

THE DIOCESE OF BIRMINGHAM IN ALABAMA

GUIDELINES FOR THE RESPONSE TO ALLEGATIONS OF CHILD SEXUAL ABUSE AND THE PREVENTION OF CHILD SEXUAL ABUSE¹

Section 1: Preamble

1.1 The sexual abuse of children and vulnerable individuals is reprehensible and tragic. It betrays the trust children and vulnerable individuals naturally place in adults, especially those responsible for their instruction, welfare and guidance. The damage caused by sexual abuse is devastating and long lasting. It is even more tragic when its consequence is a loss of the faith that the Catholic Church has a sacred duty to foster.

1.2 In June 2002, the United States Conference of Catholic Bishops ("USCCB") confirmed the "Charter for the Protection of Children and Young People" ("Charter") and the "Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons" ("Essential Norms"). The Preamble of the Charter, as originally written, states:

With a firm determination to resolve this crisis we Bishops commit ourselves to a pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church. We renew our determination to provide safety and protection for children and young people in our church ministries and institutions. We pledge ourselves to act in a way that manifests our accountability to God, to His people and to one another in this grave matter. We commit ourselves to do all we can to heal the trauma that victim/survivors and their families are suffering and the wound that the whole Church is experiencing. We acknowledge our need to be in dialogue with all Catholics, especially victims and parents, around this issue. By these actions, we want to demonstrate to the wider community that we comprehend the gravity of the sexual abuse of minors. To fulfill these goals, our diocese/eparchies and our national conference, in a spirit of repentance and renewal, will adopt and implement policies based upon the following:

1. To promote healing and reconciliation with victims/survivors of sexual abuse of minors.
2. To guarantee an effective response to allegations of sexual abuse of minors.
3. To ensure the accountability of our procedures.

¹ The Diocese of Birmingham in Alabama originally adopted guidelines in 2003. These Guidelines were revised in April 2011.

4. To protect the faithful in the future.²

The Diocese of Birmingham in Alabama adopts these Guidelines in response to the child sexual abuse crisis within the Catholic Church and we affirm the goals of the Charter as stated in 2002 and as revised in 2005.

1.3 Sexual abuse of a child or other vulnerable individuals is both a crime and a sin and will not be tolerated. Any person who knows or suspects child sexual abuse must report it to appropriate civil and church authorities.

1.4 In every case, the processes provided for in Canon Law must be observed, and the various provisions of Canon Law must be considered.

Section 2: Definitions³

2.1 Child/Minor/Vulnerable Individual: A person who under the age of 18 years when the alleged incident of sexual misconduct or abuse occurred or a person who habitually lacks the use of reason is considered to be equivalent to a child. Thus this definition includes a person 18 years of age or older who, objectively viewed, is unable to protect his or her own rights, interests or other concerns and is unable or unlikely to report abuse without assistance. (Hereinafter collectively referred to as “Child”)

2.2 Church Personnel: Includes clergy, religious, seminarians, employees, and any volunteer who has regular contact with a Child during a Diocesan sponsored activity. To be covered by these Guidelines these individuals must be under the authority of the Bishop of the Diocese.

2.3 Credible Accusation: An allegation that, based upon the facts of the case, is either:

- a. Believable and plausible;
- b. Natural, reasonable and probable;
- c. Corroborated with other evidence or another source; and/or
- d. Acknowledged or admitted to by the accused.

In making this determination, consideration should be given to the trustworthiness of the source.

2.4 Diocese: Includes the Roman Catholic Diocese of Birmingham in Alabama, in its capacity as a corporation sole; all parishes, recognized as separate juridic persons, and

² The 2005 revision of the Charter states: "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 faith communities."

³ The definitions are for purposes of these guidelines only.

may be separately incorporated; diocesan elementary and secondary schools, which may be separately incorporated; diocesan agencies; and all other diocesan owned and operated facilities.

2.5 Diocesan Review Board: A group of individuals appointed by the Bishop to assist the Bishop as he assesses allegations of Sexual Abuse.

2.6 Office of Child and Youth Protection (“OCYP”): The Director of Office of Child and Youth Protection is a trained professional designated by the Bishop to receive complaints of child Sexual Abuse by Church Personnel.

2.7 Sexual Abuse: Includes sexual molestation or sexual exploitation and any behavior by which an adult uses a Child as an object of sexual gratification. It includes behavior that is contrary to Catholic moral doctrine, Canon Law, or unlawful as described by the laws of Alabama. Sexual abuse does not need to be a complete act of intercourse; nor, to be objectively grave does an act need to involve force, physical contact, or a discernable harmful outcome.

2.8 Victim Assistance Coordinator (“VAC”): Victim Assistance Coordinator is a trained professional designated by the Diocese to offer outreach and advocacy to victims of child Sexual Abuse by Church Personnel. The Victim Assistance Coordinator will assess needs of victims and recommend appropriate services to address needs that are related to child Sexual Abuse.

2.9 Safe Environment Coordinator: Safe Environment Coordinator is a trained professional whose responsibilities include oversight of background screenings, Code of Conduct development and implementation and training of Church Personnel.

Section 3: Reporting

3.1 *Code of Alabama*, § 26-14-3, expressly lists those persons or entities that are required by law to report all known or suspected cases of child abuse: "All hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, nurses, school teachers and officials, peace officers, law enforcement officials, pharmacists, social workers, day care workers or employees, mental health professionals, members of the clergy...or any other person called upon to render aid and or medical assistance to any child [a person under 18 years of age], when the child is known or suspected to be a victim of child abuse or neglect, shall be required to report, or cause a report to be made of the same, orally, either by telephone or direct communication immediately, followed by a written report, to a duly constituted authority. Any person named in this Code Section who fails to report knowledge of suspected abuse of a person less than 18 years of age is subject to prosecution and fines as set forth in the Code of Alabama.

3.2 *Code of Alabama*, §26-14-9 provides that " any person, firm, corporation, or official, including members of a multidisciplinary child protection team, ...or other authorized case review team or panel, by whatever designation, participating in the making of a good faith report in an investigation or case review authorized under this

chapter ..., shall, in so doing, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed."

3.3 Church Personnel should comply with all civil requirements for reporting suspected child abuse. All Church Personnel, even if not required by state law, should report suspicions that a child is or has been the victim of abuse to the Office of Child and Youth Protection and duly constituted authority.

3.4 The only exception to these Guidelines will be disclosures made to a priest during the sacrament of reconciliation. However, any priest who hears the confession of someone who has abused or is abusing children or someone who is an adult survivor of childhood abuse should urge the penitent to report the abuse to the proper civil and Church authorities. If, during a sacramental confession, a child discloses he or she has been sexually abused, the priest will encourage the child to report to another adult who can render aid. Clergy participating in any manner in an investigation are prohibited from receiving the confession of the person accused of committing Sexual Abuse.

3.5 Church Personnel shall report to appropriate state, local and Church officials as soon as possible if such Church Personnel:

- a. Has actual knowledge or has reasonable cause to believe that a child is the victim of Sexual Abuse.
- b. Receives a complaint from an adult (age 18 and older) who claims to have been the victim of child Sexual Abuse. In this case, the person receiving the complaint should encourage and assist the complainant to make a report to the appropriate authorities.

3.6 Figure 1: The Diocese of Birmingham in Alabama Reporting Procedures attached hereto and made a part hereof, outlines the reporting process. ⁴

3.7 In addition to the reporting requirements identified above, the Diocese should begin an internal assessment of the allegation in accordance with Canon law.

3.8 There will be no retaliation or discrimination against a person who reports suspected child Sexual Abuse.

Section 4: Composition and Responsibilities of the Review Board

4.1 The Review Board acts in an advisory capacity for the Bishop. The Review Board shall consist of at least five (5) persons of outstanding integrity and good judgment, in full communion with the Church. The majority of the Review Board shall be lay persons not in the employ of the Diocese, at least one of whom should have particular expertise in the treatment of the child Sexual Abuse. One member of the Review Board

⁴ Section 6 of these Guidelines references separate canonical processes not addressed by the reporting procedure outlined in Figure 1.

shall be an experienced and respected priest of the Diocese. The members of the Advisory Review Board, in their role as Board members, are not acting as experts in psychology, law, sexual abuse, or any other area. They will rely upon information provided to them by the Diocese and independent sources, and have no duty of independent verification.

4.2 The members of the Review Board shall be chosen by the Bishop. With regard to the lay members of the Review Board, conflicts of interest, either actual or implied, shall be avoided. Each member of the Review Board serves at the pleasure of the Bishop. Each member will be appointed for a term of five (5) years which can be renewed once. Terms will be staggered.

4.3 The role of the Review Board is to provide the Bishop with advice and counsel pursuant to these Guidelines. The functions performed by the Review Board are confidential, consultative and advisory, not investigatory, adversarial or adjudicative. The Review Board receives and considers information, deliberates, and formulates its determinations and recommendations. In accordance with the procedures adopted in these Guidelines, the Review Board will consider the investigation report and any other information it deems appropriate.

4.4 Responsibilities of the Review Board shall include but are not limited to the following:

- a. To assess allegations of sexual abuse of a Child by Church Personnel in order to advise the Bishop on whether or not the allegations appear to be credible.
- b. To make recommendations to the Bishop concerning an individual's fitness to continue in ministry or employment. Options might include complete removal from ministry or employment, limited ministry or employment, or continuing in ministry or employment.
- c. To review diocesan guidelines and procedures for dealing with allegations of Sexual Abuse of a child and to recommend modifications to these Guidelines as necessary. These Guidelines shall be reviewed at a minimum every three years.
- d. The Review Board may make recommendations regarding the qualifications of individuals conducting investigations and interviews.

4.5 Operational Guidelines of the Review Board:

- a. The Review Board will meet as often as needed but no less than three times per year. The Executive Committee of the Board may meet in the interim on time urgent matters.
- b. The Review Board will receive from the Bishop, or his delegate, a complete report of the allegations made which may include: interviews; investigative reports; and other relevant information (e.g., personnel files).

- c. The Review Board is authorized to request further investigation of the allegations and/or request the results of psychological evaluations as necessary and appropriate in each particular case.
- d. The Review Board will make a determination with regard to the credibility of accusations.
- e. If the Review Board does not reach a consensus about its recommendations, the Bishop will have the opportunity to hear all points of view.
- f. The Review Board may make recommendations to the Bishop regarding an individual's continuation of ministry, employment, or service (e.g., without restrictions, with restrictions, or termination)
- g. The Review Board will present its determination and/or recommendation(s) to the Bishop.
- h. The deliberations of the Review Board will be strictly confidential and the official minutes will be limited to actions/recommendations by the Review Board. Summary notes indicating the purpose of the meeting, the individuals in attendance, the decisions made, and the next steps to be taken will be recorded and retained in the office of the Bishop. All documents given to the Review Board will be collected at the conclusion of each meeting and returned to the Bishop's office or to the Bishop's designee.
- i. Once per year, the Review Board will be presented with a report from the Safe Environment Coordinator on the implementation of the Sexual Abuse policies and Diocesan Code of Conduct. The Review Board may make recommendations for revisions to improve the policies and procedures.
- j. A formal audit will be conducted by an independent firm through the United States Conference of Catholic Bishops to ensure compliance with Church norms. Members of the Review Board will cooperate with the audit process. The Bishop or his designee will report to the Review Board the results of the audit.
- k. In time urgent matters the Executive Committee may act on behalf of the Review Board subject to review and ratification by the full Board at the next regularly scheduled Board meeting. The Executive Committee is made up of the Board Chair and at least two other Board members, one of whom shall be the clergy representative on the Board.

4.6 The Diocese is committed to transparency when dealing with accusations of Sexual Abuse subject to individual privacy rights.

Section 5: Response to Accusations of Child Sexual Abuse – In General

5.1 The Diocese will cooperate with civil authorities in the investigation of any allegations of child Sexual Abuse. Church Personnel shall comply with The Diocese of

Birmingham in Alabama Reporting Procedures attached hereto and made a part hereof, outlines the reporting process. Because of the need for trained professional inquiry, no Diocesan personnel shall investigate allegations of Sexual Abuse.

5.2 Initial actions taken by the Diocese when an allegation is made shall not be construed as an expression of judgment concerning the credibility of an allegation. Actions are always intended to indicate the serious nature of such cases while respecting the right of all concerned.

5.3 Pastoral care shown to the alleged abused Child should never be construed as an indication of the credibility of the accusations.

5.4 An acquittal in a criminal proceeding, a decision not to prosecute, or lack of an indicated determination by the Department of Human Resources will not automatically terminate the responsibility of the Diocese to conduct an appropriate internal assessment and to take actions to protect the safety of children in response to specific allegations.

5.5 The Diocese cannot bind any complainant to a condition of confidentiality or nondisclosure of the complaint as part of an agreement to provide services, support, treatment, or in settlement of financial claims.

5.6 The Office of Child and Youth Protection serves as the center of child and youth protection activities within the Diocese. The offices main functions are as follows:

- a. The director of Office of Child and Youth Protection is to receive complaints of alleged Child Sexual Abuse by clergy and other Church Personnel within the diocese. The Office of Child and Youth Protection, using the diocesan intake form, shall record identifying information of the reporter, the alleged victim and the alleged perpetrator as well as a description of the alleged incident. Information will not be screened or investigated at the point of intake. A file is to be established for all complaints.
- b. To notify in a timely fashion all appropriate persons according to the Diocese of Birmingham in Alabama Reporting Procedures, referred to as Figure 1, attached hereto and made a part hereof.
- c. To oversee the case through the process until the case is resolved. This should include monitoring all steps of the case and persons involved in the diocesan response. Oversight does not include investigation.
- d. To serve as the point of contact for the annual child and youth protection audit and for all other surveys and questionnaires.
- f. To serve as the liaison between the Review Board and the Diocese.

Section 6: Response If Clergy Accused of Child Sexual Abuse

6.1 In light of the unique relationship between the Diocese and its clergy, these special provisions are added in addition to those outlined in Figure 1.

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

6.3 “The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.”

6.4 “When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (CIC, c. 1395 §2; CCEO, c. 1453 §1).⁶”

“A. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch how to proceed (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest.

⁵ Section 6.2 to 6.9, including footnotes, is directly extracted from the "Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons".

⁶ “Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment. With regard to the use of the phrase "ecclesiastical ministry," by clerical members of institutes of consecrated life and societies of apostolic life, the provisions of canons 678 and 738 also apply, with due regard for canons 586 and 732.”

The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.”

“B. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.”

6.5 “At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.⁷ Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 § 1) and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.⁸”

6.6 “The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.”

6.7 “The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will

⁷ [citations omitted].

⁸ “The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff.; CCEO, cc. 178, 979ff.):

a) He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187- 189; CCEO, cc. 967-971).

b) Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 § 1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).

c) For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).

d) The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.

e) Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1-1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good. These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1^o-2^o, 1511,1513 §§2-3 and 5,1514,1517 §1, 1518, 1519 §2, and 1520) so that the cleric affected is afforded the opportunity of recourse against them in accordance with canon law (CIC, cc. 1734ff.; CCEO, cc. 999ff.)”

cooperate in their investigation. In every instance, the diocese/eparchy will advise and support a person's right to make a report to public authorities.⁹

6.8 “No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese/eparchy. Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children or young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678, (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).”

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

6.10 After an allegation is made, neither the Bishop nor any priest involved in the investigation or assessment should hear the sacramental confession of the accused person, nor those of potential witnesses, confidants, or others who may have relevant information regarding the allegations or the accused.

Section 7: Diocese’s Responsibilities in Cases of Confirmed or Admitted Child Sexual Abuse

7.1 In the case of clergy, the Diocese shall follow the procedures found in Article 5 of the Charter and the elements of the Essential Norms (Section 6 above) in its response to confirmed (either through civil authorities or diocesan assessment) or admitted child Sexual Abuse.

7.2 In the case of other Church Personnel, the Diocese shall terminate the individual’s service. This action will be properly documented in the appropriate personnel records.

⁹ “The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.”

Section 8: Diocese's Responsibilities in Cases of False Allegations

8.1 The Diocese recognizes the trauma of being falsely accused and how such false accusations can irreparably harm the reputation and effective ministry of Clergy or Church Personnel. The Diocese seeks to ensure that no Church Personnel falsely accused of child Sexual Abuse should suffer any adverse consequences or have their future opportunities compromised as a result of a false accusation.

8.2 The Review Board will be available to assist with decisions regarding proper reinstatement of Clergy or Church Personnel suspended from ministry, employment or volunteer duties during an investigation in which it was determined that the allegations were false.

Section 9: Diocese's Responsibilities in Cases of Unresolved Allegations

9.1 Unresolved allegations are difficult to deal with in a manner that protects the rights of all concerned. When it is determined that there is insufficient evidence to determine the credibility of the allegations but concerns about possible abuse still remain, the Bishop shall consider the following factors, including but not limited to, in making his decision:

- a. The spiritual, emotional and psychological well-being of the accused.
- b. The concerns of complainants and their families.
- c. The results of the civil investigations and internal assessment.
- d. The recommendation of the Diocesan Review Board.
- e. The judgment, recommendation and advice of trained mental health professionals.
- f. The well-being of the faith community and of all those ministered to by the Church or religious community/institute.

Section 10: Diocese's Responsibilities in Cases of Anonymous Allegations

10.1 Anonymous allegations of Sexual Abuse of a child will be assessed to the extent possible by the Bishop or his designee. All allegation(s), including anonymous allegations, will be reviewed by the Review Board and if substantive enough to be recorded, the accused will be notified by the Bishop.

Section 11: Diocese's Pastoral Responsibilities Regarding the Support for Complainants, Families and Faith Communities Harmed by Sexual Misconduct of Church Personnel

11.1 The Diocese seeks to:

- a. Be respectful of all persons bringing a complaint.
- b. Provide advocacy and advice through the Office of Victim's Assistance.
- c. Help bring concerns to the proper civil and Church officials.
- d. Help bring complaints to Church officials outside the Diocese as appropriate.

11.2 The Diocese shall ensure that the Office of Victim's Assistance will:

- a. Be staffed and managed by qualified professionals;
- b. responsibly and professionally identify the needs of victims' and their families;
and
- c. make necessary referrals.

In addition, the Office of Victim's Assistance shall include at a minimum one highly trained professional who receives and reviews complaints from Office of Child and Youth Protection, advocates on behalf of the victim, assists the victim in locating and accessing necessary services, and communicates needs of the victims to the appropriate diocesan staff.

11.3 The Office of Victim's Assistance will work through the network of Catholic Social Services Region throughout the Diocese to identify appropriate referrals to assist victims and their families.

11.4 The Diocese recognizes that families too may be affected by child sexual abuse and require the same consideration, compassion, and sensitivity in the healing process as the person directly harmed. Spouses, parents and other family members may request support services from the Diocese. When appropriate the Diocese seeks to ensure that such assistance will be provided through the Office of Victim's Assistance, to include pastoral counseling and referral for mental health or psychosocial services.

Section 12: The Foundation for Prevention: Safe Environment Program

12.1 The Safe Environment Program consists of:

- a. Educating Church Personnel
- b. Educating children
- c. Screening and selection of Church Personnel and
- d. The Code of Conduct

12.2 Educating Church Personnel: All Church Personnel shall be required to attend training sessions conducted by representatives of the Diocese. These training sessions should include the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of child sexual abuse.
- c. Signs and symptoms of sexual abuse in children and youth.
- d. Guidelines and procedures for prevention of child sexual abuse.
- e. Guidelines and procedures for reporting allegations of child sexual abuse.
- f. Types of disclosures by children and how to respond appropriately.

12.3 Educating children: The goal of prevention education is to protect children. The Diocese will provide school-based and religious education curriculum that teaches children basic personal safety skills including:

- a. Safety issues including rules about appropriate and inappropriate forms of physical contact and other interpersonal boundary violations.
- b. Steps to take to deal with inappropriate contact.

12.4 Screening and Selection of Church Personnel: All applicants to the priesthood and/or diaconate are required to participate in psychological screening and extensive background checks, including but not limited to criminal background checks and Department of Human Resources records checks, to assess their fitness for the ministry and their fitness to work with children.

The Diocese shall screen all Church Personnel before extending an offer of employment, or for one volunteering for ministry. Such screening shall include:

- a. A completed employment/volunteer application.
- b. When appropriate, a personal interview with the applicant.
- c. Criminal background checks, and
- d. Reference checks when appropriate.

Any applicant who refuses to grant permission for background checks and inquiries will not be considered for any position in the Diocese or its parishes, organizations or institutions.

On applications, the Diocese will specifically include direct questions about any inappropriate physical and/or sexual contact with children and any previous accusations or investigations concerning inappropriate physical or sexual contact with children.

No individual known to have sexually abused a child at any time will be accepted for employment or ministry in the Diocese. The Diocese will immediately terminate the services of any individual if it discovers evidence of any previous child Sexual Abuse by the person.

12.5 Code of Conduct: Mandates standards of behavior for contact with children.¹⁰

Section 13: Diocese’s Responsibility Regarding Records

13.1 The Diocese shall keep on file in strict and secure confidence all records and reports of abuse (whether supported or not), all actions taken, and notifications given by the Diocese in response to such reports, and all relevant evidence concerning the alleged abuse. Copies of original statements provided to law enforcement or other officials will be kept on file.

13.2 Records will be maintained in accordance with the Diocese’s records retention policy.

Having received these recommendations for revisions of the Guidelines from the Diocesan Review Board, I hereby approve and adopt said revision for myself and my successor(s) in office (as may later be modified by them), this the ____ day of _____, 2011.

The Most Reverend Robert J. Baker, S.T.D.

Bishop of Birmingham in Alabama

¹⁰ Copy of this document can be viewed at www.bhmdiocese.org.