

Policy: Safe Environments for Children

‡ Effective Date: July 1, 2004

‡ Revised: April 4, 2008

‡ Revision Effective: May 1, 2008



Diocese of Pittsburgh

Policy: Safe Environments for Children

Purpose:

To take reasonable measures to assure that Church personnel who have regular contact with minors are committed to providing a safe environment for children and youth, are capable of identifying and preventing abuse of children, and have no personal history of behavior that would be a threat to children.

Applicability:

All Church personnel who have regular contact with minors. *(Effective the policy revision date below, the Diocese has determined that, minimally, this policy applies to those Church personnel or their equivalent as named in Appendix A. In keeping with the purpose and spirit of this policy, and in light of the definitions provided below, a pastor or administrator may determine that the policy also applies to positions not listed in Appendix A. When in doubt, the pastor or administrator is urged to apply this policy to the fullest extent possible in the interests of protecting children.)*

Definitions:

Church Personnel: All adult persons (those 18 years of age or older), whether clergy, members of consecrated life, or laity, who, as employees or volunteers, act in the name of the Church under the auspices of the Diocese of Pittsburgh or one of its parishes.

Contact: Interaction with minors in carrying out one's responsibilities, either by ministry description or as part of usual practice.

Minor: Anyone under the age of 18.

Safe Environment Coordinator: Person appointed by the pastor or director to oversee compliance with the USCCB *Charter for the Protection of Children and Young People* and the Diocese of Pittsburgh's *Safe Environment Policy*.

Regular: Routine contact on some consistent basis, recurring at prescribed times, whether daily, weekly, monthly or even seasonally, as part of normal functioning. The definition of "regular" would not include

those who have one-time or sporadic contact with minors, or in the case of an emergency.

Child abuse: Includes inflicting or creating an imminent risk of, physical injury, mental injury, sexual abuse, or harmful physical neglect to a minor.

Mandated reporters: Includes clergy, teachers, day-care personnel, social service workers, school administrators, school nurses, foster-care workers, health care personnel, mental health workers, parish and school administrative personnel, music ministers, child-care personnel, youth ministers, athletic coaches, food service personnel, classroom aides and playground monitors. Also, non-paid volunteers who perform services for the Church should also consider themselves to be mandated reporters if they come into contact with children during the course of their volunteer church work.

Policy and Procedure:

- S.1. All persons, whether prospective employees or potential volunteers, who are to have regular contact with minors are to be informed that functioning as Church personnel is contingent on the results of any background investigation and/or successful adherence to these policies.
- S.2. All Church personnel who have regular contact with minors are to receive, to be oriented in, and to return the signed “Acknowledgement of Receipt” page from, the diocesan *Code of Pastoral Conduct* before they can have regular contact with minors.
- S.3. All Church personnel who have regular contact with minors are to obtain a background check and child abuse history clearance prior to the inauguration of their ministry. (See Appendix B for Commonwealth of Pennsylvania regulations in this matter.)
 - S.3.a. *All Church personnel who have regular contact with minors are to complete a database application. Once this application is completed, it will also be used to obtain a Pennsylvania State Police criminal record check.*

- S.3.b. *All Church personnel who have regular contact with minors are to complete an application for a Pennsylvania Department of Public Welfare child abuse history clearance. In the case of volunteers, the results of the Pennsylvania State Police criminal record check must be attached to the application.*
- S.3.c. *The applications can be obtained from the safe environment coordinator, school principal, catechetical administrator or online. The application for a background check can be found on the diocesan website at www.diopitt.org. The Pennsylvania Department of Public Welfare child abuse history clearance application can be found at: <http://www.dpw.state.pa.us/Resources/Document/Pdf/FillInForms/DPWchildabuse.pdf>.*
- S.3.d. *The results of criminal background checks will be electronically processed and the results supplied to the Diocese of Pittsburgh. The original report of the Pennsylvania Department of Public Welfare child abuse history clearance, which must be dated within one year of the inauguration of ministry, is to be submitted to the safe environment coordinator, school principal or catechetical administrator by the person requesting the clearance. Photocopies are never acceptable.*
- S.3.e. *Background checks are to be renewed every five (5) years.*
- S.4. Church personnel whose background checks disclose criminal convictions that pose a threat to minors will not be permitted to function as Church personnel.
- S.4.a. *Criminal convictions that should be considered as constituting a threat to minors include, but are not limited to, acts involving violence, pornography, sex offenses, motor vehicle code violations, drugs or alcohol and any offense involving a minor.*
- S.4.b. *When there are any questions or concerns regarding whether or not the results of a background check poses a threat to minors, the procedures set forth in Appendix C will be followed. In light of the Charter for the Protection of Children and Young People as well as the accompanying Essential Norms,*

any question or concern regarding whether a conviction poses a threat to minors will be resolved in favor of protecting minors.

S.4.c. When there are questions regarding whether or not a criminal conviction poses a threat to minors, the individual concerned must not begin their ministry until the matter can be resolved.

S.4.d. Under no circumstances should anyone on the staff of the parish provide legal counsel on any matter relating to the implementation of this policy.

S.5. The diocese, parish or institution, in their respective roles, is responsible for the cost of all clearances for Church personnel and for the annual maintenance fee for the diocesan-wide database.

S.5.a. The diocese, parish, or institution, as part of its personnel policies, can stipulate as a condition of employment that any new hire obtain clearances for criminal record and child abuse history. In this case, the prospective employee can be asked to pay the cost of the background checks.

S.6. All Church personnel who have regular contact with minors are to complete the Virtus® training program, *Protecting God's Children*, within six (6) months of beginning their regular contact with minors.

S.7. All records of compliance with these policies, such as the signed "Acknowledgement of Receipt" from the *Code of Pastoral Conduct*, records of attendance at *Protecting God's Children* training and background clearances, are to be tracked in the diocesan-wide database established for this purpose.

S.8. The general secretary of the diocese or the pastor/administrator/parish life collaborator, in his/her respective role, is responsible for ensuring compliance with these policies. To assist in discharging this responsibility, every parish is to name a safe environment coordinator who will ensure that anyone in the parish having regular contact with minors has completed all required training and obtained necessary clearances.

- S.8.a. *The pastor/administrator/parish life collaborator will be required annually to complete and sign a verification letter affirming that the parish has implemented all aspects of the diocesan safe environment policy.*
- S.8.b. *Write access to the diocesan-wide database developed for tracking compliance with this policy is restricted to the safe environment coordinator, school principal and/or catechetical administrator. Write access to the database cannot be delegated to other staff both for reasons of confidentiality and for reasons of quality control of the data. Write access to the database is part of an administrative oversight responsibility and should be treated as such. Giving access to the database to anyone other than those specified in this policy is to be considered a grave matter that is subject to appropriate disciplinary action.*
- S.8.c. *In a limited number of cases where a school has a vice principal whose duties as set forth in the job description include administrative oversight for compliance with state and diocesan regulations regarding the protection of children, that person, with the written approval of the diocesan department for Catholic schools after a review of the current job description, can be given write access to the database in place of the school principal.*
- S.9. Individuals who fail to comply with these policies are not to be permitted to engage in Church activity of any kind that involves regular contact with minors.
- S.9.a. *Only the diocesan bishop can determine suitability to hold ecclesiastical office. Accordingly, if a person who holds ecclesiastical office fails to comply with these policies, the general secretary or his designee will handle the matter in accord with universal Church law and the policies of the Diocese of Pittsburgh.*
- S.10. Independent contractors, such a food service company that manages a school cafeteria, whose employees have regular and direct contact with minors on Church property or in Church programs, are to verify that their employees have obtained all necessary clearances before being permitted access to minors.

S.11. The Pennsylvania Child Protective Services Law (CPSL), effective May 28, 2007, requires mandated immediate reporting of suspected child abuse (anyone under 18) if the child is under the care or supervision of a Church entity, including, but not limited to, school and CCD students, children enrolled in child-care programs, children being “babysat” during worship services or gatherings, children participating in Church-related youth ministries or sports programs, Catholic Charities’ clients and health care patients. (See the protocol in Appendix D.)

S.11.a. Reports of child abuse are to be made immediately to the 24-hour Child Abuse Hot Line. The toll-free number is 1-800-932-0313. A written report is to be made within 48 hours of the telephone report and sent to the child protective services agency in the county in which the abuse occurred.

S.11.b. A copy of the written report form can be obtained from the following website: <http://www.pennsylvaniafamilysupportalliance.org/cy47.pdf>.

S.11.c. The addresses and phone numbers of the county children and youth agencies throughout the commonwealth are found at this website: <http://www.dpw.state.pa.us/Child/ChildAbuseNeglect/003670355.aspx>

S.11.d The Pa Dept of Public Welfare’s web page relating generally to the reporting of Child Abuse can be found at: <http://www.dpw.state.pa.us/Child/ChildAbuseNeglect/003671030.htm>.

Appendix A: Background Checks by Ministry (includes the equivalent of these positions)

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|---|---|
| 1 Altar Server-Adult | 24 Diocesan Staff Member
whose duties require regular
contact with minors |
| 2 Athletic Coach/Volunteer | 25 Director of Music Ministry |
| 3 Athletic Trainer | 26 Elderly Outreach
Coordinator/Volunteer |
| 4 Bereavement Team
Coordinator/Volunteer | 27 Elementary/Secondary School
President/Principal |
| 5 Bus Driver | 28 Elementary/Secondary School
Teacher |
| 6 Business
Manager/Bookkeeper | 29 Elementary/Secondary School
Teacher's Aide |
| 7 Cafeteria Worker | 30 Extraordinary Minister of
Holy Communion |
| 8 Campus Minister | 31 Family Life
Minister/Volunteer |
| 9 Cantor | 32 Fund Raising
Worker/Volunteer (e.g.,
bingo, festival, fish fry, etc.) |
| 10 Catechetical Administrator | 33 Housekeeper/Cook |
| 11 Catechist | 34 Janitor/Maintenance Worker |
| 12 Catechist Aide | 35 Lector/Reader |
| 13 Catechumenate Director | 36 Liturgical Art and
Environment
Coordinator/Volunteer |
| 14 Catholic Committee on
Scouting Leader/Volunteer | 37 Organist/Instrumentalist |
| 15 Chaperone | 38 Parish Advocate-Persons with
Disabilities |
| 16 Child Care Giver (e.g., cry
room, pre/after school pro-
gram, baby sitter, etc.) | 39 Parish Advocate-Tribunal |
| 17 Choir Director-Vocal/Bell | 40 Parish Life Collaborator |
| 18 Choir Member-Vocal/Bell | 41 Parish Nurse |
| 19 Coordinator of
Evangelization | 42 Parish Safe Environment
Coordinator |
| 20 Coordinator of Liturgy | 43 Parish Social Minister |
| 21 Deacon-Permanent/
Transitional | 44 Parish Wedding Coordinator |
| 22 Diocesan Priest Incardinated
in the Diocese and on
Assignment or Retired within
the Diocese | 45 Pastoral Associate/Minister |
| 23 Diocesan Priest Not
Incardinated in the Diocese,
on Assignment or in
Residence in the Diocese | |

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| 46 | Pastoral Health Care Minister | 54 | Sacristan |
| 47 | Playground Monitor | 55 | Secretary-Parish/Religious Education/School/Youth Ministry |
| 48 | Preschool Administrator | 56 | Seminarian |
| 49 | Preschool Aide | 57 | Trainer-Youth Altar Servers and/or Lectors |
| 50 | Preschool Teacher | 58 | Usher/Greeter/Minister of Hospitality |
| 51 | Refugee Sponsorship Coordinator/Volunteer | 59 | Youth Minister |
| 52 | Religious Order Priest on Assignment in the Diocese | 60 | Youth Ministry Volunteer |
| 53 | Respect Life Coordinator/Legislative Advocate | | |

Appendix B: Background Checks Required by the Commonwealth of Pennsylvania

TYPE OF EMPLOYEE **School Employees**

TYPE OF BACKGROUND CHECK REQUIRED

1. PA Criminal History (If hired on or after January 1, 1986)
2. DPW Child Abuse Clearance (If hired on or after July 1, 1996)
3. Federal Criminal History (If hired on or after April 1, 2007; or if hired on or after January 1, 1986 while not having been a Pa. resident for the previous two years)

Child Care Employees, Foster Parents and Adoptive Parents

1. PA Criminal History
2. DPW Child Abuse Clearance
3. Federal Criminal History (If not a Pa. resident at the time of application)

Note: All requirements apply to those hired on or after January 1, 1986.

Other Employees Having Regular Contact with Children

1. PA Criminal History
2. DPW Child Abuse Clearance
3. Federal Criminal History (If not a Pa. resident at the time of application)

Note: All requirements apply to those hired on or after January 29, 2007.

Employees Caring for Older Adults

1. PA Criminal History
2. Federal Criminal History (If not a Pa. resident for the previous two years)

Note: All requirements apply to those hired on or after July 1, 1998.

Appendix C: Process for Evaluating Records

1. The director of the diocesan office for the protection of children and young people will review all *records found* and dates of occurrence as a result of background checks.
2. If any information is incomplete or unclear the director will contact the firm that conducted the background check for clarification or rechecking of original sources.
3. If the applicant's duties and extent of contact with minors cannot be determined from reviewing the database application, the safe environment coordinator will be contacted.
4. Any applicant whose background search would report a conviction for any abuse of a minor (physical, sexual or mental) would automatically receive a "*rejected*" status and be prohibited from employment or volunteering within the parishes or institutions that are part of or related to the Diocese of Pittsburgh.
5. If the records found are of a more serious nature (i.e., driving under the influence, illegal use of a controlled substance, etc.) and the violation(s) are recent (within 5 years) or the individual has had more than one violation (regardless of time period), the matter will be presented to an examination board consisting of the director of the department for canon and civil law services or his designee, the secretary for clergy or his designee, the secretary for Catholic education or his designee, the secretary of parish life and lay leadership or his designee, and the diocesan victim's assistance coordinator. The examination board will determine whether the applicant should be given an "*approved*," "*rejected*" or "*restricted*" status. The pastor and safe environment coordinator will be notified of the board's decision. If the decision were to issue a "*restricted*" status, the employee or volunteer would have to agree in writing to the restriction and a copy would be kept on file by the safe environment coordinator. (See Appendix E for the template for giving notice of a restriction)
6. If the records found are minor in nature (i.e., traffic violations) and unrelated to duties of the applicant, the applicant would be given an "*approved*" status. In all instances, the safe environment coordinator would be informed of all records found and would be responsible for informing the pastor.
7. The pastor or program director may be more restrictive than the diocesan assigned status (e.g., rejecting someone whom the diocese has restricted) but he/she cannot assign a status that is less restric-

tive than the diocesan assigned status (e.g., restricting someone whom the diocese has rejected).

8. In the event that a pastor or an applicant would disagree with the report of the records found or with how the process for evaluating records was handled, he/she would have the right to file a written appeal to the diocesan Office for Administrative Procedures within 30 days of being informed of the decision for resolution. The decision of the Office for Administrative Procedures is always final.

Appendix D: Protocol for Reporting Suspected Child Abuse

Under the Child Protective Services Law of Pennsylvania (CPSL) “child abuse” is not limited to sexual abuse. It includes inflicting or creating physical injury, mental injury, sexual abuse, or harmful physical neglect. A “child” is any individual who is under the age of 18.

As interpreted by the Pennsylvania Catholic Conference, any individual in the parish (paid/volunteer) who comes into contact with children in the course of his or her work/ministry and has “reasonable cause to suspect” that the minor has been abused is considered to be a mandated reporter. Reasonable cause is not limited to first hand knowledge only, but also second hand information as well. In all instances, the abused child must actually be “under the care, supervision, guidance or training of (the mandated reporter), the parish, school or diocese.”

The CPSL specifically grants legal immunity to any individual who, in good faith, makes a report of suspected child abuse.

While school employees and administrators (which include pastors who oversee parochial schools) are required to follow the general reporting mandates of the CPSL, they are also subject to different reporting procedures when the perpetrator is another individual who works in the school. School personnel should follow the Catholic School Protocol for reporting suspected child abuse. All others should adhere to the following protocol:

- *If you suspect that a crime has been committed or the suspected victim is in imminent danger:* call 911 or local law enforcement authorities and report the incident immediately
- *If a child voluntarily discloses abuse:* control your emotions and do not look shocked or disgusted.
 - Listen: let the child talk at his/her own pace.
 - Reassure: let the child know it's not his/her fault and that you are going to help them.
 - Document: write down the date, time and specific circumstances of the disclosure including who was present and what prompted the child to reveal the abuse.

- **Do Not:**
 - Force the child to talk. Let the child know that you are concerned and that you are available if they need to talk to someone
 - Ask the child to disclose abuse separately to different staff members
 - Keep asking questions because you want to prove child abuse.
 - Touch the child without their permission
 - Prohibit the child from returning to their home.
- Report the suspected abuse to your immediate supervisor or the staff person designated by the pastor to report the abuse. In all instances the pastor/administrator/parish life collaborator should be informed.
- If the designated person for reporting abuse is not available, call Childline at 1-800-932-0313 and report the suspected abuse immediately. Then complete a written report within 48 hours and submit it to the Child Protective Service Agency in your county. Guidelines for the written report are available at: **<http://www.pennsylvaniafamilysupportalliance.org/cy47.pdg>**

Appendix E: Letter Acknowledging Restriction in Ministry with Children

PARISH LETTERHEAD

Date

Mr. /Ms _____

Address

Dear *Name*:

As you are aware from our previous discussion, a record was found in the background check completed as part of your application. The information found requires that your ministry in our parish as a _____ be restricted. This restriction does not prohibit you from all ministry in our parish; it only restricts you specifically from _____.

This decision has been made with careful thought and only after consultation with the Diocesan Office for the Protection of Children and Young People. Among the many responsibilities of my pastoral ministry is the safeguarding of children in our parish. I believe that I have no other option in this situation but to be extraordinarily cautious.

This restriction shall remain in force until further notice. You may be assured that this matter shall be kept in strict confidence by me. By your signature at the bottom of this letter you verify that you have been informed of this restriction and you agree to abide by it. Should you choose not to abide by the restriction, further ministry in the parish will be prohibited. I am grateful for your cooperation in this matter as we work for the benefit of all members of our parish family.

Sincerely yours in Christ,

Reverend *name*

I, (*Print Name*) _____, acknowledge to have received a copy of this correspondence.

Signature

Date

