

## **2023 Revision to the *Decree on Child Protection***

Every five years the *Decree on Child Protection* is reviewed and revised to reflect any changes in universal and particular law, as well as to incorporate best practices. While most of the changes to the *Decree* in the current revision were stylistic or clarifying, the following points note more significant changes.

### **Definitions**

The following definitions have been added to the Glossary of Terms.

#### **Catholic Bishop Abuse Reporting (CBAR)**

An independent third-party entity with a secure, confidential, and professional platform, through which misconduct of bishops may be reported. This is for reports concerning bishops only – reports of misconduct by other clerics or any lay employee or volunteer should be made via EthicsPoint (see definition below). (Page 1)

#### **Ethics, Conduct, and Child Protection Review Team (ECCPRT)**

A committee comprised of Archdiocesan employees that meets bi-weekly to review all child protection matters and allegations of abuse/misconduct of which they are aware. Team members include the Chancellor, Director of Safe Environment, Chief Financial Officer, Superintendent of Catholic Schools, Human Resources, Risk Management, Communications, and outside legal counsel when needed. The team provides direction to the Archdiocese regarding the proper handling and potential resolution of child protection matters and allegations of abuse/misconduct. (Page 2)

#### **EthicsPoint**

EthicsPoint is a third-party reporting system that enables anyone to report concerns regarding financial, professional, child protection, or personal misconduct on the part of any employee or volunteer of the Archdiocese or any of its parishes, schools, or ministries. The person reporting concerns can either identify her/himself or remain anonymous. (Page 3)

#### **Vulnerable Adult**

Any person 18 years of age or older whose ability to physically protect him/herself from any form of abuse (as defined in this *Decree*) is impaired due to a persistent mental, physical, cognitive or developmental disability; or any person who habitually has the imperfect use of reason, or to whom the law recognizes equal protection (cf. canon 1398 §1, 1<sup>o</sup> *Code of Canon Law*). (Page 4)

#### **Vulnerable Person**

Any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty that, in fact, even occasionally, limits their ability to understand or to want or otherwise resist an offense (cf. *Vos Estis Lux Mundi*). (Page 4)

## Updates to Sections/Policies

### 1. Section I - B - Screening Adults

*This section was updated to reflect practice of the ECCPRT and clarify the procedure used during the screening of adults for work with children.*

People who serve our children contribute much to their spiritual, emotional, intellectual, and physical well-being. It is the intention of the Archdiocese that no person who has been convicted or adjudicated of physically or sexually abusing a child, will work with children in the Archdiocese or in any Archdiocesan Organization. Additionally, any individual who has been convicted or adjudicated of an offense of violence or sexual crime of any nature will be presumed to be ineligible to work with children in the Archdiocese or in any Archdiocesan Organization.<sup>1</sup> Accusations without convictions will be further investigated by the specific Archdiocesan Organization and/or the Archdiocese. The Archdiocese reserves the right to exclude any person from activities with children if there has been a violation of any of the provisions of this *Decree*, or if additional information is brought to the Archdiocese showing that a child may be at risk. (Page 10)

The Archdiocese may, in the exercise of its discretion and based on the facts and circumstances of a particular situation, determine that an adjudication or conviction of this nature does not bar an individual from working with children in the Archdiocese or in an Archdiocesan Organization.

### 2. Section I - B.1 Policy

*The following paragraphs had been added to the Decree by an amendment dated August 30, 2021. The text has been incorporated into the full body of the Decree.*

#### **Personnel Furnished by a Third-party Contractor**

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

Plumbers, Electricians, Carpenters, and others performing temporary compensable work for the parish/school and who are not volunteering or employed at a parish/school are to be treated as an outside contractor under the *Decree*. Musicians performing compensable work for the parish/school may be treated as an employee or independent contractor depending on the circumstances. The parish/school should make this determination based on the relationship and level of control exercised over the musician. Based on a recommendation from the Archdiocese Human Resources Department, once musicians are paid by the parish/school more than four (4) times they should be added to the parish/school payroll and be considered an employee. As an employee, the musician would need to register for SafeParish, complete the child protection training, online background check, be manually fingerprinted, and submit a B.4 Form before their SafeParish account is approved. (Pages 11-12)

### 3. Section I - B.4 Policy

*This section was revised to reflect the practice of utilizing the B.4 list to bar individuals who have been deemed ineligible to work or volunteer in the Archdiocese for reasons other than abuse of children.*

The Archdiocesan attorney is to maintain a permanent, confidential register of all priests, deacons, employees, and volunteers of the Archdiocese or an Archdiocesan Organization who have abused children. This register will also include those who have otherwise been deemed ineligible to work or volunteer in the Archdiocese by the Chancellor, in consultation with the Ethics, Conduct, and Child Protection Review Team (ECCPRT). (Page 12)

### 4. Section I - C.1 Policy

*This section was revised for clarity.*

Except when civil law explicitly permits certain people (for example, licensed social workers) to counsel children without parental consent, a child may receive scheduled, individual instruction or counseling from a cleric, employee, or volunteer only with the written consent of the child's parent and only when such individual instruction or counseling is not prohibited by the terms of this *Decree*. (Page 13)

### 5. Section I - C.9 Policy

*This section was revised for clarity.*

**Matters related to the transportation of children:** If it becomes necessary for any auxiliary services personnel, candidates for ordination, clerics, employees, personnel furnished by a third-party contractor, and

volunteers to provide transportation for children, the following guidelines must be strictly observed:

- Auxiliary services personnel, candidates for ordination, clerics, employees, personnel furnished by a third-party contractor, and volunteers must **never transport one child alone**.
- There should be at least two adults in every vehicle that transports children. In exceptional situations, it may be permitted for one adult to transport children in a vehicle, provided a caravan of vehicles goes directly from point A to point B, with no stops in between;
- Children must be directly transported to their destination or make only previously planned stops like stopping for food or gas on a long trip. If an emergency stop must be made, all reasonable efforts must be made to ensure that two adults are present by calling another car in the caravan to pull over as well;
- Children must never be transported without written permission from the child's parent;
- Auxiliary services personnel, candidates for ordination, clerics, employees, personnel furnished by a third-party contractor, and volunteers must comply with the other provisions in C.9 with children while in the vehicle. (Pages 16-17)

## **6. Section I - D.1 Policy**

*This section was revised for clarity and to match current practice.*

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

In addition, any violation of this *Decree* that does not require a report to Civil Authorities shall be reported to the Chancellor or Director, Safe Environment who will determine appropriate action in consultation with the ECCPRT. (Page 17)