations

of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.

Dioceses/eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor. In every instance, dioceses/eparchies are to advise victims of their right to make a report to public authorities and support this right.” (Charter, Article 4)

- 1.3.1 Any cleric, religious, seminarian, person in formation, employee, volunteer, or adult in the Diocese of Youngstown who observes another person behaving in a manner which may pose a potential risk to a child or vulnerable adult shall immediately report the matter to the suspected offender, the suspected offender’s supervisor, the Victim Assistance Coordinator, and the public children services agency or a peace officer in the county in which the child or vulnerable adult resides or in which such behavior is occurring or has occurred. This may involve calling attention to circumstances which are inappropriate, even though not in themselves abusive, or reminding the person of particular provisions of this policy or challenging the person when guilty of affronts to a child or vulnerable adult (Appendix 1; Appendix 2).
- 1.3.2 Any cleric, religious, seminarian, person in formation, employee, volunteer, or adult in the Diocese of Youngstown who witnesses an act of child or vulnerable adult sexual or non-sexual abuse perpetrated by a cleric, religious, seminarian, person in formation, employee, volunteer, or any other person, or suspects that such an act has occurred, or receives a report of such an act, must report the incident immediately to the suspected offender, the suspected offender’s supervisor, the Victim Assistance Coordinator, and the public children services agency or a peace officer in the county in which the child or vulnerable adult resides or in which such act is occurring or has occurred. This provision does not apply to those persons whose knowledge is protected by legal privilege (Appendix 1; Appendix 2).
- 1.3.3 Supervisors shall deal promptly with any situation of potential risk or suspected abuse brought to their attention. This includes immediately notifying the Victim Assistance Coordinator and the public children services agency or a peace officer in the county in which the victim resides or in which such situation is occurring or has occurred.
- 1.3.4 All concerns shall be reported.
 - a) Ohio Revised Code 2151.421 requires that any individual, acting in an official or professional capacity, shall report immediately any suspected or actual act of child/vulnerable adult abuse to the public children services agency or a peace officer in the county in which the child or vulnerable adult resides or in which such act is occurring or has occurred, (Appendix 1). Clerics who learn the information through the Seal of Confession are exempt from this reporting requirement according to Canon 983.1 of the Code of Canon Law and according to civil law.
 - b) Ohio Revised Code 2151.421 provides that any person or institution making a report of known or suspected child abuse (a mandated report) shall be immune from any civil or criminal liability that arises as a result of making the report. This immunity provision has been tested in the Ohio Courts and has been uniformly enforced.
 - c) Ohio Revised Code 2152.421 provides that anyone participating in good faith in making such a report shall be immune from civil or criminal liability. On the other hand, failure to report, when someone is required to do so, can result in a misdemeanor charge.
 - d) All reports to civil and diocesan authorities are to be recorded in a special log kept in the Safe Environment Office.
- 1.3.5 If a person’s safety or life is in danger this shall be immediately reported to the police by calling 911.
- 1.3.6 Persons shall report allegations of sexual abuse or other forms of abuse regardless of when the abuse is alleged to have occurred.
- 1.3.7 If a person fails to report abuse as required by this policy it shall result in disciplinary action.

Part 2: RESPONSE TO AN ALLEGATION OF CHILD/VULNERABLE ADULT ABUSE

The provisions of this section are intended to assure all persons who bring an allegation of abuse against a cleric, religious, seminarian, person in formation, employee, or volunteer to the attention of the diocese that the allegation will be addressed promptly.

“Dioceses/eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel.” (Charter, Article 2)

2.1 INITIAL REPORT

2.1.1 In accordance with Section 1.3, cases of abuse shall be reported to the Victim Assistance Coordinator.

2.1.2 The Victim Assistance Coordinator or other diocesan staff member shall:

a) listen to/read the description of the allegation;

b) describe to the reporter the steps of this diocesan policy;

c) in addition to the mandatory reporting required by law, report the allegation as follows:

i) If the accused is a priest, deacon, religious, seminarian, or person in formation the accusation shall be reported to the diocesan bishop, the Chancellor, the Vicar for Clergy, the diocesan attorney, the Safe Environment Coordinator, the Review Board, and any other applicable supervisor or superior.

ii) If the accused is a lay employee or volunteer the accusation shall be reported to the diocesan bishop, the Chancellor, the diocesan attorney, the Safe Environment Coordinator and any other applicable supervisor or superior.

2.1.3 The Safe Environment Coordinator will serve as the contact for media/public relations and shall refer requests for media interviews to the appropriate diocesan office.

2.1.4 Notices will be made on a regular basis in the diocesan newspaper and the diocesan newsletter encouraging persons who have been abused, or who know someone who has been abused by a priest, deacon, employee, or volunteer of the diocese to contact the Victim Assistance Coordinator.

“Dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved.” (Charter, Article 7)

2.2 PRELIMINARY INQUIRY

“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.” (Essential Norms, Norm 13)

“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.” (Essential Norms, Norm 6)

- 2.2.1 Following the report to the Victim Assistance Coordinator or other diocesan staff member, the diocesan bishop shall appoint a member of his staff to conduct a general, preliminary inquiry to be made prior to an investigation. This will include interviews with the alleged victim, the parent(s) or legal guardian(s) of a child or vulnerable adult, the person making the initial report if different from the above, the accused person, and any other person who may have knowledge of the situation. The purpose of the inquiry is to respond promptly to an allegation of child/vulnerable adult abuse in the most just and pastoral manner possible.
- 2.2.2 The preliminary inquiry will include:
- a) Consultation with the diocesan attorney.
 - b) Providing a copy of this policy to the person making the complaint along with an explanation of the steps the diocese will take that are outlined in this policy.
 - c) Informing the parent(s)/legal guardian(s) of the child or vulnerable adult, or the adult making a claim of past abuse, of the obligation to report the allegation and the right to pursue the complaint through civil and criminal authorities or through the procedures established in this policy; and of their right to seek independent legal advice before choosing any of the options available.
 - d) If the parent/guardian or adult victim wishes to pursue civil and/or criminal action, the Victim Assistance Coordinator will report the decision to the bishop. During the civil and criminal proceedings, the Victim Assistance Coordinator will continue to monitor the case.
 - e) The Victim Assistance Coordinator or other diocesan staff member will:
 - i) Gather information about the allegation;
 - ii) Inform the accused of the procedures under this policy for administering such complaints and his/her right to have legal representation.
- 2.2.3 Results of the preliminary inquiry will be reported to the bishop and the Review Board.
- 2.2.4 Diocesan staff shall cooperate with public authorities in their investigations and will notify the Victim Assistance Coordinator of these contacts.

2.3 SUBSTANTIATED ALLEGATION

- 2.3.1 If the allegation is substantiated, (even if not proven conclusively) the following steps are to be implemented immediately.
- a) The accused person shall be asked to take a leave of absence.
 - b) The local church community shall be notified that the accused person has been asked to take a leave of absence.
 - c) When the accused is a diocesan priest or deacon in addition to removal from ministry, the accused priest or deacon shall undergo a psychological assessment, arranged by the Vicar for Clergy, and approved by the bishop.
 - d) When the accused is a religious:
 - i) if the religious is a diocesan employee, the diocesan policy shall be followed;
 - ii) if the religious is not a diocesan employee, the Vicar for Clergy shall explain the diocesan policy to the Superior of the alleged offender, who will be strongly advised to follow all procedures outlined in this policy.

2.4 UNFOUNDED ALLEGATION

- 2.4.1 If the name of the accused has been made known publicly, the appropriate diocesan office will issue a statement, in the name of the diocesan bishop and the Review Board, that a false accusation had been made.
- 2.4.2 The original copy of the report is to be placed in the confidential file at the Chancery. All other copies are to be destroyed. Should the investigator learn later that the civil authorities have substantiated the charge, or if new evidence is uncovered, then the case is to be reopened.

2.5 REMOVAL FROM MINISTERIAL DUTIES

“There is no place in the priesthood or religious life for those who would harm the young.” (Pope John Paul II, quoted in the Charter, Article 5)

2.5.1 Priests and Deacons

a) When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of 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. (Essential Norms, Norm 6)

b) When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord 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 (SST, Art. 6; CIC, c. 1395 §2; CCEO, c. 1453 §1). (Essential Norms, Norm 8)

i) “Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this Charter, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.” (Charter, Article 5)

ii) “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). ... 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.” (Essential Norms, Norm 8a)

iii) “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.” (Essential Norms, Norm 8b)

iv) “If the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed.” (Charter, Article 5)

- 2.5.2 **Religious:** If the accused is a religious, or is in religious formation, the Safe Environment Coordinator will contact the major religious Superior to apprise the Superior of the complaint and explain diocesan policy and procedures.

- 2.5.3 **Seminarians and Permanent Deacon Candidates:** If the accused is a seminarian or a permanent deacon candidate, he will be placed on immediate leave of absence, pending resolution of the complaint.
- 2.5.4 **Employees:** If the accused is an employee of the diocese (not covered above), he/she will be placed on immediate leave of absence with pay. The bishop reserves the right to take further appropriate employment related action.
- 2.5.5 **Volunteers:** If the accused is a volunteer, he/she is required to immediately cease all voluntary responsibilities, pending resolution.

2.6 SUMMARY

- 2.6.1 The allegation is reported to the Victim Assistance Coordinator or other diocesan staff member.
- 2.6.2 The provisions of this policy are explained to the reporter.
- 2.6.3 The allegation is reported to the bishop, the Review Board, the diocesan attorney and civil authorities.
- 2.6.4 A preliminary inquiry takes place.
- 2.6.5 The accused is placed on leave of absence pending results of a preliminary inquiry.
- 2.6.6 If the accusation is found to be credible, the bishop removes the accused from ministerial duties.
- 2.6.7 The diocese assists in providing therapeutic assistance and/or spiritual support.

Part 3: HEALING AND RECONCILIATION

The Church community, under the leadership of the diocesan bishop or his delegate, must respond expeditiously and with compassion and care to the victim and the victim’s family, to the local church community affected, to the larger community and to the offender. The primary objectives of this response are personal and communal healing and the prevention of any further abuse by the offender.

3.1 The Victim

“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.” (Essential Norms, Norm 3)

“Dioceses/eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel.” (Charter, Article 2)

- 3.1.1 The Victim Assistance Coordinator will consult with the civil agency which is investigating and responding to the reported incident. The diocese will make reasonable efforts to help victims receive immediate, competent, therapeutic assistance and spiritual support.

3.2 The People in Parishes, Schools, and Institutions

- 3.2.1 When accusations of abuse by a priest, deacon, religious, employee or volunteer become known, the diocese shall serve as a resource to the affected parish. Parish leaders are encouraged to offer suggestions to the bishop and his staff recommending how healing in the parish or institution can best be achieved. In turn, the bishop and his staff shall reach out to the community that was being served by the person accused of sexual abuse.

- 3.2.2 The leaders of parishes, schools and institutions of the diocese, especially ordained ministers and professional staff, occupy a critical position in the response to instances of child/vulnerable adult abuse. It is they who know the victims, their families, and the local Church community. It is they who can offer a particularly effective ministry of healing, both short-term and long-term. It is the special responsibility of diocesan staff, along with the pastors, principals, directors of religious education, and other administrators, to see that the provisions of this policy are implemented fully and carefully on the local level. It is also incumbent upon these persons and those who work with them to uphold the values enunciated in this policy, to listen well and to provide concrete means for healing. They are to be especially attentive to the pastoral needs of victims and their families.
- 3.2.3 At the same time, local leaders must recognize that their community is part of the larger Church. Thus, they must look to the Review Board and appropriate officials of the diocese for guidance and direction and stand ready to offer advice to these persons. Specifically, all contact with the media is to be referred to the Safe Environment Coordinator.
- 3.2.4 A collaborative effort among parish leaders, the Review Board and diocesan officials, and an openness on the part of all involved, will lead to the most effective response to cases of child/vulnerable adult abuse. Such a response will itself be a powerful means for preventing future cases of abuse.

3.3 The Accused

- 3.3.1 Persons abusing children or vulnerable adults are exhibiting symptoms of serious psychological problems and/or illness. The diocese is therefore committed to helping provide reasonable and competent specialized therapy. The diocese shall encourage the accused to seek professional treatment, and to consult with their physician, health care provider and legal counsel.

Part 4: THE REVIEW BOARD

“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”. (Essential Norms, Norm 4)

4.1 The Functions of the Review Board

- 4.1.1 The Review Board may have the following tasks:
- a) Advise the bishop in his assessment of allegations of abuse of children/vulnerable adults by priests and deacons and in his determination of suitability for ministry.
 - i) The bishop may ask the review board to advise his assessment of allegations of sexual abuse of children or vulnerable adults by clergy, religious, seminarians, persons in formation, employees, or volunteers of the Diocese of Youngstown and in his determination of suitability for ministry.
 - b) Review the *Safe Environment Policy* to ensure that it is consistent with the *Essential Norms* and the *Charter for the Protection of Children and Young People* of the United States Conference of Catholic Bishops and the Code of Canon Law of the Church.
 - c) Offer advice on all aspects of these cases, whether retrospectively or prospectively.
 - d) Suggest other ways in which the Diocese of Youngstown can effectively respond to abuse; to suggest ways in which the Church can be reconciled and healed; and to suggest ways in which the diocese can appropriately relate to the larger community in this matter.
- 4.1.2 *“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.” (Essential Norms, Norm 5)

- 4.1.3 The membership of the Review Board of the Diocese of Youngstown shall consist of the persons required by the *Charter* and *Essential Norms*, as well as other persons from the community and of various faiths.
- 4.1.4 The Chancellor, Vicar for Clergy, Safe Environment Coordinator, and Victim Assistance Coordinator shall serve as staff resource persons to the Review Board.
- 4.1.5 The Promoter of Justice will be invited to participate in Review Board meetings.
- 4.1.6 The Safe Environment Coordinator shall keep complete and accurate records of the proceedings of the Review Board.

Part 5: STANDARDS OF MINISTERIAL BEHAVIOR

A) INTRODUCTION

“There are to be clear and well publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for other paid personnel and volunteers of the Church with regard to their contact with minors”. (Charter, Article 6)

These *Standards of Ministerial Behavior* (Standards) apply to clergy, religious, seminarians, persons in formation, employees, and volunteers of the Catholic Diocese of Youngstown (diocese).

This document, intended to comply with Article 6 of the *Charter* as stated above, is a set of minimum expectations. These Standards are not intended to prevent any group of professional ministers (i.e. groups or organizations that have chapters at multiple parishes or schools) within the diocese from developing standards for its own use, providing the group obtains appropriate approvals from its local supervisor and the Diocesan Office of Safe Environment.

Standards of conduct are guidelines and norms derived from more basic principles and values setting forth more specific conduct expected of an individual in more specific situations. Standards of conduct are not solely guidelines, which allow for more discretion on the part of an individual but may also include norms which are mandatory statements of what one must do in a certain situation.

Responsibility for adherence to these Standards rests primarily with the individual and within the community of accountability. Those who disregard these Standards may be subject to disciplinary action by the entity within the diocese that employs, supervises, or authorizes their ministry or activity. Corrective action may take various forms, from a verbal reprimand to removal from employment or service, depending on the specific nature and circumstances of the offense and the extent of the harm.

B) MINISTERIAL BEHAVIOR

5.1 PRINCIPLES & VALUES

- 5.1.1 Persons who seek the service of the Lord in the Church are to be able to do so without any doubt of whose interest clergy, employees and volunteers serve. All clergy, religious, seminarians, persons in formation, employees, and volunteers shall avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity, professionalism, and ministerial conduct into question.
- 5.1.2 Information disclosed in ministerial settings during the course of counseling, advising or spiritual direction shall be held in the strictest confidence possible.

- 5.1.3 Clergy, religious, seminarians, persons in formation, employees, and volunteers working with children or vulnerable adults shall maintain an open and trustworthy relationship with those with whom they are working.
- 5.1.4 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.
- 5.1.5 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not engage in physical, psychological, written or verbal harassment of any person, and shall not tolerate such harassment by their colleagues.
- 5.1.6 Confidentiality shall be maintained in creating, storing, accessing, transferring, and disposing of parish, religious community/institute, or organizational records.
- 5.1.7 An environment of personal integrity in ministry requires that a culture of accountability be established and maintained among clergy, religious, seminarians, persons in formation, employees, and volunteers in a spirit of understanding that individual conduct reflects the intention of the entire Church.
- 5.1.8 Clergy, religious, seminarians, persons in formation, employees, and volunteers have a responsibility for maintaining the highest ethical and professional standards.
- 5.1.9 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall report their own ethical or professional misconduct and the misconduct of others. They shall report abuse (sexual or non-sexual) of children and/or vulnerable adults in accord with this policy (cf. 1.3).
- 5.1.10 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall have a sense of propriety regarding touch and are to be aware of appropriate boundaries regarding touch.
- 5.1.11 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall be committed to a lifestyle that serves as an example of chastity in all relationships at all times.
- 5.1.12 Since all are called by Baptism to live the virtue of chastity, priests, deacons and vowed religious who are committed to a celibate lifestyle are called to be examples of chastity in all their relationships; deacons, employees, and volunteers who are married are called to be models of marital chastity; and deacons, employees, and volunteers who are single, civilly divorced, or widowed are called to be examples of chastity in single life.

5.2 CONFLICTS OF INTEREST

- 5.2.1 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall disclose to concerned parties all relevant factors that potentially could create a conflict of interest. Examples of such situations and behavior by Church personnel and volunteers include, but are not limited to:
 - a) Conducting private business or other dealings with the Church or any of its members;
 - b) Accepting substantial (non-token) gifts for services or favors;
 - c) Employing or engaging in transactions with one's friends or relatives;
 - d) Soliciting personal loans or requests for financial assistance from parish members, vendors, parish organizations, or employees;
 - e) Acting with partiality toward employees or Church members; or
 - f) Violating a confidence of another for personal gain.

- 5.2.2 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
- a) Clergy, religious, seminarians, persons in formation, employees, and volunteers shall never take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
 - b) Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.
 - c) When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the pastoral counselor or spiritual director shall:
 - i) clarify with all parties the nature of each relationship;
 - ii) anticipate any conflict of interest;
 - iii) take appropriate actions to eliminate the conflict; and
 - iv) obtain from all parties written consent to continue services.

5.2.3 Conflicts of interest may also arise when the independent judgment of clergy, religious, seminarians, persons in formation, employees, or volunteers is impaired by:

- a) prior dealings;
- b) becoming personally involved; or
- c) becoming an advocate for one person against another.

In these circumstances, clergy, religious, seminarians, persons in formation, employees, and volunteers shall advise the parties that he or she can no longer provide services and make a referral for continued ministry.

5.2.4 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall avoid taking unfair advantage of counseling relationships with a child/vulnerable adult for personal benefit or gratification.

5.3 CONFIDENTIALITY

- 5.3.1 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall maintain confidentiality within the scope of their duties and as delineated in any job descriptions and employee practices.
- 5.3.2 Information disclosed in ministerial settings during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.
- 5.3.3 The following obligations of confidentiality are independent of the seal of confession. Under no circumstance whatsoever can there be any disclosure, even indirect disclosure, of information received through the celebration of the Sacrament of Reconciliation.
- 5.3.4 Information obtained in the course of counseling sessions shall be confidential, except for compelling professional reasons or as required by law.

- a) If there is clear and imminent danger to the person being counseled or to others, the pastoral counselor or spiritual director shall disclose only the information necessary to protect the parties affected and to prevent harm.
 - b) Before disclosure is made, if feasible, the pastoral counselor shall inform the person being counseled about the disclosure and potential consequences.
- 5.3.5 The pastoral counselor or spiritual director shall discuss the nature of confidentiality and its limitations with each person in counseling.
- 5.3.6 The pastoral counselor or spiritual director should keep minimal records of the content of sessions.
- 5.3.7 While counseling an adult or child/vulnerable adult, the pastoral counselor or spiritual director may discover a serious threat to the welfare of such person. If communication of confidential information to a parent or legal guardian is essential to such person's health and well-being, the pastoral counselor or spiritual director shall:
- a) Attempt to secure written consent from the person for the specific disclosure.
 - b) If consent is not given, the pastoral counselor or spiritual director shall disclose only the information necessary to protect the health and well-being of the person. Consultation with the appropriate diocesan supervisory personnel is required before disclosure.
- 5.3.8 Confidentiality is superseded by the obligation to report misconduct that threatens the safety, health and well-being of any person. Situations of abuse of a child or vulnerable adult must be reported regardless of when they occurred.
- 5.3.9 A breach of confidentiality occurs when confidential or privileged information is disclosed in the absence of compelling professional reasons and not required by law. A breach of confidentiality may result in disciplinary action up to and including termination of employment.
- 5.3.10 Pastoral counselors and spiritual directors shall not overstep their competence in counseling situations and shall refer to other professionals when appropriate. The professional boundaries for diocesan personnel are dictated by their training and/or certification from a recognized professional association of peers or licensure from the State of Ohio, if applicable.
- 5.3.11 Pastoral counselors and spiritual directors shall set, communicate, and maintain clear, appropriate boundaries in all counseling and counseling-related relationships. This would include times and places of sessions.

5.4 CONDUCT WITH CHILDREN AND VULNERABLE ADULTS

- 5.4.1 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall exercise professional caution in all interactions with children and vulnerable adults.
- 5.4.2 Clergy, religious, seminarians, persons in formation, employees, and volunteers must be aware of their own and others' vulnerability when working alone with children/vulnerable adults and shall use a team approach to manage such activities.
- 5.4.3 Whenever possible there should be two compliant adults (cf. 1.2.15) in a room with children/vulnerable adults at all times for the protection of all parties.
- 5.4.4 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not counsel or meet with a child or vulnerable adult alone in a separate room unless there is a window in the door, or the door is open, except in the case of the Sacrament of Reconciliation within a church building.
- 5.4.5 Physical contact with children/vulnerable adults can be misconstrued and shall occur:

- a) only when completely nonsexual and otherwise appropriate, and;
 - b) never in private.
- 5.4.6 No child or vulnerable adult shall be disciplined corporally or corrected with abusive language.
- 5.4.7 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall avoid using inappropriate expressions of physical affection with children/vulnerable adults, including but not limited to: inappropriate or lengthy embraces; kisses on the mouth or other parts of the body; holding on the lap; touching bottoms, chest or genital areas; tickling; sleeping in bed with a child/vulnerable adult; wrestling ; engaging in contact sports or competitions with children/vulnerable adults; piggyback rides; any type of massage given to or received from a child or vulnerable adult; any form of unwanted affection; compliments that relate to physique or body development; any form of physical affection/contact given to a child/vulnerable adult in private.
- 5.4.8 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall faithfully represent the teachings of the Catholic Church with integrity in word and action, and thus:
- a) must refrain from the illegal possession and/or illegal use of drugs;
 - b) must refrain from the use of alcohol when working with children/vulnerable adults;
 - c) must never supply alcohol (except for distribution of Holy Communion under both species) or illegal drugs to children/vulnerable adults;
 - d) must never use any form of tobacco in the presence of children/vulnerable adults; and
 - e) must never obtain or possess sexually explicit or pornographic materials, nor participate in the distribution or receipt of pornographic materials through any medium or share these materials in any way with children/vulnerable adults.
- 5.4.9 A child or vulnerable adult may participate in an organized program sponsored by a parish or institution of the Diocese of Youngstown only with the written consent of such person's parent or guardian. Such consent should provide for emergency care of such person, as warranted by the program or activity.
- 5.4.10 Clergy, religious, seminarians, persons in formation, employees, and volunteers must obtain the written consent of such person's parent or guardian before allowing such person to visit in the adult's home.
- 5.4.11 Any person who works with children/vulnerable adults alone or who is responsible for children/vulnerable adults, including chaperones, on behalf of a parish, school, or institution in the diocese must be a compliant adult 21 years of age or older (cf. 1.2.3).
- 5.4.12 An adult who is not in full compliance (cf. 1.2 15) shall never be permitted to serve with a child/vulnerable adult alone or in a capacity that makes such person responsible for children/vulnerable adults on behalf of a parish, school, or institution of the diocese.
- 5.4.13 A sufficient number of adult chaperones (over the age of 21) who are in full compliance with this policy must be present for all youth trips, especially overnight trips. The ratio is 1 adult to 6 children for field trips or overnight trips and 1 adult to 10 children for on campus events. All youth trips require at least two chaperones. In all references to youth trips or youth activities, youth shall mean children and vulnerable adults.
- 5.4.14 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall never be the sole chaperone on any youth trip.

- 5.4.15 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not provide shared, private, overnight accommodations for individual children or vulnerable adults including, but not limited to, accommodations in any church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.
- 5.4.16 When staying overnight with children/vulnerable adults no cleric, religious, seminarian, persons in formation, employee, or volunteer shall sleep in the same bed, sleeping bag, small tent or room, with the exception of large dormitory accommodations (such as those at work camps or on a pilgrimage), with a child or vulnerable adult. Parents/guardians may sleep in the same room with their own children/wards with the permission of the program supervisor.
- 5.4.17 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall never accompany children/vulnerable adults to church or school-sponsored sporting events, movies, or other forms of entertainment without at least one other adult chaperone over the age of 21 present.
- 5.4.18 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall follow all of norms and guidelines related to communicating with children or vulnerable adults via social media and other forms of electronic communication as described in Part 5, Section D of this policy.
- 5.4.19 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall never be present in locker rooms or other dressing rooms used by children/vulnerable adults without another adult over the age of 21 present.
- 5.4.20 Clergy, religious, seminarians, and persons in formation, employees, and volunteers shall never change clothes or shower in facilities that are being used by children or vulnerable adults.
- 5.4.21 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall never travel in a vehicle alone with a child or vulnerable adult without prior express permission of such person's parents or legal guardians, utilizing diocesan driver policies. Whenever possible it is recommended that each vehicle have two chaperones present.
- 5.4.22 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not give expensive gifts or gifts of a personal nature to children/vulnerable adults nor accept expensive gifts or gifts of a personal nature from children/vulnerable adults without prior express permission of such person's parents or legal guardians.
- 5.4.23 In the event of a large gathering of adults and children/vulnerable adults, such as a parish festival or dinner, only those volunteers who have the potential of being alone with children/vulnerable adults or who are directly responsible for children/vulnerable adults that are not under the supervision of a parent/guardian are required to be in full compliance (cf. 1.2 15).
- 5.4.24 At an activity that is sponsored by, or for, youth, and where youth are present, alcohol shall not be present.
- 5.4.25 For the health and well-being of the youth in rare emergency situations, when accommodation is necessary, clergy, religious, seminarians, persons in formation, employees, and volunteers shall use their best efforts to protect all parties from the appearance of impropriety and from all risk of harm.

5.5 OTHER NORMS FOR CLERGY, RELIGIOUS, SEMINARIANS, & PERSONS IN FORMATION

- 5.5.1 In addition to the guidelines and norms in section 5.4, clergy, religious, seminarians, and persons in formation are to also follow these norms.
 - a) Whenever possible, a priest must avoid being alone with a child or vulnerable adult, excluding the Sacrament of Reconciliation (normally taking place within the church), counseling and spiritual direction (normally occurring in the professional offices of the church or rectory with an open door or a closed door with a window).

b) Children/vulnerable adults are permitted only in the public areas of a rectory and never in the private living quarters of a priest. Clergy, religious, seminarians, and persons in formation shall never allow children or vulnerable adults to stay overnight in a priest's private accommodations or residence. Children and vulnerable adults are not permitted in any private residence, cabin, condominium, summer home, or other dwelling leased or owned by a priest unless the child or vulnerable adult is accompanied by his or her parent(s) or guardian(s).

c) Pastors/administrators must not have children or vulnerable adults employed or volunteering in rectories or parish offices if the situation exists where a child or vulnerable adult is alone with an adult.

d) Clergy, religious, seminarians, and persons in formation who find themselves attracted to children or vulnerable adults or who frequently seek their companionship rather than that of adults must seek advice and assistance from the Vicar for Clergy, who may suggest a professional evaluation with a trained psychological expert.

e) Conversations or discussions of a topic of a sexual nature with children/vulnerable adults must be limited to the cleric's teaching office or made in response to specific questions.

f) Clergy, religious, seminarians, and persons in formation shall report concerns about suspicious or inappropriate behavior of clergy, employees, or volunteers with a child or vulnerable adult to the Safe Environment Office, the Vicar for Clergy, and the appropriate law enforcement agency, in addition to following the reporting duties delineated under Ohio law and this policy.

g) With regard to children/vulnerable adults within the extended family of a cleric, religious, seminarian, or person in formation, or in cases where the previously mentioned have children, these standards of conduct shall be followed with due discretion, diligence, and prudence, adapting those standards which should be adapted because of family relationships.

5.5.2 In addition to the guidelines and norms in section 5.4 and 5.5.1, Deacons are also to follow these norms.

a) Permanent Deacons shall follow the same standards of conduct as priests with regard to relationships arising out of ministry. With regard to their own family and their own private dwellings, permanent deacons should follow these standards of conduct with due discretion, diligence and prudence, adapting those standards which should be adapted because of family relationship.

b) Transitional Deacons are held to the same standards as priests and must follow these guidelines and norms.

5.6 SEXUAL AND OTHER FORMS OF MISCONDUCT & HARASSMENT

5.6.1 It is the policy of the Diocese of Youngstown that sexual harassment committed by clergy, religious, seminarians, persons in formation, employees, and volunteers is not to be tolerated. Such activity is contrary to basic Christian ethical principles and is a violation of the ministerial relationship of trust between clerics, church workers, and volunteers and those they serve. For purposes of this policy, sexual harassment shall mean:

a) unwelcome sexual advances or requests for sexual favors or verbal or physical conduct of a sexual nature in the workplace, educational institutions, or elsewhere;

b) conduct contrary to the moral doctrine and teachings of the Catholic Church and the Code of Canon Law;

c) notwithstanding the foregoing, nothing set forth herein is intended, nor shall be construed, to create a cause of action other than as specifically provided by applicable federal, state, or local laws.

5.6.2 Sexual harassment consists of unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature. It also includes gender-based conduct that could not have occurred but

for the sex of the other person. Sexual harassment is offensive to the individual and the values of the Gospel instructions and the Church's teachings on the dignity of the human person.

- 5.6.3 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall behave in a professional manner at all times.
- 5.6.4 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall never exploit another person for sexual purposes.
- 5.6.5 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall avoid developing inappropriate intimate relationships with other clergy, religious, seminarians, persons in formation, employees, and volunteers.
- 5.6.6 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall never develop or encourage inappropriate intimate relationships with children or vulnerable adults
- 5.6.7 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not engage in sexual harassment or any inappropriate behavior of a sexual nature toward other persons.
- 5.6.8 While it is not possible to list all behavior that is considered to be harassment or sexually inappropriate, prohibited conduct includes, but is not limited to: slurs, epithets, derogatory comments, unwelcome jokes, comments and trashing, inappropriate physical contact or gestures; sexual advances and emphasis on sexual or racial identity; displaying written materials, pictures or other items that are offensive or sexually suggestive; viewing sexually suggestive or otherwise inappropriate written materials, websites, electronic mail messages, or other items while on Church property or while performing other duties or engaged in ministry for the Church; other conduct that has the purpose or effect of unreasonably interfering with an individual's performance at work or creates an intimidating, hostile or offensive work environment.
- 5.6.9 Harassment can take many forms, including behavior which is not welcome, and which is personally offensive, including, but not limited to, the following examples of harassment:
 - a) abusing the dignity of a person by insulting or degrading (sexual or other) remarks or conduct;
 - b) threats, demands or suggestions (whether explicit or implied) that a job, salary, or other situation is dependent on the toleration of or submission to sexual advances;
 - c) conduct which has the purpose or effect of interfering with work performance, or creates an intimidating, hostile or offensive environment;
 - d) retaliation for reporting the offensive behavior.
- 5.6.10 Harassment is sexual, gender-based, racial, ethnic, or religious in nature. This includes unsolicited remarks, gestures, physical conduct, or the display or circulation of written material or pictures derogatory to either gender or to racial, ethnic, or religious groups. Harassment is verbal or physical conduct that embarrasses, denigrates, or shows hostility toward a person because of race, color, religion, gender, sex, national origin, age or disability.
- 5.6.11 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not discriminate against any individual on the basis of race, color, national origin, gender, sexual orientation, age, physical or mental disability, pregnancy, or military or veteran status, or any other characteristic protected by federal, state, or local laws, except when such status is a bona fide occupational qualification in accordance with civil or Church law.
- 5.6.12 Harassment can occur as a result of a single severe incident or a persistent pattern of conduct where the purpose or effect is to create a hostile, offensive or intimidating work environment.

- 5.6.13 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not engage in physical, psychological, written, or verbal intimidation or harassment of any person at any time, particularly those whom they serve as well as other church personnel.
- 5.6.14 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall hold each other accountable for maintaining the highest ethical and professional standards.
- 5.6.15 Educational sessions on these and related matters should be an on-going part of the continuing formation of clergy, religious, seminarians, persons in formation, employees, and volunteers.
- 5.6.16 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall report harassment, including sexual harassment, to the Victim Assistance Coordinator in accordance with the reporting policy in this document (cf. 1.3). The Victim Assistance Coordinator will forward the report to the applicable local or diocesan supervisor for an investigation.
- 5.6.17 Clergy, religious, seminarians, persons in formation, employees, and volunteers who consider themselves to be victims of harassment, sexual harassment, or who are offended by sexual jokes, comments, or other conduct in the workplace should make it clear to the offender that such behavior is offensive to them and shall immediately report the behavior to the Victim Assistance Coordinator and their local supervisor, after which an investigation will ensue.
- 5.6.18 Verified sexual or other harassment of co-workers or others contacted in the course of work by lay employees or volunteers will result in disciplinary action up to and including termination of employment or volunteer service.
- 5.6.19 When the one accused of harassment is a woman or man religious, the report is made to the Victim Assistance Coordinator and the local supervisor who will then conduct an investigation. The Victim Assistance Coordinator will then notify the person's religious superior and the necessary diocesan officials of the accusation. Additionally, a copy of any disciplinary action is to be forwarded to the Victim Assistance Coordinator who will then notify the Vicar General, the bishop, and the accused person's religious superior.
- 5.6.20 If the one accused of harassment is a priest or deacon, the complaint is to be made to the Victim Assistance Coordinator who will then immediately notify the Vicar for Clergy, the Vicar General, and the bishop. Along with the Dean of the area (or another priest of the area), the Vicar General and/or the Vicar for Clergy will investigate the complaint. (Should the complaint involve the Vicar General or the Vicar for Clergy, it is to be made to the Victim Assistance Coordinator and the bishop, who will ask two persons to conduct the investigation. Should the complaint involve the bishop, it is to be made to the Victim Assistance Coordinator and the Vicar General, who shall proceed in accordance with Canon Law.) If the complaint is admitted or established, the priest or deacon will be notified that his permission to minister in the Diocese has been suspended, pending the completion of appropriate therapy.
- 5.6.21 Only with the permission of the bishop may:
- a) A lay employee or volunteer who was terminated due to sexual harassment be re-employed;
 - b) A woman or man religious or a priest or deacon from another diocese whose permission to function here was suspended due to sexual harassment return to ministry in the Diocese of Youngstown;
 - c) A seminarian who lost diocesan sponsorship due to sexual harassment regain diocesan sponsorship.
- These will occur only if there is an affirmative evaluation from the counselor indicating the problem that led to the offense is controlled and that there is no further danger of harassment, a positive recommendation from the supervisor, and upon the advice of the Diocesan Review Board.
- 5.6.22 To the extent possible, all information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except to the extent it is necessary to disclose particulars in the

course of the investigation or when compelled to do so by law. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

- 5.6.23 Diocesan policy and state and federal law prohibit retaliation against an individual for reporting sexual harassment, or for participating in an investigation. The Diocese will not tolerate retaliation in any form against any cleric, religious, seminarian, person in formation, employee, or volunteer who files an allegation, serves as a witness, assists an allegation, or participates in an investigation of sexual harassment. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the sexual harassment allegation. Allegations of retaliation should be directed to the supervisor or person in charge of personnel.
- 5.6.24 Clergy, religious, seminarians, persons in formation, employees, and volunteers are prohibited from retaliating against individuals who make good faith reports of harassment.
- 5.6.25 The welfare of the victim is of primary concern. To that end, the bishop or Victim Assistance Coordinator will offer to help the individual deal with the experience he or she has undergone, including professional counseling, as warranted.
 - a) When counseling is warranted, the Diocese, or parish/institution will provide for such counseling when the offender was a priest, seminarian, deacon, woman or man religious, employee or volunteer of the Diocese of Youngstown at the time the sexual harassment occurred.
 - b) Whenever possible, the offender should be the person primarily responsible for the payment of expenses for the victim's counseling and will be encouraged to reimburse the Diocese for any expenses incurred to the extent possible.
 - c) When it is necessary, the bishop or supervisor, working in conjunction with the pastor, institution supervisor, office or program director, and/or Dean, will determine how the diocese will assist the local parish, school institution, office or program to respond to an allegation of sexual harassment. Depending on the circumstances involved, the bishop may consult with the Review Board, the diocesan attorney, and others before coming to a determination.

5.7 REPORTING ETHICAL OR PROFESSIONAL MISCONDUCT

- 5.7.1 When an uncertainty exists about whether a situation or course of conduct violates this document or other religious, moral, or ethical principles, clergy, religious, seminarians, persons in formation, employees, and volunteers should consult with: peers, others knowledgeable about ethical issues, the Safe Environment Office, or the Chancery Office.
- 5.7.2 When it appears that someone within the scope of one of these standards of conduct has violated one or more of these standards of conduct, then clergy, religious, seminarians, persons in formation, employees, and volunteers:
 - a) Must report the issue to the individual's supervisor or next higher authority and the Victim Assistance Coordinator.
 - b) If it is a matter of abuse of a child or vulnerable adult, reporting must be done according to this policy (cf. 1.3).

C) ADDITIONAL RESPONSIBILITIES

5.8 ORGANIZATIONAL RECORDS AND INFORMATION

- 5.8.1 Clergy, religious, seminarians, persons in formation, employees, and volunteers in parishes, schools and institutions of the diocese who are responsible for and/or have access to organizational records and information shall abide by the following guidelines.

a) Sacramental Records

- i) Sacramental records are confidential.
- ii) Sacramental records are not open to the public.
- iii) Only those employees/volunteers who have permission to search the records may do so.
- iv) Special care must be taken when issuing certificates from the sacramental register, especially regarding adoption and legitimacy of the individual.
- v) Information from sacramental registers may be provided only for legitimate purposes, e.g., baptismal records needed in order to receive other sacraments, genealogy research.

b) Financial Records

- i) Financial records are confidential.
- ii) Financial records are not open to the public.
- iii) Only those clergy, employees, and volunteers who have permission to access the records may do so.
- iv) Individual contribution records will be regarded as private and maintained in strictest confidence.
- v) Information from financial records may only be released when required by the diocese or other appropriate agency.

c) Personnel Records

- i) Personnel records are confidential
- ii) Personnel records are not open to the public
- iii) Only those clergy, employees, and volunteers who have permission to access the records may do so.

d) Safe Environment Records

- i) Safe environment records are confidential
- ii) Safe environment records are not open to the public
- iii) Only those clergy, employees, and volunteers who have permission to access the records may do so.

e) Other Records/Information

- i) Records at the diocesan offices, parishes, schools or institutions must be properly maintained and stored.
- ii) Confidentiality must be maintained in creating, storing, accessing, transferring, and disposing of all records and information.

5.9 ADMINISTRATION & AUTHORITY

- 5.9.1 Employers and supervisors shall treat clergy, religious, seminarians, persons in formation, employees, and volunteers justly in the day-to-day administrative operations of their ministries.
- 5.9.2 Personnel and other administrative decisions made by clergy, religious, seminarians, persons in formation, employees, and volunteers must meet civil and canon law obligations as well as reflect Catholic social teaching and this document.
- 5.9.3 Clergy, religious, seminarians, persons in formation, employees, and volunteers must not use their positions in a way which exceeds or abuses legitimate authority.

5.10 PERSONAL WELL-BEING

- 5.10.1 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall be responsible for their own spiritual, physical, mental, and emotional health.
- 5.10.2 Clergy, religious, seminarians, persons in formation, employees, and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.
- 5.10.3 Clergy, religious, seminarians, persons in formation, employees, and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 5.10.4 Clergy, religious, seminarians, persons in formation, employees, and volunteers should address their own spiritual needs.
- 5.10.5 Clergy, religious, seminarians, persons in formation, employees, and volunteers should be aware of national standards of behavior or codes of conduct that affect specific ministries, such as campus ministry, youth ministry, pastoral care of the sick, etc.

D) SOCIAL MEDIA AND ELECTRONIC COMMUNICATION

5.11 USE OF SOCIAL MEDIA AND ALL FORMS OF ELECTRONIC COMMUNICATION

- 5.11.1 These standards apply to all clergy, religious, seminarians, persons in formation, employees, and volunteers of parishes, schools, and institutions of the Diocese of Youngstown. Those who use the various forms of social media, e-mail, or the Internet shall use these forms of communication for appropriate ministry and not to develop personal relationships with those whom they serve, especially children and/or vulnerable adults.
- 5.11.2 “Social media,” for the purposes of this document, refers to Internet, network, and mobile-based tools for sharing information and communicating in interactive dialogue. Social media is a constantly developing field which currently includes but is not limited to: Facebook, Twitter, YouTube, Google+, MySpace, LinkedIn, blogs, Yelp, Foursquare, Flickr, Instagram, texting, and various mobile device “apps.”
- 5.11.3 Because technology is constantly evolving, the technical principles in this section shall apply to new forms of communication developed after the issuance of these standards. A change in technology does not exempt clergy, religious, seminarians, persons in formation, employees, and volunteers from diocesan principles and standards.

No Privacy in Electronic Communications

- 5.11.4 Electronic mail, social media, or Internet communications, and Internet browsing in a parish, school, or institution is not private. Such communications and Internet use in the course of ministry or with persons served in ministry, that are made using the Internet service, hardware or software owned, leased, or licensed by any diocesan parish, school, or institution (with or without permission) are subject to oversight and scrutiny and may be monitored, reviewed, or accessed without the knowledge or consent of the sender or recipient.
- 5.11.5 All computers, cell phones, and other digital or electronic devices owned or leased by an entity may be inspected at any time without any advance notice, including such devices assigned to an individual for his or her exclusive use.

Open and Transparent Electronic Communication or Use of Social Media by Church Personnel and Volunteers

- 5.11.6 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall discuss with supervisors and pastors their planned use of social media, e-mail communication, or the Internet before applying it to an area of ministry, especially with children or vulnerable adults.
- 5.11.7 If clergy, religious, seminarians, persons in formation, employees, and volunteers do use electronic communications to communicate with children or vulnerable adults, then a permission slip granting permission for direct electronic communication shall be issued to the parents and guardians. Electronic communication is not to take place until the permission slip is received by the parish, school, or institution.
- 5.11.8 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall carefully compose appropriate communication, especially communication that is intended for children or vulnerable adults, to eliminate any wording that could be interpreted as sexually suggestive and copy an adult who is a ministerial supervisor on the communication so that it is public and verifiable.
- 5.11.9 When the director of a ministry determines that communication via electronic, digital, or social media is appropriate to ministry, each entity promoting that ministry should provide all employees and appropriate volunteers in the program with individual email addresses and/or other access accounts which indicate the name of the entity and the specific ministerial function. There are two methods for providing email to church personnel and volunteers.
- a) Preferred method – entities should provide email accounts specific to the domain of their parish/school/institution web site (i.e. DRE@stgeorge.com).
- b) Other method – supervisors could establish a web-based account (i.e., stgeorgeDRE@gmail.com). The password in this case should be known by the supervisor and the individual church personnel or volunteer.
- 5.11.10 Clergy, religious, seminarians, persons in formation, employees, and volunteers should use these official ministry e-mail addresses or accounts for communications and social media access rather than their personal addresses or access accounts to communicate with persons related to their ministry, especially children and vulnerable adults.

Supervision of Electronic Communications

- 5.11.11 A supervisor or other designated person of an entity shall have the ability to access the communications pertaining to the work of every employee or volunteer. Access should be made available by the system administrator using the system's administrative functions.
- 5.11.12 The sharing of individual passwords is never recommended to gain access to an account. In the event that an individual's official email is web-based (i.e. Gmail, Ymail, AOL, etc.), a common password to that account should be known by the individual and the supervisor.

- 5.11.13 Employees and volunteers should not use the entity's hardware, Internet portal, or software for personal communications not related to the entity.
- 5.11.14 The use of personal social media, as opposed to that of an employer or entity, may be an occasion for disciplinary action, including termination of employment or status as a volunteer, especially if there is violation of the norms in this policy.
- 5.11.15 Evidence of the accessing, storing, or transmitting of pornographic images is cause for immediate disciplinary action, including termination of employment or status as a volunteer.
- 5.11.16 Any evidence of criminal activity, such as suspected child pornography, found on an entity computer by any person shall be reported to law enforcement officials, the Safe Environment Coordinator, as well as to the appropriate supervisor.

Guides for the Use of Electronic Communication and Social Media

- 5.11.17 Electronic communication should be brief, simple, and clear as to its stated purpose of business.
- 5.11.18 Personal remarks other than common courtesies appropriate in the situation, especially when addressing children or vulnerable adults, should be avoided. Excessive familiarity or a purely social relationship is not appropriate in ministry; adults in ministry may develop a cordial and supportive relationship with children or vulnerable adults but must refrain from excessive familiarity or friendship with such persons.
- 5.11.19 When using any form of social media, e-mails, or the Internet, all policies contained in this policy apply. This especially applies to rules of confidentiality, conduct with children or vulnerable adults, sexual conduct, and harassment.
- 5.11.20 Clergy, religious, seminarians, persons in formation, employees, and volunteers are to see that their own personal social networking site does not contain any material that is pornographic, indecent, or inconsistent with the teachings of the Catholic Church.
- 5.11.21 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall refrain from intimate postings on blogs, social media platforms, and other similar online communications.
- 5.11.22 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not post on their own social networking sites any image of a child or vulnerable adult with whom they are working or have previously worked in a parish or entity. When sharing a photo that includes such a person on the entity's social networking site, written permission shall be obtained from the person's parent or legal guardian. The identity of such person shall never be included as part of the picture or description without written permission from such person's parent or legal guardian.
- 5.11.23 Clergy, religious, seminarians, persons in formation, employees, and volunteers shall not examine or patrol the social networking sites of any children or vulnerable adults with whom they work, monitor their behavior on those sites, or seek out such person's personal site for details of his or her personal life.

Administrative Matters

- 5.11.24 Copyrighted Material: Use of an entity's system or systems for unauthorized copying of copyrighted software or content is expressly prohibited. Moreover, proprietary information belonging to others must not be placed on an entity's system without the prior written approval of the owner. Any cleric, religious, seminarian, person in formation, employee, or volunteer who violates these rules may be disciplined.
- 5.11.25 If clergy, religious, seminarians, persons in formation, employees, or volunteers receive notice, in writing or otherwise, or become aware that an entity's system(s) is being used or is proposed to be used to create, disseminate, store, upload or download any messages, communications or other material in violation of copyrights, trademarks, patents, intellectual property or other property rights of any party, such employees or volunteers shall inform the entity director or his or her designee in writing of such use or proposed use.

The entity may remove or disable access to any material that is claimed to be infringing or to be the subject matter of infringing activity.

- 5.11.26 The entity may establish a policy or policies to protect information from unauthorized and inappropriate access, publication or modification; such a policy may also supplement, but not contradict this policy, to address particular activities, ministries, staff, expertise in technology, system or site, its own hardware and software.
- 5.11.27 All clergy, religious, seminarians, persons in formation, employees, and volunteers must adhere to any such policy or policies. Failure to adhere to such policy or policies may be an occasion for disciplinary action, including termination of employment or status as a volunteer.
- 5.11.28 Any site or system established by an entity must have an adult as the administrator of the system or site; the administrator is to be selected by the director of that entity.

APPENDIX 1
INSTRUCTIONS FOR REPORTING ABUSE

If a person's safety or life is in immediate danger report this to the police by calling 911.

STEP 1: REPORTING TO CIVIL AUTHORITIES

To report the abuse or suspected abuse of an adult, call your local police agency.

To report the abuse or suspected abuse of a child or vulnerable adult, call the Children Services Board of your County and your local police agency.

Children Services Boards in Counties of the Catholic Diocese of Youngstown

<u>County</u>	<u>Phone Number</u>
Ashtabula	440-998-1811
Columbiana	330-424-7781
Mahoning	330-941-8888
Portage	330-296-2273
Stark	330-455-5437
Trumbull	330-372-2010

STEP 2: REPORTING TO THE CATHOLIC DIOCESE OF YOUNGSTOWN

To report abuse or suspected abuse by a priest, deacon, seminarian, religious, person in formation, employee, or volunteer of the Diocese of Youngstown contact the Victim Assistance Coordinator.

Contact Information for the Diocesan Victim Assistance Coordinator

By phone at the Diocesan Response Line: 330-718-1388

By phone at the Diocese of Youngstown: 330-744-8451 x293

By mail at:
Catholic Diocese of Youngstown
Attn: Victim Assistance Coordinator
144 West Wood Street
Youngstown, OH 44503

APPENDIX 2
SUGGESTED WRITTEN REPORT OF AN ALLEGATION OF ABUSE

Reporting Party

Name: _____ Date of Report: _____

Address: _____

Telephone: _____ Email: _____

Relationship of Reporting Party to Minor/Vulnerable Adult: _____

Minor/Vulnerable Adult

Name: _____ Date of birth: _____

Address: _____ Male or Female: _____

Parent/Guardian: _____

Address: _____ Telephone: _____

Is (are) the parent/guardian aware of the allegation? _____

Where is the minor/vulnerable adult now? _____

Suspected Perpetrator

Name: _____ Age: _____

Address: _____ Male or Female: _____

Relationship to Minor/Vulnerable Adult: _____

Position in the Diocese of Youngstown (clergy/employee/volunteer, etc.): _____

Where is the alleged perpetrator now? _____

Is the alleged perpetrator aware of the allegation? _____

Does the alleged perpetrator have current access to the minor/vulnerable adult or other children/vulnerable adults?

Report to Civil Authorities

Was a report made to law enforcement (police or sheriff)? _____

If yes, name person or department to whom reported: _____

If applicable, which Children's Service Agency was contacted? _____

Reason for Report

Please attach a signed letter that describes the alleged abuse, when and where the alleged abuse occurred, and any circumstances surrounding the alleged abuse

Was any electronic communication or media device involved with the alleged abuse? _____

If so, what device? _____ Is the device mobile? _____

Has the device been secured? _____ Where is the device? _____

Please provide the name, address, and telephone number of any other individuals who have knowledge of the alleged incident.

Submission of Report

(Signature of the Reporter) (Date Signed)

Printed name of the person who received this report: _____

Position of the person who received this report: _____

(Signature of the person who received this report) (Date Signed)

This report must be sent to the Victim Assistance Coordinator of the Catholic Diocese of Youngstown. Please keep a copy for your records.

APPENDIX 3
CRIMINAL OFFENSES THAT DISQUALIFY APPLICANTS FROM WORKING WITH CHILDREN
AND VULNERABLE ADULTS IN THE
CATHOLIC DIOCESE OF YOUNGSTOWN

The Ohio Revised Code imposes particular requirements upon religious and charitable organizations which use volunteers who have unsupervised access to children on a regular basis. Specifically, a requirement for parental notification exists in the event a volunteer has been convicted of one of the offenses list in Ohio Revised Cod section 109.572(A)(1)(a). Please consult the Ohio Revised Code for detailed descriptions of the following offenses.

- | | |
|--|---|
| 2903.01 – Aggravated Murder | 2907.322 – Pandering sexually oriented matter involving a minor |
| 2903.02 – Murder | 2907.323 – Illegal use of minor in nudity-oriented material or performance |
| 2903.03 – Voluntary Manslaughter | 2911.01 – Aggravated robbery |
| 2903.04 – Involuntary Manslaughter | 2911.02 – Robbery |
| 2903.11 – Felonious Assault | 2911.11 – Aggravated burglary |
| 2903.12 – Aggravated Assault | 2911.12 – Burglary |
| 2903.13 – Assault | 2919.12 – Unlawful abortion |
| 2903.16 – Failing to provide for a functionally impaired person | 2919.22 – Endangering children |
| 2903.21 – Aggravated Menacing | 2919.24 – Contributing to unruliness or delinquency of a child |
| 2903.34 – Patient Neglect | 2919.25 – Domestic Violence |
| 2905.01 – Kidnapping | 2923.12 – Carrying concealed weapons |
| 2905.02 – Abduction | 2923.13 – Having weapons while under disability |
| 2905.05 – Criminal Child Enticement | 2923.161 – Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function |
| 2907.02 – Rape | 2925.02 – Corrupting another with drugs |
| 2907.03 – Sexual Battery | 2925.03 – Trafficking, aggravated trafficking in drugs |
| 2907.04 – Unlawful sexual conduct with a minor | 2925.04 – Illegal manufacture of drugs – illegal cultivation of marihuana – methamphetamine offenses |
| 2907.05 – Gross sexual imposition | 2925.05 – Funding, aggravated funding of drug or marijuana trafficking |
| 2907.06 – Sexual imposition | 2925.06 – Illegal administration or distribution of anabolic steroids |
| 2907.07 – Importuning | 3716.11 – Placing harmful or hazardous objects in food or confection |
| 2907.08 – Voyeurism | |
| 2907.09 – Public indecency | |
| 2907.21 – Compelling prostitution | |
| 2907.22 – Promoting prostitution | |
| 2907.23 – Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another | |
| 2907.25 – Prostitution-after positive HIV test | |
| 2907.31 – Disseminating matter harmful to juveniles | |
| 2907.32 – Pandering obscenity | |
| 2907.321 – Pandering obscenity involving a minor | |

APPENDIX 4
**MODEL FOR A LETTER/STATEMENT ON THE SUITABILITY OF A RELIGIOUS
OR A NONINCARDINATED PRIEST SEEKING EMPLOYMENT OR ASSIGNMENT
IN THE CATHOLIC DIOCESE OF YOUNGSTOWN**

Dear (Receiving Bishop or Major Superior),

Under the guidelines proposed by the United States Conference of Catholic Bishops, Conference of Major Superiors of Men, Leadership Conference of Women Religious and Council of Major Superiors of Women Religious and the policies of this (arch)diocese/religious institute, I certify the suitability of **(name)**, a member in good standing of this religious institute **(institute)** a cleric in good standing of this (arch)diocese for assignment as **(assignment)** in (Diocese or work or religious institute).

The reason that **(name)** is being proposed for this assignment is **(reason)**. For this ministry **(ministry)**, he/she possesses these special talents or experiences: **(talents or experiences)**. I expect that he/she will serve temporarily or for **(number)** years. (Seek a permanent position/membership in your diocese/institute).

Furthermore, I have carefully reviewed our personnel and other records which we maintain, and I have consulted with some who served with him/her in the works he/she has been assigned under our authority. Based on these inquiries, I am able to the best of my ability assure you that **(name)** is a person of good moral character and reputation and is qualified to serve in an effective and suitable manner in your diocese/institution. In addition, also based on inquiry and to the best of my knowledge, I assure you that nothing in his/her background in any way would limit or disqualify him/her from this assignment.

I hereby grant him/her permission to seek to exercise the proposed assignment.

A curriculum vitae including name, date of birth, place and date of profession of vows/ordination; place(s) and date(s) of formation/seminary studies; and previous assignment(s) is enclosed.

(Signature)

(Date)

APPENDIX 5
NORMS AND GUIDELINES FOR HIRING AGENTS

- 1) Hiring agents shall have their compliance officer submit the names of all applicants for employment, and any volunteers who seek to work with children or vulnerable adults, to the Safe Environment Office for a check of the permanent register of all diocesan personnel (clergy or lay) who have abused children or vulnerable adults, or about whom questions have been raised (c.f. 1.2.9).
- 2) Hiring agents shall inform the applicant that their being hired is dependent on whether or not they pass a criminal background check.
- 3) Hiring agents should make a reasonable effort to speak with all of the references provided by the applicant. The hiring agent should keep a record of these communications.
- 4) Hiring agents should investigate and confirm the applicant's employment history. The hiring agent should keep a record of this investigation.
- 5) Hiring agents should conduct an interview with qualified applicants before they are hired. If possible, this interview should be fact-to-face.
- 6) Hiring agents should learn about screening techniques and strategies to apply while conducting interviews.

APPENDIX 6
DIOCESAN POLICY FOR PARTICIPATION IN CHURCH LIFE
BY SEX OFFENDERS

These guidelines are not meant to isolate or discriminate against any individual. They provide protective boundaries in the parish environment for the safety of children, adults, and offenders.

Limitations

1. Known sex offenders must comply at all times with the rules established by their Community Corrections Officer.
2. Known sex offenders may only attend scheduled public liturgies (e.g., Mass, Communal Penance services, etc.). They may not participate in parish activities such as the social hour following Mass, parish dinners, or any activity other than liturgical celebrations.
3. Known sex offenders may not serve on committees of the parish or participate in other publicly advertised parish events, nor may they be present on parish property at any time, even if accompanied by a guardian, other than to attend Mass or another liturgy.

Notifications

1. It is required that selected parish staff as well as selected ushers and others on a need to know basis are made aware of all known sex offenders that attend Mass in a particular parish. Pictures of the offender may be distributed to selected parish staff, ushers, and others as determined by the pastor.
2. We reserve the right to notify all parents/guardians to ensure that they are aware of the sex offender's background.
3. According to the discretion of the pastor or parish leader, neighboring parishes may be notified as well.

Supervision

1. An adult guardian, who is selected from among parishioners and approved by state guideline and the pastor, must supervise known sex offenders at all times while on parish property. This includes visits to the restroom before, during or after Mass.
2. The adult guardian must be at least 21 years of age and of the same gender as the sex offender and may not be related to the offender by blood, adoption, or marriage.
3. The guardian(s) must agree to submit to a criminal background check, which must be completed and cleared before a guardian may supervise the offender. The adult guardian(s) may not fulfill the function of guardian(s) if he or she has been convicted of a disqualifying offense with regard to working around children or vulnerable adults as defined by the Ohio Revised Code.
4. The guardian(s) will also be required to sign a document agreeing to follow, at all times, the supervisory guidelines.
5. A parish may require a known sex offender to sit in a specific spot in the church for monitoring purposes. A known sex offender may not sit next to an unrelated child or vulnerable adult while on parish property. If a child or vulnerable adult sits next to the sex offender, the offender must move to another seat.

APPENDIX 7
GUIDELINES FOR IMPLEMENTATION IN PARISHES OF THE DIOCESAN POLICY FOR PARTICIPATION IN CHURCH LIFE BY SEX OFFENDERS

Parish leadership may become aware of a Sex Offender in three ways:

1. A sex offender may come forward and disclose his/her criminal record.
2. A sex offender may apply to volunteer in the parish and in the course of processing the background check the offender's criminal history is revealed.
3. A member of the parish community may be aware of the sex offender's status and come forward with information.

Though our primary goal is the protection of children and vulnerable adults and the safety of all parishioners, we recognize the inherent dignity and value of each human person. Consequently, our first response must always be charity and pastoral concern, even for those who have committed grave crimes. Therefore it is necessary that the following procedures must be followed by Pastors and other Parish Leadership, in order to maintain and safeguard the rights of all individuals involved.

1. The pastor or parish leader is required to meet with the offender and review the *Policy for Participation in Church Life by Sex Offenders*. This meeting should never be delegated to another parish staff member or volunteer. Again, it is important that these forms not be mailed or given by the parish secretary. The forms should be reviewed by the pastor or parish leader and the offender together, in order to ensure that he or she clearly understands the parameters of the agreement.
2. Complete the *Church Participation Agreement Form* with the offender completing the top half of the form and a parish representative completing the remainder of the form. It must be signed by a Pastor, Priest Administrator, or Parish Leader and kept on file in the parish office.
3. A parishioner must be identified by parish leadership as a supervisor or guardian for each sex offender. These guardians must complete a clear background check and sign a *Sex Offender Supervision Guardian Agreement Form*.
4. If applicable, the Community Corrections Officer (CCO) must be notified of the offender's presence in the parish community and informed of the supervision plan.
5. When the forms are completed, a copy must be on file in the Parish Office and a copy must be sent to the Safe Environment Office at the Diocese.
6. Pastors and Parish Leaders may determine, using their best judgement, that certain other individuals may need to be aware of the presence of a sex offender in the parish (for example, Directors of Religious Education, Youth Ministers, Catechists, etc.).

**CATHOLIC DIOCESE OF YOUNGSTOWN
CHURCH PARTICIPATION AGREEMENT FORM**

Name (Print): _____

Parish/City: _____

Probation Officer: _____ Phone: _____

The *Policy for Participation in Church Life by Sex Offenders* in the Diocese of Youngstown has been clearly explained to me and I agree to comply with each guideline.

I understand that failure to comply with the policy will mean I may no longer be able to attend Mass at _____ Catholic Church.

(Signature) (Date)

Mass Attendance Allowed: _____ Yes _____ No

Assigned Seating Required: _____ Yes _____ No

If yes, please identify the location of the assigned seating:

(Signature of Pastor/Priest Administrator/Parish Leader) (Date)

(Signature of Safe Environment Coordinator) (Date)

For Parish Use Only

Approved Guardian(s):

- | | |
|----------|-------------------------|
| 1. _____ | BC Clearance Date _____ |
| 2. _____ | BC Clearance Date _____ |
| 3. _____ | BC Clearance Date _____ |

**CATHOLIC DIOCESE OF YOUNGSTOWN
SEX OFFENDER SUPERVISION GUARDIAN AGREEMENT FORM**

Name of Offender (Print): _____

Parish/City: _____

Guardian Name: _____

Phone: _____

The *Policy for Participation in Church Life by Sex Offenders* in the Diocese of Youngstown has been clearly explained to me and I agree to be a guardian for the individual listed above. I agree to follow all of the supervisory guidelines as defined.

(Signature) (Date)

Approved Guardian Checklist

Is the guardian related to the offender? _____ Yes _____ No

(Background Check Clearance Date)

(Guardian Agreement Form Received Date)

(Signature of Pastor/Priest Administrator/Parish Leader) (Date)

(Signature of Safe Environment Coordinator) (Date)

APPENDIX 8
OHIO REVISED CODE
2151.421 REPORTING CHILD ABUSE OR NEGLECT

(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 otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency 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; peace officer; 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; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; 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 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 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 peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.

(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 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 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 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.

(4) “Peace officer” means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

CREDIT(S)

(2019 H 166, eff. 10-17-19; 2018 H 137, eff. 3-20-19; 2016 H 493, eff. 3-14-17; 2016 H 158, eff. 10-12-16; 2015 H 64, eff. 9-29-15; 2014 H 213, eff. 9-17-14; 2014 H 483, eff. 9-15-14; 2011 H 153, eff. 9-29-11; 2009 S 79, eff. 10-6-09; 2008 H 280, eff. 4-7-09; 2008 S 163, eff. 8-14-08; 2008 H 314, eff. 6-20-08; 2006 S 238, eff. 9-21-06; 2006 S 17, eff. 8-3-06; 2004 S 66, eff. 5-6-05; 2004 S 185, eff. 4-11-05; 2004 H 106, eff. 9-16-04; 2004 S 178, eff. 1-30-04; 2002 S 221, eff. 4-9-03; 2002 H 374, eff. 4-7-03; 2002 H 510, eff. 3-31-03; 2000 H 448, eff. 10-5-00; 1999 H 471, eff. 7-1-00; 1998 H 606, eff. 3-9-99; 1998 S 212, eff. 9-30-98; 1997 H 408, eff. 10-1-97; 1997 H 215, eff. 6-30-97; 1996 S 223, eff. 3-18-97; 1996 S 269, eff. 7-1-96; 1996 H 274, eff. 8-8-96; 1992 H 154, eff. 7-31-92; 1990 S 3, H 44; 1989 H 257; 1986 H 529, H 528; 1985 H 349; 1984 S 321; 1977 H 219; 1975 H 85; 1969 H 338, S 49; 131 v H 218; 130 v H 765)

For the complete text of the Ohio Revised Code, go to codes.oh.gov.org.

APPENDIX 9
AUTHORIZATION AND VERIFICATION FORM

I hereby attest and certify that I have never been convicted of nor pled guilty to: any offense specified in Ohio Revised Code section 109.572 (A)(1)(a), including but not limited to; contributing to unruliness or delinquency of a child (2919.24); unlawful sexual conduct with a minor (2907.04); gross sexual imposition (2907.05); sexual imposition (2907.06); importuning (2907.07); voyeurism (2907.08); public indecency (2907.09); pandering obscenity involving a minor (2907.321); pandering sexually oriented matter involving a minor (2907.322); illegal use of minor in nudity-oriented material or performance (2907.323); any offense of violence, or any existing or former offense of any municipal corporation, this state, any other state of the United States that is substantially equivalent to any of the above offenses. I further certify that I have never been discharged from employment or a volunteer position because of any activity covered by the foregoing statutes.

If you have been convicted or pled guilty to any of the above offenses, or any offenses listed in The Ohio Revised Code section 109.572 (A)(1)(a) (Appendix 3), *or any criminal offense*, please list the crime and explain the circumstances thereof below or on a separate sheet.

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 their knowledge or records. With regard to my medical and/or psychological records, I authorize any physician or health care provider to release any information pertaining to my involvement in child abuse or sexual exploitation of other persons, including children. I agree to hold any and all persons harmless and free of any liability for releasing any information that is within their knowledge and records.

I further authorize the Diocese of Youngstown to conduct a background check of criminal records and agree that, if required, I will provide my fingerprints for this purpose, and that I will fully cooperate in providing all information and signing all documents necessary to conduct such a check, and that the results of these background checks will be made known to the necessary personnel at the parish, school, and/or institution where I will serve and to the Safe Environment Office of the Diocese of Youngstown.

1. Have you ever abused or sexually exploited a child or vulnerable adult?
Yes _____ No _____
2. Has any civil or criminal complaint or any other written complaint ever been made against you relating to child or vulnerable adult abuse or exploitation?
Yes _____ No _____
3. Have you ever been arrested or convicted for any crime (please list the crime(s) and explain the circumstances thereof below or on a separate sheet)?
Yes _____ No _____
4. Have you ever terminated your employment or volunteer service or had your employment or volunteer service terminated for reasons relating to allegations or civil or criminal complaints of child or vulnerable adult abuse or exploitation against you?
Yes _____ No _____
5. Have you ever received any medical or psychological treatment, including counseling, involving your abuse of children or sexual exploitation of other persons including children?
Yes _____ No _____

If you answer "yes" to any of the above five questions please provide additional information below or on a separate sheet. If you have additional questions contact the Safe Environment Coordinator at 330-744-8451.

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 or result in my immediate dismissal.

Signature: _____ Date: _____

Print Name: _____ Witness: _____

ACKNOWLEDGEMENT FORM

I hereby acknowledge that I have received, or was given access to, a physical or electronic copy of the *Safe Environment Policy* of the Catholic Diocese of Youngstown and that I have read it, understand its meaning, and agree to conduct myself in accordance with the policy. I have also personally read and completed the Authorization and Verification Form (Appendix 9).

I understand that if I am an employee of a parish, school, or institution in the Catholic Diocese of Youngstown, or if I am a volunteer that works with children or vulnerable adults for a parish, school, or institution of the Catholic Diocese of Youngstown, I am required to submit a background check of criminal records, which may require me to provide my fingerprints through the Webcheck process in order to receive a background check through the Ohio and/or Federal Bureau of Criminal Identification and Investigation, and that I will fully cooperate in providing all information and signing all documents necessary to conduct any required background check of criminal records, and that I am required to participate in the VIRTUS in-service training, *Protecting God's Children*.

Signature: _____ Date: _____

Print Name: _____

Address: _____

Email Address: _____ Phone: _____

Parish/School/Institution (and city): _____

Position or Ministry: _____

As noted above, if you have been convicted of or pled guilty to any criminal offense that would appear on a background check, please list the crime(s) and explain the circumstances thereof below or on a separate sheet.

APPENDIX 10
RELATED LINKS AND INFORMATION

United States Conference of Catholic Bishops

www.usccb.org

USCCB Secretariat of Child and Youth Protection

<https://www.usccb.org/committees/protection-children-young-people>

Ohio Revised Code

codes.oh.gov.org

Diocese of Youngstown

<https://doy.org/>