

Diocese of St. Petersburg

Policy for the Protection of Children and Vulnerable Adults



Revised and Approved: February 2018



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I. INTRODUCTION

The Diocese of St. Petersburg is committed to the well-being of those served by the Church. The People of God have a right to be able to trust those who minister to them in God's name. The violation of this trust through Sexual Abuse by any Church Personnel is a source of great physical, mental and emotional pain for those involved and for the entire Church community. The Diocese published its first policy for the protection of Children and Youth on June 10, 1991, which required both Employees and Volunteers who work with Children and Youth in any parish or Catholic School program to complete written employment or Covered Volunteer applications respectively for service with accompanying references. Beginning April 15, 1992, the diocese required background screening and fingerprinting of all Employees who have the care, responsibility, and/or supervision of Children and Youth.

In July 1997, the Province of Miami required all dioceses to add Vulnerable Adults to the protected classes of Children and Young People. Background screening, reference checking, fingerprinting, and written employment and Covered Volunteer applications were now required of those desiring to work or volunteer with Children, Youth, and Vulnerable Adults. In November of 2001, contractors and vendors were added to the list of those requiring background screening. In June 2002, the United States Conference of Catholic Bishops (USCCB) adopted the *Charter for the Protection of Children and Young People (Charter)*, which required background screening and Safe Environment Program training for all who may have the care, responsibility, and/or supervision of Children and young people. The USCCB obtained confirmation by the Holy See for the *Essential Norms for Diocesan/Eparchial Policies* dealing with Allegations of Sexual Abuse of Minors by priests or deacons in November 2002. The Diocese of St. Petersburg revised its policy to comply with the *Charter* and the *Essential Norms* in December 2002 and again in May 2006 in response to the first revision of the *Charter* in 2005. The diocese publishes this revision as a response to the second revision of the *Charter* in 2011 and of its current policy as part of a continuing commitment to its pastoral responsibilities and to the gospel. This revised policy in combination with procedures and guidelines provides for the implementation and enforcement of a safe environment for our Children, Youth, and Vulnerable Adults.

II. POLICY AND SCOPE

A. Policy to Protect. The Bishop of the Diocese of St. Petersburg will make every reasonable effort to prevent Sexual Abuse of Minors and Vulnerable Adults, and to respond promptly to all credible Allegations of abuse. As such, the Diocese of St. Petersburg will comply with all obligations of civil and canon law and will promote healing where it is needed, provide education, training and guidance when it is appropriate, and endeavor to prevent any Sexual Abuse of Minors and Vulnerable Adults with firm justice and mercy towards all. No person, including Clergy, who has been determined to have engaged in Sexual Abuse of a Minor or Vulnerable Adult, will be allowed to remain in active ministry. Such actions violate Christian principles and are outside the scope of duties and employment of all Church Personnel. The diocese will not tolerate such behavior. This policy applies to all diocesan entities and their

Contractors and Vendors to include parishes, schools, early childhood centers, and associated activities within the diocese. 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 the person against whom the charge has been made. When the accusation has been proved to be unfounded, every reasonable step will be taken to restore the good name of the person falsely accused.

B. Policy to Respond to Allegations. The Diocese of St. Petersburg will respond promptly to any Allegation where there is reason to believe that Sexual Abuse of a Minor has occurred. The diocese will utilize an objective outside investigator to investigate any such Allegations. The diocese will maintain a Victim Assistance Minister to coordinate assistance for the immediate pastoral care of persons who report Sexual Abuse incidents that occurred when they were Minors by Clergy or other Church Personnel. The procedures for those making a complaint are readily available on the Internet via the Diocese of St. Petersburg website at <http://www.dosp.org/safe-environment/how-to-file-an-abuse-complaint/>

Toll Free Contact Number for the Diocesan Victim Assistance Minister: 1-866-407-4505

C. Policy to Report. The Diocese of St. Petersburg will report an Allegation of Sexual Abuse of a person who is a Minor or Vulnerable Adult to the appropriate civil authorities. The diocese will comply with all applicable civil laws with respect to the reporting of Allegations of Sexual Abuse of Minors and Vulnerable Adults and will cooperate in the civil authorities' investigation in accord with Florida state law¹. The diocese will cooperate with civil authorities about reporting cases even when the alleged victim is no longer a Minor. In every instance, the diocese will advise those who allege abuse of their right to make a report to civil authorities and support this right.

Call in all reports of actual or suspected abuse to the local law enforcement agency (911) or to the state Department of Children and Families (DCF) Abuse Hotline Registry: 1-800-96ABUSE (1-800-962-2873).

Any person who knows or suspects child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, commits a felony of the third degree, punishable by one year in jail and a \$5,000 fine.

D. Policy on the Diocesan Review Board. The Diocese of St. Petersburg Diocesan Review Board functions as a confidential consultative body to the bishop. The majority of its members will be lay persons not in the employ of the diocese in accordance with *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2006*. This board will assist the Diocesan Bishop in assessing Allegations and fitness for ministry, and will regularly review Diocesan Policies and Procedures for dealing with Sexual Abuse of Minors and Vulnerable Adults. Also, the Board can act both retrospectively and prospectively on these matters and give advice on all aspects of responses required in connection with these cases.

E. Policy on Removal of a Priest or Deacon from Ministry. Sexual Abuse of a Minor by a cleric is a crime in the universal law of the Church (*CIC*, c. 1395 §2; *CCEO*, c. 1453 §1). Those who habitually lack the use of reason, regardless of age, are to be equated with Minors (*CIC*, c.99). The Congregation for the Doctrine of the Faith (Motu proprio, *Sanctissimum sanctitatis tutela*, 2001, revised 2010) has reserved this jurisdiction because of the seriousness of this matter. Even after 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 and the *Essential Norms*, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. If an Allegation of Sexual Abuse of a Minor is made against the bishop, the Apostolic Nuncio shall be notified and the investigation shall proceed according to his direction. The Diocese of St. Petersburg will follow the requirements of the universal law of the Church and the *Essential Norms*

approved by the USCCB, along with all state and federal laws concerning the protection of Children, Youth and Vulnerable Adults.

F. Policy on the Standards of Ministerial Behavior. The Diocese of St. Petersburg will maintain standards of ministerial behavior and appropriate boundaries for Clergy and for any other paid personnel and Volunteers of the church in positions of trust who have the care, responsibility, and or supervision of Children, Youth or Vulnerable Adults. This policy can be viewed on the diocesan website at <http://www.dosp.org/safe-environment/wp-content/uploads/sites/22/Practical-Standards-of-Professional-Responsibility-for-Priests-.pdf>

G. Policy on Communications. The Diocese of St. Petersburg will be open and transparent in communicating with parish, other church communities, and the public about Sexual Abuse of Minors and Vulnerable Adults within the confines of respect for the privacy and the reputation of the individuals involved.

H. Policy on Distribution. A copy of this policy will be distributed to all diocesan entities in printed form for posting to the general public. This policy will also be posted on the diocesan website at <http://www.dosp.org/safe-environment/policy-for-the-protection-of-children-and-vulnerable-adults/>

I. Policy on Background Screening. The Diocese of St. Petersburg require that all Church Personnel, candidates for ordination, Contractors, and Vendors who may have the care, responsibility, and or supervision of Children undergo a Level 2 FDLE/FBI Criminal History Background Screening, currently using the Volunteer, Employee Criminal History System (VECHS) and must meet the Diocese of St. Petersburg Minimum Standards of Moral Conduct. Employees must also receive a Level 2 background check as a condition of employment. The Safe Environment Program Office is responsible for administering the background screening function for the diocese.

The FBI requires that background checks only be used for the purpose intended. Therefore, the diocese does not accept FBI background checks or background checks run by other entities for other purposes. The diocese does not accept proof of Level 2 background checks or letters from other entities certifying a Level 2 background check.

All Church Personnel, candidates for ordination, Contractors and Vendors who may have the care, responsibility, and or supervision of Children will be required to undergo a Criminal History Background Screening conducted by the Florida Department of Law Enforcement (FDLE) and the FBI Volunteer & Employee Criminal History System (VECHS) every five years.

Church Personnel who move from one entity to another within the Diocese of St. Petersburg with no break in service must submit a personal request in writing to the Safe Environment Program Office asking that proof of his or her background check be transferred from the losing entity to the gaining entity or entities. If there is a break in service, a re-screening must take place.

Background Screening Reports and Clearance Letters for employees and covered volunteers will be secured in locked containers at the respective parishes, schools, or other diocesan entities. Only the parish pastor, the school principal, diocesan entity head or their specifically-authorized delegates will have access to these records.

Copies of Contractor Criminal History Records and Background Screening Reports will be kept on file and secured at the Diocesan Safe Environment Program Office. Contractor/vendor employers will only receive clearance or non-clearance letters for their employees.

J. Policy on the Diocesan Safe Environment Program (SEP) Training. Under Article 12 of the *Charter*, the Safe Environment Program Office is responsible for the administration of Safe Environment

Program Training. The Diocese of St. Petersburg will require SEP training of all Church Personnel, Contractors, Vendors, and candidates for ordination who may have the care, responsibility, and or supervision of Children, Youth or Vulnerable Adults. These individuals must complete the required SEP training, which is offered online. This training expires five years from the initial date of training and also qualifies the recipient for employment or volunteer ministries which involve the care, responsibility, or supervision of Vulnerable Adults. SEP training re-certification is required every 5 years thereafter.

Extraordinary Ministers of Holy Communion to the Sick and Homebound and Pastoral Care Providers who wish to have the care, responsibility, and or supervision of Vulnerable Adults must complete the online Safe Environment Program, in addition to the training required for those who exercise this ministry. This training expires 5 years from the initial date of training and also qualifies the recipient for employment or volunteer ministries which involve the care, responsibility, or supervision of Children. SEP re-certification is required every 5 years thereafter.

The diocese does not accept safe environment program training from other archdioceses, dioceses or eparchies because state laws, policies, procedures, and program jargon differ. Individuals coming into the Diocese of St. Petersburg must complete the online Safe Environment Program training.

The Safe Environment Program Office will oversee training and education in cooperation with parents, civil authorities, educators, and community organizations. It will require education and training for Children, Youth, parents, ministers, educators, Volunteers, Contractors and Vendors to make and maintain a safe environment for Children, Youth and Vulnerable Adults.

The Diocesan Safe Environment Program Office is also responsible for maintaining a central database that will track the training and background screening status on all program participants. Appropriate staff members of parishes, schools and other diocesan entities are to inform those persons requiring 5-year recertification training prior to the expiration of their 5-year certification period.

Clergy and religious who will be engaging in ministry within the Diocese of St. Petersburg for a period of 30 days or less, including those charged with the care, responsibility and supervision of Children, Youth or Vulnerable Adults, must comply with this Policy, unless a statement of suitability from the individual's diocese or religious institute, with verification of his/her completion of that diocese's or institute's Safe Environment Program training and background screening with no criminal history is submitted to the Diocese of St. Petersburg prior to engagement in ministry.

Lay presenters who will be engaging in ministry for 30 days or less by providing seminars, workshops or retreats in the Diocese of St. Petersburg and will be charged with the care, responsibility or supervision of Children, Youth or Vulnerable Adults, must comply with the requirements of this Policy, unless a statement of suitability from their diocese with verification of his/her completion of that diocese's Safe Environment Program training and background screening with no criminal history is submitted to the Diocese of St. Petersburg prior to engagement in ministry; or the lay presenter submits to the Diocese prior to engagement in ministry a copy of a Criminal History Background Screening acceptable to the Diocese, showing no criminal history and is current within 5 years.

Personnel or contractors who perform services under Title I or the Individuals with Disabilities Education Act (IDEA) and who are employed or contracted by the public school district to perform those services for parentally-placed private school students are vetted and screened in compliance with § 1012.465 and 1012.467, Florida Statutes, the "Jessica Lunsford Act" (JLA), which requires Level II fingerprint and screening by the public district. This screening consists of a Florida Department of Law Enforcement (FDLE)/Federal Bureau of Investigations (FBI) search. All such individuals are required to have the statewide JLA badge and appropriate, visible identification while present at any Catholic school to which they are assigned. The Diocese of St. Petersburg will accept a written statement from the public school district verifying that any and all personnel employed by or contracted through the public school district

to perform these educational services have successfully completed this screening.

K. Definitions

Adult: An individual who is 18 years or older and who is no longer in high school.

Allegation: A statement or accusation of abuse, especially Sexual Abuse

Care, Responsibility and or Supervision: Unsupervised access by members of the Clergy and/or Religious Institutes, Seminarians, Lay Persons, Employees, Covered Volunteers, Vendors or Contractors to any Child or Vulnerable Adult participating in any ministry or activity of the Diocese or any parish, school or other diocesan entity. This includes clergy, members of religious institutes, seminarians and lay persons.

Child, Youth, or Minor: A person less than eighteen (18) years of age unless emancipated by law. Minors and the combined term “Children and Youth” are used interchangeably.

Church Personnel shall mean all of the following:

Clergy: All priests and deacons who possess or desire faculties for ministry in the Diocese of St. Petersburg.

Contractors and Vendors: This class of persons shall be understood for purposes of this policy and in accordance with the VECHS User Agreement to include Contractors, Vendors, Licensees, Consultants, and Memo of Understanding (MOU) personnel who have unsupervised access to Children, disabled or elderly persons for whom the diocese provides care, responsibility and/or supervision.

Covered Volunteer: Any unpaid person who is engaged or involved in any diocesan institution or parish activity, and who is entrusted with the care, responsibility, or supervision of Children or Vulnerable Adults. Covered Volunteers must be 18 years of age or older and are not in high school. Individuals younger than 18 years old are not permitted to assume the primary care, responsibility and/or supervision of Children, Youth or Vulnerable Adults, although they may be permitted to assist an adult who meets the criteria to do so.

Criminal History Background Screening: An investigation of an individual’s background that may be contained in the public record to include municipal, county, state, federal law enforcement, Social Security and state driving records. The Diocese currently conducts its screening through VECHS but reserves the right to use other third-party professionals.

Employee: Any lay individual who is employed by or engaged in ministry with the Diocese, Parish, School or other entity affiliated with the Diocese of St. Petersburg, who receives compensation for services (regardless of form) rendered in which the obligation to withhold for payroll tax (FICA, Medicare, and withholding) exists, whether part-time or full-time. All Employees, even those under 18 years of age (14 – 17 years of age) are subject to background screening as a condition of employment. Parental consent is not required in the state of Florida to sign the FDLE VECHS Waiver/Agreement. “Personnel” as defined herein, has reference only to the applicability of this policy and is not indicative of any agency or employment relationship between the diocese and the party whose compliance with this policy is sought.

Pastoral Care Providers: Volunteers who are entrusted with the care, responsibility and supervision of any Child or Vulnerable Adult, who provide various types of service and assistance to the sick and shut-in as a form of ministry. Types of ministry-in-service may include but are not limited to Vehicle Drivers, Errand Runners, Bereavement Ministers, Care Givers, Pastoral Ministers, Health Ministers, Helping with Chores, etc.

Qualified Entity: The Diocese of St. Petersburg is a Qualified Entity within the FDLE Employee, Volunteer Criminal History System (VECHS).

Sexual Abuse: Any act as defined by Chapter 39 and Chapter 415 of the Florida Statutes.

Vulnerable Adult: A person as defined by Chapter 39 of the Florida Statutes.

End notes:

¹ The statutory confidentiality of privileged communications established in Section 90.505, F.S., shall be observed when applicable to all reporting required under this paragraph. Section 90.505, F.S. establishes a privilege with respect to communications to Clergy, if made privately for the purposes of seeking spiritual counsel and advice from a member of the Clergy in the usual course of practice or discipline and not intended for further disclosure.

IMPORTANT CONTACT INFORMATION

Diocesan Victim Assistance Minister (toll-free): (866) 407-4505

Diocesan Safe Environment Program Office: (727) 344-1611, ext. 5377

Florida Department of Children & Families
Abuse Hotline Registry (toll-free): (800) 962-2873

Local Law Enforcement Agency: 911