

The Catholic Archdiocese of Omaha's Policy for the Protection of Children and Young People

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Introduction

"The salvation of souls ... is the supreme law in the Church." These words, found in the concluding canon of the 1983 Code of Canon Law, express with legal shorthand the mission and activity of the Church. However, the ultimate cause of the archdiocese's vigilance and diligence in the pastoral ministry of her ordained ministers, pastoral staff and volunteer personnel is found elsewhere than church law.

The claim of the gospel, stirring the faith community to life and action, prompts the creation of an environment of justice and strives to have the love of Christ flourish in the experience and witness of many lives. All members of the Church, especially her priests, deacons and designated ministers and representatives, are called to embrace this obligation and share in its privilege.

The archdiocese embraces her children and young people through a vigilance, care and ministry that arises from a pastoral heart, for the sake of the kingdom and as a witness to her Lord for the world. Through fidelity to the gospel the work of the Church to bring about the kingdom of God is sustained.

History of Archdiocesan Policy

The Archdiocese of Omaha published its first policy for protection of children and young people on March 1, 1990. It provided guidance for response in specific circumstances for more than a decade. At the same time, new demands in changing times and the continuing realization of the consequences of not living up to the gospel message emphasize the archdiocese's need for a greater vigilance, a more comprehensive response, better education and outreach efforts for the sake of children and young people entrusted to her care. The United States Conference of Catholic Bishops (USCCB) took unprecedented action in June 2002, and completed its work in November 2002 by creating and publishing the *Charter for the Protection of Children and Young People* (revised in 2005). The USCCB also obtained Vatican recognition for the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. This document contains the particular law regarding prospective and response measures for priests and deacons in regard to the protection of children and young people. Within the structure of church law contained in the 1983 Code of Canon Law, these norms became effective for all Catholic dioceses in the United States on March 1, 2003.

The Archdiocese of Omaha publishes this revision of its original policy as part of its continuing commitment to its gospel and pastoral responsibilities. The revision gives new impetus for an effective and necessary response to the demands of new times in compliance with the *Charter for the Protection of Children and Young People* and the *Essential Norms*.

1. **Scope of Revised Policy**

In accord with the *Charter for the Protection of Children and Young People* and the *Essential Norms*, this revised policy addresses accountability, obligations and responsibility on the part of priests and deacons and all adults who have regular contact with children and young people in the name of the Church.

This revised policy also recognizes and cooperates with the requirements and procedures of applicable state and local law regarding the protection of children and young people, the prevention and response to incidents of actual or suspected sexual abuse and misconduct toward children, and young people.

2. **Definitions**

2.1. Sexual abuse: (*Charter for the Protection of Children and Young People*, footnote)

“Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. ...the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue.” (State of Nebraska, 28-707)

“A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

- placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions;
- placed in a situation to be sexually abused as defined in section 28-319 or 28-320.1.”

2.2. Adult: a person 21 years and older, able to supervise minors.

2.3. Young adult: a person aged 19 or 20, able to assist adults in supervising minors.

2.4. Child or young person: Under Nebraska law, a person not yet 19 years of age.

2.5. Credible allegation: A claim based upon identifiable facts, such as specific names, places or time frames, details of incidents or names of corroborating persons.

2.6. Chancellor: Administrative assistant to the archbishop in charge of coordination of daily operations and communications for the archdiocese.

2.7. Victim Outreach and Prevention Manager: Person responsible for pastoral response and follow up, in the name of the Archdiocese, to victims of sexual abuse or misconduct by church employees and oversees all safe environment efforts.

- 2.8. Personnel: All ordained priests and deacons, all employees of archdiocesan departments, agencies, parishes and Catholic schools and lay volunteers who have regular contact with children and young people in the name of the Catholic Church.
- 2.9. Archdiocesan Review Board: A panel of Catholic women and men of the archdiocese prescribed by article 2 of the *Charter for the Protection of Children and Young People* and article 5 of the *Essential Norms*. This panel serves as the consultative body to the archbishop regarding the implementation and application of the *Charter for the Protection of Children and Young People*, review of particular allegations or cases, review of archdiocesan policies, practices and procedures for the creation of safe environments, proactive protection of children and young people and prevention of the abuse of or misconduct with children by personnel (employee or volunteer) of the archdiocese.

3. Distribution of/Accessibility to Archdiocesan Policy

A copy (printed or electronic) of this revised policy, and other policies relating to specific aspects of the protection of children and young people shall be distributed to the following:

- All archdiocesan parishes
- All archdiocesan offices, ministries and commissions.
- All elementary and secondary schools in the archdiocese.
- Archdiocesan website

This policy shall be included in the personnel handbook for the Archdiocese of Omaha for both priests and lay employees.

4. Education and Training

- 4.1. Approved safe environment training shall be required for:
- all personnel of the archdiocese, i.e. priests, deacons, paid staff and volunteers who have regular contact with children and young people at the time they enter service in the name of the Church and at intervals thereafter of no more than 5 years. This training is currently known as *Circle of Care*.
 - children and young people, in the age groups K through 12, prepared in age appropriate and sequential format in catholic schools, religious education, youth ministry and other programs organized under the responsibility of the archdiocese. The archbishop has mandated that all children and young people participate in the approved safe environment *Circle of Grace* training each year.
 - Catholic communities through printed materials and information provided on the archdiocesan website.
- 4.2. The Moderator of the Curia, in collaboration with the Office of the chancellor and the victim outreach and prevention manager, shall plan, oversee and assist the implementation of education and training programs in partnership with the Catholic Schools Office, other archdiocesan offices, and pastors of the archdiocese.

5. Personnel Criminal Background and Reference Checks

- 5.1. All prospective personnel (paid staff or volunteers) of the archdiocese who shall have regular contact with children and young people in the name of the Church, at the time of being offered a position, shall receive an explanation and the appropriate forms for a criminal background check. The forms can be given by the employer or at the time of the approved SE training.
- 5.2. All prospective personnel (employees only) of the archdiocese shall submit, as part of the normal screening, interview and hiring process, references for their character, work history and performance. Pastors, school administrators, or others in charge of an interview process are obliged to contact a candidate's references as part of the assessment of any candidate considered as a finalist for a position.
- 5.3. Results of the criminal background check shall be communicated to the pastor, the school administrator or the immediate supervisor of the position in question. Irregularities, incomplete information or concerns affecting the decision to approve for active ministry shall be resolved with the prospective personnel (employee or volunteer) by the pastor, school administrator or the immediate supervisor of the position in question before the position is offered.
- 5.4. The victim outreach and prevention manager shall be informed of the resolution of the irregularity prior to the action of hiring or eliminating the prospective personnel from the hiring process or the volunteer service.

6. Nebraska Statutes and Local Laws

- 6.1. 28-711 Child subjected to abuse or neglect; report; contents; toll-free number.
 - 6.1.1. When any physician, medical institution, nurse, school employee, social worker, or other person has reasonable cause to believe that a child has been subjected to abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in abuse or neglect, he or she shall report such incident or cause a report to be made to the proper law enforcement agency or to the department on the toll-free number established by subsection (6.2) of this section. Such report may be made orally by telephone with the caller giving his or her name and address, shall be followed by a written report, and to the extent available shall contain the address and age of the abused or neglected child, the address of the person or persons having custody of the abused or neglected child, the nature and extent of the abuse or neglect or the conditions and circumstances which would reasonably result in such abuse or neglect, any evidence of previous abuse or neglect including the nature and extent, and any other information which in the opinion of the person may be helpful in establishing the cause of such abuse or neglect and the identity of the perpetrator or perpetrators. Law enforcement agencies receiving any reports of abuse or neglect under this subsection shall notify the state central registry on the next working day by phone or mail.
 - 6.1.2. The department shall establish a statewide toll-free number to be used by any person any hour of the day or night, any day of the week, to make reports of abuse or neglect. Reports of

abuse or neglect not previously made to or by a law enforcement agency shall be made immediately to such agency by the department.

- 6.2. The toll-free number for State of Nebraska, Department of Social Services is: 1-800-652-1999.
- 6.3. The reporting employee shall: inform his supervisor of the alleged misconduct and report to authorities as required by Neb. Rev. Stat. § 28-711.

7. Obligations to Report

- 7.1. Allegations involving someone who is NOT an archdiocesan school/parish employee or volunteer.
(If you have reasonable cause to believe a person who is NOT an archdiocesan school/parish staff or volunteer and has or most likely will abuse/neglect a minor.)
 - 7.1.1. Any personnel (employee or volunteer) of the archdiocese shall comply with the reporting requirements of the Nebraska state law and any other requirements found in local laws when he/she has actual knowledge of or reasonable cause to suspect and incident of child abuse (physical, emotional, sexual) or child neglect (physical, emotional, educational, medical) has or will occur.
 - 7.1.2. Important points to remember:
 - Key personnel can help assess safety and may have additional information.
After reviewing the concerns with key personnel, you are obligated to report if you still have reasonable cause to suspect child abuse/neglect even if there are differences of opinion.
 - It is important to develop a plan on how to address concerns which may include contacting the authorities.
 - Information should only be shared on a need-to-know basis.
 - 7.1.3. The form “Archdiocesan Reporting Packet” is available on the secure website for administrators/directors/SE contact persons. You can consult with the victim outreach and prevention manager if you have any questions about your concerns or reporting obligations. The manager can be reached at 402-827-3798 or 888-808-9055.
- 7.2. Allegations involving someone who is an archdiocesan school/parish employee or volunteer.
(If you have reasonable cause to believe a person who is an archdiocesan school/parish staff or volunteer and has or most likely will abuse/neglect a minor.)
 - 7.2.1. Any personnel (employee or volunteer) of the archdiocese shall comply with the reporting requirements of the Nebraska state law and any other requirements found in local laws when he/she has actual knowledge of or reasonable cause to suspect and incident of child abuse (physical, emotional, sexual) or child neglect (physical, emotional, educational, medical) has or will occur.
 - Information should only be shared on a need- to- know basis
 - The form “Archdiocesan Reporting Packet” is available on the secure website for administrators/coordinators
 - 7.2.2. A report shall also be made to the chancellor or the Victim Outreach and Prevention manager.

- 7.2.3. The chancellor or the victim outreach and prevention manager of the Archdiocese of Omaha shall immediately notify the Vicar for Clergy and the archbishop regarding all allegations of child abuse or neglect by clergy.
- 7.2.4. The chancellor or the victim outreach and prevention manager will collaborate to provide pastoral outreach as the circumstances permits with due regard for law enforcement's policies and procedures.

8. Internal Investigation of Allegations

- 8.1. Allegations of child abuse/neglect of a minor by a non-clergy archdiocesan staff or volunteer that DO pose an immediate risk or endangerment.
 - 8.1.1. Law enforcement is the primary investigator of these allegations. Refer to Section 7.2 and subsections (above).
- 8.2. Allegations of child abuse/neglect of a minor by a non-clergy archdiocesan staff or volunteer that DO NOT pose an immediate risk or endangerment.
 - 8.2.1. Allegations may arise that do not pose an immediate risk or endangerment to a minor. An allegation of this sort may involve an incident that happened a number of years prior to the time of the report.
 - 8.2.2. The chancellor or victim outreach and prevention manager shall inform the alleged victim of the right to notify law enforcement and offer respectful support of this right if it is exercised.
 - 8.2.3. The chancellor and victim outreach and prevention manager will cooperate with public authorities about reporting in cases when the alleged victim is no longer a minor and when the alleged offender is not an active volunteer or staff ministry. This cooperation is demonstrated by a Notification Form that will be sent by the archdiocese to the appropriate county attorney. The archdiocese will cooperate with law enforcement if it pursues an investigation of the past allegation and will not interfere in the process.
- 8.3. Allegations of child abuse/neglect of a minor involving Clergy:
 - 8.3.1. Investigation of CURRENT allegations:
 - 8.3.1.1. Any personnel (employee or volunteer) of the archdiocese who has actual knowledge of or who has reasonable cause to suspect an incident of sexual abuse or misconduct shall comply with the reporting requirements of the Nebraska state and any other requirements found in local law (SEE SECTION 7). A report shall also be made to the chancellor of the archdiocese who will notify the Vicar for Clergy and the archbishop.
 - 8.3.1.2. The archdiocese shall advise the alleged victim of his/her the right to make a report to law enforcement. The archdiocese shall respect and support the alleged victim's exercising this right. This shall comply with article 4 of the *Charter for the Protection of Children and Young People* and article 11 of the *Essential Norms*.
 - 8.3.1.3. There shall be no interference by archdiocesan officials with law enforcement investigations during the reporting process or as part of the pastoral response to those who may be affected by the reported abuse or misconduct.
 - 8.3.1.4. The victim outreach and prevention manager shall be informed about the abuse incident or allegations. The manager shall offer pastoral assistance to the alleged victim, family members

and those affected by the circumstances in keeping with article 1 of the *Charter for the Protection of Children and Young People*.

- 8.3.1.5. The archdiocese shall advise the alleged offender of his right to legal counsel, both civil and canonical. The archdiocese shall provide direction for the alleged offender to obtain such counsel. This shall comply with article 5 of the *Charter for the Protection of Children and Young People* and article 11 of the *Essential Norms*.
- 8.3.1.6. When an allegation of sexual abuse or misconduct of a minor by a priest or deacon is received, an investigation of the accused offender shall be initiated in accordance with canon 1722 and certain precautionary measures may be invoked. This shall comply with article 5 of the *Charter for the Protection of Children and Young People* and articles 6 and 8 of the *Essential Norms*.
- 8.3.1.7. When, after an appropriate process, admission of or sufficient evidence exists that demonstrates that sexual abuse or misconduct has occurred, the alleged offender shall be immediately relieved of pastoral ministry in the archdiocese and placed on administrative leave pending the outcome of the law enforcement investigation and the canonical process. This shall comply with article 5 of the *Charter for the Protection of Children and Young People* and the articles 6 and 8 of the *Essential Norms*.
- 8.3.1.8. The alleged offender may be asked to cooperate in, and may be urged to voluntarily comply with, medical and psychological evaluations by competent professionals or at a facility mutually acceptable to the archbishop and to himself.
- 8.3.1.9. The archdiocesan review board shall receive the facts and information sufficient to discuss the allegations of sexual abuse or misconduct by a priest or deacon so that it may provide appropriate consultation to the archbishop. This shall comply with article 2 of the *Charter for the Protection of Children and Young People* and articles 8 and 9 of the *Essential Norms*.
- 8.3.1.10. Notification of the allegation or incident shall be given to legal counsel and liability insurers for the archdiocese in accordance with the terms of applicable insurance policies.
- 8.3.1.11. The chancellor shall serve as spokesman for the archdiocese when an inquiry is made by the media or by the general public.
- 8.3.1.12. Notes, memoranda, or other written documentation of allegations of sexual abuse or misconduct by priests or deacons, the subsequent investigation and the results of actions taken shall be kept by the chancellor/ Vicar for Clergy. They shall be maintained in a secure place in the Chancery. Access to these materials shall be strictly limited to the archbishop, the chancellor, the Vicar for Clergy and those granted access by the archbishop.
- 8.3.2. Investigation of allegations of child abuse/neglect of a minor by clergy that do not pose an immediate risk or endangerment.
 - 8.3.2.1. Allegations may arise that do not pose an immediate risk or endangerment to a minor. An allegation of this sort may involve an incident that happened a number of years prior to the time of the report.
 - 8.3.2.2. The chancellor or victim outreach and prevention manager shall inform the alleged victim of his/her right to notify law enforcement and offer respectful support of this right if it is exercised.
 - 8.3.2.3. The chancellor and victim outreach and prevention manager will cooperate with public authorities about reporting in cases when the alleged victim is no longer a minor and the

alleged offender is not in active ministry. This cooperation is demonstrated by a *Notification Form* that will be sent by the archdiocese to the appropriate county attorney. The archdiocese will cooperate with law enforcement if it pursues an investigation of the past allegation and will not interfere in the process. This shall comply with article 4 of the *Charter of the Protection of Children and Young People*.

- 8.3.2.4. The chancellor shall inform the alleged offender of his right to legal counsel both civil and canonical. The chancellor shall notify all those named in 9.1.9. if necessary.
- 8.3.2.5. The archbishop shall exercise his power of governance, in consultation with the archdiocesan review board, archdiocesan legal counsel and the victim outreach and prevention manager, regarding the alleged offender. Decisions and actions shall be in accord with the *Charter for the Protection of Children and Young People* and articles 6, 7, and 9 of the *Essential Norms*.

9. Action to be Taken When Admission or Evidence Exists

- 9.1. When sexual abuse/misconduct concerning a minor by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, certain consequences or actions provided for in canon law will pertain. This shall comply with article 5 of the *Charter for the Protection of Children and Young People* and article 8 of the *Essential Norms*.
- 9.2. Lay or religious personnel (employee or volunteer) of the archdiocese who admits to, does not contest, or is found guilty of an incident of sexual abuse or misconduct shall be immediately terminated from employment and any position of responsibility with the archdiocese.
- 9.3. Due regard is to be given to the protection of the rights and the reputations of all parties involved in these procedures, in accord with canon law.