



Diocese of St. Petersburg
Policy for the Protection of Children and Vulnerable Adults
 (Revised and Approved November 2009)

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 any sexual abuse by Church Personnel is a source of great 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. The following year on 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 of 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 wishing access to children, young people, and vulnerable adults. In June of 2002, the United States Catholic Conference of 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 US Conference of Catholic Bishops (USCCB) obtained recognition for the *Essential Norms for Diocesan/Eparchial Policies* dealing with allegations of sexual abuse of minors by priests or deacons in November of 2002. The Diocese of St. Petersburg revised its policy to comply with the *Charter* and the *Essential Norms* during December of 2002 and again in May of 2006 in response to a revision of the *Charter* in 2005. The diocese publishes this revision of its current policy as part of a continuing commitment to its gospel and pastoral responsibilities. 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 allegations of abuse where there is a reasonable belief that abuse has occurred. 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://home.catholicweb.com/dosp_se/index.cfm/NewsItem?ID=219383 and in printed form in English and Spanish.

1-866-407-4505

Toll Free Contact Number for the Diocesan Victim Assistance Minister

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 public 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 to civil authorities and cooperate in their investigation in accord with the law of the state of Floridaⁱ. The diocese will cooperate with public authorities about reporting cases even when the person is no longer a minor. In every instance, the diocese will advise victims of their right to make a report to public authorities and support this right.

Call in all actual or suspected reports of abuse to the statewide toll free abuse and neglect registry at 1-800-96ABUSE (1-800-962-2873), to the local to the local Department of Children and Families (DCF) or to the local law enforcement agency.

Chapter 39 of the Florida Statutes mandates that any person who knows, or who has reasonable cause to suspect that a child has been abused, neglected or abandoned by a parent, legal custodian, guardian, caregiver, or other person responsible for the child's welfare shall immediately report such knowledge or suspicion to the Florida Abuse Hotline of the Department of Children and Families. Although every person has a responsibility to report suspected abuse of neglect, some occupations are specified in Florida law as required to do so. These occupations are considered "professionally mandatory reporters" and include such occupations as social workers, teachers and other school personnel, physicians and other health-care workers, mental health professionals, childcare providers, medical examiners or coroners, and law enforcement officers. It is a first degree misdemeanor punishable by up to one year in jail and a fine of \$1,000.00 if a professionally mandatory reporter does not report. All church personnel, contractors and vendors who are not professional mandatory reporters are considered mandatory reporters and should report actual or suspected child or vulnerable adult abuse.

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, 2002*. 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). The Congregation for the

Doctrine of the Faith (Motu proprio, *Sacramentorum sanctitatis tutela*, AAS, 93, 2001) 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 for the United States.

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 minors or vulnerable adults.

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://home.catholicweb.com/DOSP_SE/files/Policy_for_the_Protection_of_children_5-2006.pdf

I. Policy on Background Screening. The Diocese of St. Petersburg will 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 screen using the Volunteer, Employee Criminal History System (VECHS).and must meet the Diocese of St. Petersburg Minimum Standards of Moral Conduct. Employees between the ages of 14-20 must also receive a Level 2 background check as a condition of employment.

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. However, the diocese will accept Level 2 background checks run by other entities of the VECHS system.

The diocese does not accept proof of Level 2 background checks or letters from other entities certifying a Level 2 background check except from the Florida Department of Education.

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 with no break in service must submit a personal request in writing to the Safe Environment Program Office asking that 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.

Transfers of Level 2 background checks or certification of Level 2 background checks from outside of the diocesan system must come from Qualified Entities that are users of and registered with the FDLE Volunteer, Employee Criminal History System (VECHS) or are participants in the Florida Department of Education background screening authority.

All Level 2 background reports will be kept on file (actual or virtual) in the Diocesan Safe Environment Program Office. Copies of background screening reports will also be kept on file at respective schools and parishes under lock and key.

J. Policy on the Diocesan Safe Environment Program (SEP) and SEP Training. Under the auspices of the Safe Environment Program Office, which is responsible for the oversight, operation, maintenance, and enforcement of the Diocesan Safe Environment Program, 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 or vulnerable adults. These individuals must attend the Standard 3-hour face-to-face SEP training initially. This training expires five years from the initial date of training and does not qualify individuals for the care, responsibility, and or supervision of vulnerable adults. SEP training re-certification is required every 5 years thereafter and can be taken online or by attending another 3-hour face-to-face training session.

Extraordinary Ministers of Holy Communion and Pastoral Care Providers who wish to have the care, responsibility, and or supervision of vulnerable adults must attend the Standard 3-hour face-to-face SEP training session for Extraordinary Ministers of Holy Communion/Pastoral Care Providers. This training expires 5 years from the initial date of training and does not qualify one to have the care, responsibility, or supervision of children. Re-certification is required every 5 years thereafter and can be taken online or by attending another 3-hour face-to-face training session.

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 attend an appropriate standard 3-hour face-to-face SEP training session.

The Safe Environment Program Office will conduct 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, and others to include contractors and vendors to make and maintain a safe environment for children 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.

K. Definitionsⁱⁱ (See End Notes)

End Notes:

ⁱ 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.

ⁱⁱ Definitions:

2-1 **Adult:** An individual who is 18 years or older and who is no longer in high school.

2-2 **Allegation:** A statement or accusation of abuse, especially sexual abuse

2-3 **Child, Youth, or Minor:** Generally, a person less than eighteen (18) years of age. Minors and the combined term "children and youth" are used interchangeably.

2-4 **Church Personnel shall mean all of the following:**

2-4-1 **Clergy:** All priests and deacons who have faculties of the Diocese of St. Petersburg.

2-4-2 **Employee:** Any lay individual who is employed by or engaged in ministry who is given payment for services (any form of compensation, whether monetary or otherwise) rendered in which the obligation to withhold for payroll tax (FICS, Medicare, and withholding) exists, whether part-time or full-time. This definition shall include all such persons whether employed by the diocese, parish, school, early childhood center, nursing home, group home, or other Diocesan entity that is controlled by or operated by the bishop. 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.

2-4-3 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 and vendors who have or may have unsupervised access to children, disabled, or elderly persons for whom the diocese provides care, responsibility, and or supervision.

2-4-4 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 cannot have the care, responsibility and or supervision of children, youth or vulnerable adults.

2-5 Care, responsibility and or supervision: Means unsupervised access by an individual who provides care, treatment, education, training, instruction, supervision or recreation to children, the elderly, or disabled.

2-6 Criminal History Background Screen: 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. This screening is meant to (1) provide an insight into one's character indicator of personal integrity , (2) provide an indicator of one's past behavior (3) offer a view of problem areas with personal situations, and (4) and to provide an indicator of personal integrity before allowing access to children, youth, or vulnerable adults.

2-7 Pastoral Care Providers: – Volunteers 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.

2-8 Qualified Entity: The Diocese of St. Petersburg is a Qualified Entity within the FDLE Employee, Volunteer Criminal History System (VECHS). An entity is a business or organization whether public, private, for profit, or not-for-profit that provides care to children, the elderly, or disabled and have entered into a User Agreement with the Florida Department of Law Enforcement. Qualified Entities are authorized to participate in the Volunteer, Employee Criminal History System (VECHS) and are authorized to request criminal history information from other members of the VECHS system.

2-9 Sexual Abuse: Sexual abuse means any act constituting sexual abuse as defined in Chapter 39 and Chapter 415, Florida Statutes, whether perpetuated against a child or vulnerable adult as defined therein.

2-10 Vulnerable Adult: A person 18 years or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, physical, developmental disability dysfunction, brain damage, *or the infirmities of aging*.