

**Commission for the Protection of Children  
of the Archdiocese of Boston**

***Recommendation for Policies for the  
Prevention of Child Abuse  
and the Response to Allegations of Abuse***

(Final Draft 10-07-02)

**Commission for the Protection of Children**  
**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
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**Table of Contents**

Guidelines and Principles	1
Section 1: Abuse Reporting Mandates and Responsibilities	2
Section 2: Internal Response to Complaints and Allegations	4
A. Outreach and Advocacy Services	4
B. Independent Review Board	6
C. Internal Investigations	7
Section 3: Support for Persons Harmed by Abuse and Sexual Misconduct of Clergy and Other Church Personnel—Complainants, Families, and Faith Communities	10
A. Person’s Directly Harmed by Sexual Abuse	10
B. Secondary Victims (Family, Friends, Significant Others)	11
C. Faith Communities	11
Section 4: The Foundation for Prevention	13
Section 5: Internal Response to Clergy Accused of Sexual Misconduct	17
A. Notice to the Accused	17
B. Internal Investigations	18
C. Services to Accused Clergy	18
D. Restitution	19
E. Legal Fees for Accused Clergy	19
Section 6: Response to Unsupported Allegations	20
A. Unsupported Allegations – No Remaining Concerns	20
B. Unsupported Allegations – With Remaining Concerns	21
Section 7: Aftercare and Supervision	23
Section 8: Screening and Selection—Clergy, Staff, and Volunteers	24
A. Clergy and Religious	24

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

B. Staff and Volunteers	24
C. Code of Conduct	25
D. Continuous Screening	25
Section 9: Canon Law Considerations	26
Section 10: Response to Other Church Personnel Accused of Sexual Misconduct	27
Section 11: Employment and Volunteer References	28
Section 12: Disciplinary Actions	29
Section 13: Implementation, Review, and Revision	30
Section 14: Research	30

APPENDICES

Glossary of Terms	Appendix A
Massachusetts General Laws M.G.L- Chapter 119 Section 51A –51B M.G.L. – Chapter 151	Appendix B
U. S. Conference of Catholic Bishops Policy Statement <i>Charter for the Protection of Children and Young People, June 2002</i>	Appendix C
Child Abuse Prevention Team Guidelines	Appendix D
“Rights and Obligations” Statements “Rights and Obligations of the Accused” “Rights and Obligations of the Complainant”	Appendix E
Education Subcommittee Recommendations	Appendix F

## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

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\*These members received remuneration from the RCAB for their participation on the Commission.

**Commission for the Protection of Children**

**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

---

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---

### **Guidelines and Principles**

Each and every instance of child abuse<sup>1</sup> and sexual misconduct<sup>2</sup> in the Archdiocese of Boston (Archdiocese) is a matter of the gravest concern. The public and private conduct of clergy<sup>3</sup>, staff, and volunteers can inspire and motivate people or it can scandalize and undermine the people's faith. Clergy, staff, and volunteers must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

We must protect and promote the safety of children, respond with compassion to those who have been harmed, take action to redress the wrongs, and extend God's healing love to all those injured. The actions of the Archdiocese and its clergy, staff, and volunteers must be grounded in a commitment to justice, accountability, and mercy. We must maintain the right of the people to a safe and secure environment in which to worship and pray together.

**The Archdiocese therefore commits itself to four fundamental principles in these policies<sup>4</sup>:**

1. The Archdiocese will deal openly and straightforwardly with the issue of abuse by clergy, staff, and volunteers.
2. The Archdiocese will take all necessary actions to assure the safety of the faith community around clergy, staff, volunteers, facilities, and programs.
3. The Archdiocese will actively encourage complainants to come forward and will assure that justice, fairness, compassion, and respect are the hallmark of all services to those harmed by abuse committed by clergy and other Church personnel.
4. The Archdiocese will comply with all civil reporting laws and will cooperate with civil authorities investigating abuse allegations.

With God's love as the foundation for all we do, and Christ, the incarnation of that love and compassion, as our model, the Archdiocese and the entire Church community can make a powerful difference. Together we can have a profound effect on the way adults in the Church and in society deal with the issue of child abuse.

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<sup>1</sup> For purposes of this document, "child abuse" is defined as: The physical, sexual, or mental injury, negligent treatment or maltreatment of a child under the age of 18 by a person responsible for the child's welfare. Physical abuse is any non-accidental injury to a child under the age of 18 by a caretaker. Sexual abuse is any sexual activity with a child by an adult, an adolescent, or another child.

<sup>2</sup> For purposes of this document, "sexual misconduct" is defined as: Any of three forms of sexual transgression including 1) *sexual abuse* (defined above), 2) *sexual exploitation* – sexual conduct between clergy and anyone else in a pastoral relationship with the clergyman, and sexual conduct between any Church personnel and a person receiving pastoral counseling or spiritual direction, or 3) *sexual harassment* – unwelcome sexual conduct or words that are so pervasive or severe that an intimidating, hostile, or offensive work or professional environment is created; or a situation in which the satisfaction of sexual demands is made the condition of job benefits or continued employment or is used as the basis for employment decisions regarding the individual.

<sup>3</sup> Clergy are ordained ministers of the Roman Catholic Church including permanent and transitional deacons, priests, and bishops.

<sup>4</sup> Accompanying procedure manuals specify the steps necessary to implement, retain, and monitor compliance with these policies.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

**Section 1: Abuse Reporting Mandates and Responsibilities**

The Archdiocese will comply with all civil requirements for reporting suspected child abuse. State law mandates that certain persons report suspected incidents of child abuse to civil authorities. All clergy, staff, and volunteers—even those not mandated by state law—*must* report knowledge or suspicion that a child is or has been the victim of abuse to the Massachusetts Department of Social Services (DSS) or law enforcement authorities as well as Church officials. The only exception is disclosures made to a priest during the sacrament of reconciliation (See Section 1.1).

- 1.1 Clergy, staff, volunteers or other agents of the Church or religious institution shall report to DSS immediately if he or she:
  - a. Has actual knowledge that a child is the victim of abuse.
  - b. Has reason to suspect that a child has been abused.
  - c. Has received an anonymous complaint of child abuse.

The initial report will be made by telephone. A written report is due to DSS within 48 hours of the telephone report.

The only exception to this policy is disclosures made to a priest in the sacrament of reconciliation. However, any priest who hears the confession of someone who abuses children or someone who is the victim of abuse should urge the penitent to report the abuse to the proper civil and Church authorities.

If the accused is a member of the clergy, a staff member, or a volunteer in a Church-related activity, a report must also be made to the Office of the Delegate for the Archdiocese of Boston at (617) 748-5755 within 24 hours.

*“Reason” means that which would motivate a person of ordinary intelligence under the circumstances to suspect, based on observations or conversations, that a child has been or is being abused.*

- 1.2 Clergy,<sup>5</sup> staff, volunteers, and all mandated reporters<sup>6</sup> must also report disclosures made by adult survivors of child sexual abuse to the District Attorney of the district where the alleged abuse occurred. The adult complainant shall be advised of the mandate for reporting at the time of disclosure.

Each parish shall establish a “Child Abuse Prevention Team.” The team shall advise people in the parish who need assistance in determining the appropriate avenue for reporting or in completing the report (*Child Abuse Prevention Team Guidelines - Appendix D*). The opinion or recommendation of the Child Abuse Prevention Team must not take precedence over the individual’s concerns about possible abuse. Consultation with a Child Abuse Prevention Team does not relieve any individual’s obligation to report suspected child abuse to civil authorities.

- 1.3 Any mandated reporter who fails to report knowledge of suspected abuse is subject to prosecution and fines as set forth in G.L.c. 119. 51A.<sup>7</sup>

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<sup>5</sup> Except disclosures made to a priest in the sacrament of reconciliation.

<sup>6</sup> The statutory definition of “mandated reporter” is found in Revised Massachusetts Statute Chapter 119, § 51A at Appendix B.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

- 1.4 Reporting to Church officials or supervisors does not relieve any individual of the obligation to report suspected child abuse to civil authorities.
- 1.5 The Congregation for the Doctrine of the Faith has established mandated reporting procedures for notifying the Holy See about allegations and complaints of sexual abuse by clergy. The Archdiocese will strictly adhere to these procedures.
- 1.6 All Catholic schools in the Archdiocese shall develop and implement a reporting protocol consistent with the reporting laws of the State of Massachusetts and the policies of the Archdiocese of Boston.
- 1.7 Upon receipt of an allegation—from anyone—of child abuse by its clergy, staff, or volunteers, or a child’s disclosure to clergy, staff, or a volunteer about a possible abuse situation, the Archdiocese will:
  - a. Refer the matter to civil authorities immediately as required by G.L.c. 119, 51A.
  - b. If the accused is a member of the clergy, a staff person, or a volunteer for the Archdiocese, coordinate the need for an internal investigation with civil authorities, and, when necessary, begin an internal investigation to discover any relevant facts (See Section 2.5, Section 5.6, and Section 8).
- 1.8 Apart from receiving an initial disclosure from a child, no archdiocesan clergy, staff, or volunteer will interview a child about allegations. The Archdiocese will cooperate fully with civil authorities, District Attorneys, and the Sexual Abuse Investigation Network to minimize the trauma to complainants and their families resulting from disclosure and investigation.
- 1.9 Records of all allegations of child abuse and sexual misconduct shall be permanently maintained under the supervision of the Office of the Delegate. The records shall contain claims, intakes, investigation reports prepared by representatives of the Archdiocese, and records of services provided to those harmed by sexual misconduct.

Files maintained on the case are confidential and may contain both privileged and non-privileged information. “Privileged” documents include records protected from disclosure by state or federal statute such as medical records, citizenship status, etc. Access to privileged documents is limited to the Delegate or his designee, diocesan counsel, other necessary Archdiocesan personnel, and those authorized through appropriate Court Order.

Documents shall include:

- a. The Intake Form.
- b. The complainant's detailed description of the allegations.
- c. The “Rights of the Complainant” and “Rights of the Accused” forms.
- d. The Archdiocese’s Investigation Report, including the accompanying witnesses’ affidavits and documentation.

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<sup>7 7</sup> G.L.c. 119, 51A provides fines and other penalties for persons who are mandated reporters and fail to report, for persons who report knowingly false accusations, for persons who fail to report a reasonable suspicion that a child has died as the result of child abuse, and for employers who retaliate against any person making a good faith report. Appendix B.



# Commission for the Protection of Children Archdiocese of Boston

## *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

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### **Section 2: Internal Response to Complaints and Allegations**

The response of the Archdiocese must be prompt, compassionate, and comprehensive. Response to people harmed by abuse committed by clergy or other Church personnel will include an open process that welcomes and encourages all complainants to come forward, referral resources for competent mental health services, various additional support services, and pastoral care. The Archdiocese will also commission or conduct a thorough, fair, and objective investigation, attend to the well-being of the faith communities impacted by allegations of abuse, and oversee the assessment, treatment, and disposition of the accused/offender. All persons involved shall be treated in a manner consistent with the Gospel values of dignity, compassion, understanding, and justice.

In the past, those harmed by abuse and sexual misconduct by clergy have often experienced being victimized again—by an inappropriate response or lack of response from the Church and the parish community. The words, actions, and attitudes of Church officials and victim advocacy personnel profoundly affect the course of healing for those harmed by abuse and sexual misconduct and the re-establishment of their trust in the Church. Therefore, we must and will put the needs of the persons harmed by sexual abuse by clergy or other Church personnel first. The Archbishop will offer to meet with and listen to victims, their family, and the faith communities impacted by allegations of sexual abuse by clergy and other Church personnel.

The Archdiocese shall establish an independently incorporated, outreach and advocacy program<sup>8</sup> that is geographically separate from any Church-identified institution. The purpose of this program will be to serve those (including families and parishes) harmed by Church-related abuse. Advocacy professionals will staff the program. A board that includes experts in victim advocacy and victim needs and services will oversee the program. The victim outreach and advocacy program also will train advocates and make them available to work with and support those harmed by abuse committed by clergy and other Church personnel.

The program will help victims identify options, create solutions, and take actions to restore their mental, emotional, and spiritual health. The victim outreach and advocacy program will also be the resource for available updates and other information regarding the status of allegations made by those harmed by sexual abuse by clergy and other Church personnel. In addition, the victim outreach and advocacy program shall be a vehicle for addressing wrongs in the Archdiocese and preventing wrongdoing in the future.

#### **A. Outreach and Advocacy Services**

- 2.1 The Archdiocese shall establish a separate, independently incorporated program to serve those harmed by abuse committed by clergy and other Church personnel.<sup>9</sup> The program shall be staffed and managed by qualified professional lay staff with particular expertise in addressing the needs of persons harmed by abuse committed by clergy or other Church personnel. An independent board will oversee and review the program and staff and report their findings and recommendations to the Archdiocese. The board will meet at least quarterly and, at each meeting the Board will review the implementation of their recommendations. Board members will include experts in victim advocacy and those familiar with victim needs and services including those harmed by abuse committed by clergy and other Church personnel.

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<sup>8</sup> Victims of abuse committed by clergy and other Church personnel will consult and collaborate with the Archdiocese in selecting a name for the program.

<sup>9</sup> The protocols, structures, and guidelines for this program are addressed more fully in the victim advocacy program manual.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

The primary responsibility of the program is to identify and serve the needs of those harmed by abuse committed by clergy and other Church personnel. The program shall provide a support structure for people harmed by abuse. That support structure includes:

- a. Trained staff professionals who:
  - ? Receive, review, and respond to complaints and advocate on behalf of persons harmed by abuse by clergy or other Church personnel.
  - ? Develop, manage, and coordinate comprehensive services for persons harmed by sexual abuse by clergy or other Church personnel, including generating and maintaining a list of available resources for persons harmed by abuse by clergy or other Church personnel.
  - ? Train, maintain, and supervise victim advocates.<sup>10</sup>
  - ? Provide available information to victims regarding the status of the Church's response to allegations.
- b. Creating opportunities for all who have suffered abuse at the hands of clergy and other Church personnel to come forward, including, but not limited to, accepting anonymous reports, and providing opportunities for those living outside the Boston area to report at no cost to the complainant.
- c. A structure for identifying options to address the needs and concerns of those harmed by abuse by clergy and other Church personnel and making these options available to those who request services from the outreach and advocacy program.
- d. Collaborate with other entities involved in the investigation and resolution of allegations of abuse and sexual misconduct to create literature for distribution to those harmed by abuse by clergy and other Church personnel that outline the civil and Church processes for responding to and investigating complaints.
- e. Training for Archdiocesan staff to respond appropriately to calls reporting incidents, concerns, and allegations of abuse. Clergy, staff and volunteers must be trained to listen compassionately, respectfully, and without judgment, and to gather essential information, prepare intake report forms, and pass the reports on to DSS or the District Attorney and the appropriate Archdiocesan staff person.

2.2 Separate guidelines shall be established for handling:

- a. Allegations of current, ongoing abuse.
- b. Allegations of past abuse.
- c. Allegations of past abuse with concerns about present risks.
- d. Allegations of abuse in another diocese, a religious community/institute, or a Church-related organization.

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<sup>10</sup> Requirements for volunteer advocates are outlined specifically in the victim advocacy program manual and include rigorous screening procedures, a personal interview process, and completion of an intensive training program before an Advocate begins providing services to those harmed by abuse.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

- e. Incidents and concerns.
  - f. Complaints without merit.
  - g. Allegations against a member of a religious community/institute that is providing services in the Archdiocese.
- 2.3 The Archdiocese shall maintain a list of available competent trained professionals in the following disciplines as resources for complainants, faith communities, and those accused of abuse:
- a. Pastoral counseling
  - b. Psychotherapy
  - c. Medicine
  - d. Civil and canon law
  - e. Spiritual direction
  - f. Victim support groups
  - g. Treatment facilities

Criteria for therapists and counselors on the referral list of resources for sexual abuse victims shall include:

- a. At minimum of five years experience in treating sexual abuse victims.
- b. A minimum of 20 hours of continuing education within the last 24 months on the treatment of victims of sexual abuse or related issues.
- c. Access to supervision for client caseload.
- d. An advanced practice degree, e.g. psychology, psychiatry, psychiatric nursing, social work.
- e. A credible reputation in the field as noted by quality letters of reference.

**B. Independent Review Board**

- 2.4 The Archbishop shall establish an independent Review Board<sup>11</sup>. Board members will be selected based on their expertise and will serve a renewable five (5) year term. The Archbishop shall request names of potential Review Board Members from DSS and the Attorney General of the Commonwealth of Massachusetts.

The Archbishop shall, with the advice and counsel of the Cabinet, name the chairperson and appoint an administrative staff member to act as liaison to the Review Board.

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<sup>11</sup> See Section 6 below for additional responsibilities and duties of the Archdiocesan Review Board.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

All information gained by the Review Board shall be considered confidential and may only be disclosed to the parties involved, the Archbishop, and to others as required by civil and/or canon law. It shall notify the victim and the accused of its assessment of the complaint.

The Review Board shall establish rules and procedures for operation and shall:

- a. Report directly to the Archbishop or his designee.
- b. Consist of a minimum of nine members including:
  - Two members that are clergy or religious.
  - Seven lay members of integrity and good judgment who are not in the employ of the Archdiocese including:
    1. Three members from the professional community with knowledge and experience in the area of child abuse—such as a psychiatrist, a psychologist, a licensed social worker, and/or a psychiatric nurse. The membership should also include one attorney or other person experienced in law enforcement matters and/or abuse investigations.
    2. Three at-large members—including one abuse victim or a family member of a victim.

The Review Board shall review allegations of abuse and shall advise the Archdiocese as to the credibility of complaints of child sexual abuse. It shall examine and make recommendations regarding:

- a. Reports of abuse of children and adults in the Archdiocese.
- b. Actions taken in response to reports.
- c. The effectiveness of existing policies.

The Review Board shall also make recommendations to the Archbishop regarding:

- a. Revisions to policies and procedures at least every two years.
- b. Monitoring aftercare for offending clergy who are not laicized and clergy who were accused and are now returning to ministry in some capacity.

**C. Internal Investigations**

- 2.5 The Archdiocese will promptly and fairly investigate allegations of wrongdoing by employees, staff, and volunteers. The Archdiocese shall consult with the Attorney General and DSS to create a protocol for pursuing internal investigations that assures that investigations will be conducted in a manner that does not interfere with, obstruct, or jeopardize any ongoing investigation by civil authorities.
- 2.6 The Archdiocese will train qualified individuals to conduct effective investigations and will establish criteria for retaining third-party investigators in appropriate circumstances.
- 2.7 The Archdiocese shall conduct internal investigation in a timely manner with deliberate haste and move forward to a speedy resolution consistent with the established protocols. It shall be the intention of that Archdiocese that investigations be completed and resolution reached within a maximum of six (6) months of the allegation coming forward.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

- 2.8 Actions taken by the Archdiocese when an allegation is made are not necessarily an expression of judgment concerning the validity of the complaint or the credibility of the complainant. Actions are intended to indicate the serious nature of such cases and to respect the rights of all concerned.
- 2.9 Any person may secure legal representation to pursue claims. All complaints will receive prompt, respectful, and just treatment.
- 2.10 For purposes of Archdiocesan investigations, the standard by which evidence will be evaluated as “credible” are:
- a. Findings by a civil authority of supported allegations, or a determination of guilt or civil responsibility by a court of law.
  - b. A preponderance of the evidence suggests that abuse occurred.
  - c. Other conditions are present that create grave concerns about the well-being of children or other members of the community.
- 2.11 Retaliation or discrimination against a person who complains or who reports abuse is strictly prohibited and will not be tolerated.
- 2.12 Anonymous complaints will be reported to DSS or the appropriate District Attorney and will be investigated to the fullest extent possible. All complaints, including anonymous complaints will be recorded and maintained in confidential files. The records will be available for review if new accusations arise or new information becomes available.
- 2.13 Any variations from these guidelines will occur only after consultation with the Review Board. Actions that are inconsistent with these guidelines will be documented and will include a statement setting forth the circumstances requiring the variance and the action taken in place of those prescribed in these guidelines. Variances with the policies shall also be reported to the complainant and the accused.
- 2.14 Procedures established by the Congregation for the Doctrine of the Faith for reporting allegations and complaints against clergy will be strictly followed (See Sections 1.5 and 5).
- 2.15 When complainants bring legal action for damages due to the harm of abuse committed by clergy and other Church personnel, the Archdiocese will attempt to resolve these claims promptly and fairly while maintaining an attitude of respect for those bringing the complaints.
- 2.16 The Archdiocese will not bind any complainants 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.
- 2.17 Upon establishment of the provincial Appellate Board<sup>12</sup>, the Archdiocese shall seek advice from the province’s Appellate Board as needed. The Archdiocese shall advise the alleged victim and the accused of the availability of the appellate process and the procedures for initiating the

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<sup>12</sup>The United States Catholic Conference has proposed the establishment of an appellate system within the United States as an avenue of recourse for the resolution of disputes with the Church. If the Holy See approves the Norm, Section 2.14 would apply to future cases involving the Archdiocese. No. 6: *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Other Church Personnel*, approved by the USCCB on June 14, 2002, and submitted for recognitio by the Holy See.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

process. The Archbishop, an alleged victim, or the accused may request the Appellate Board's advice within 15 days of the time that the alleged victim or the accused received notification of the Review Board's assessment of the complaint. The Appellate Board will communicate its advice within sixty (60) days of receipt of the request.

- 2.18 In the event that the Archbishop and/or Review Board fail(s) to adhere to any provision of this Policy, a person who was directly aggrieved by the alleged failure of the Archbishop or the Review Board to follow the policies may bring forward an allegation through the appropriate court of justice of the Roman Curia.<sup>13</sup>

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<sup>13</sup> According to canon law, "recourse" is a term meaning that a person challenges an administrative act of a bishop (archbishop) or other "ordinary" such as a vicar general or, in this case, the Review Board as it has significant administrative authority in a given area. Recourse against the vicar or the Review Board is normally taken to the bishop or other person in the hierarchical chain of command. Recourse against a bishop (archbishop) can be taken only to his hierarchical superior in Rome. The aggrieved person technically has the right to bring a complaint. However, if the complaint is pursued through a penal process, the plaintiff becomes the promoter of justice (a kind of church DA) and while the aggrieved person can assist in the prosecution of the case he or she has limited standing in court.

## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

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#### **Section 3: Support for Persons Harmed by Abuse and Sexual Misconduct by Clergy and Other Church Personnel—Complainants, Families, and Faith Communities**

The relationship between the Church and its members is sacred. The Church will honor that connection by providing compassion, healing, and justice for everyone affected by sexual misconduct and child abuse committed by clergy or other Church personnel. The Archdiocese will respond fairly, compassionately, and in a timely manner to those harmed by abuse by clergy or other Church personnel, intervene effectively in abusive situations, and promote safe, healthy communities of faith.

The Archdiocese makes services available to persons directly harmed by sexual misconduct of all types and to “secondary victims” of abuse. “Secondary victims” include spouses, parents, significant others, other family members, friends, and faith communities who are close to and affected by the abuse. Persons harmed by sexual misconduct or child sexual abuse committed by clergy or other Church personnel may access services provided through referral to competent professionals or through available Archdiocesan services.

The Archdiocese offers pastoral and spiritual support to complainants, their families, and the faith community and provides resources, referrals, and financial support for professional mental health services. This support is a manifestation of the Archdiocese’s commitment to address the pain and harm that results when clergy and other Church personnel sexually abuse children.

The nature and duration of Archdiocesan financial support for mental health services shall be determined in consultation with a team of mental health professionals. The professional oversight team shall include a minimum of three (3) independent, qualified, mental health professionals with expertise in clergy sexual abuse cases, or related areas. The team shall provide oversight and consultation to outreach and advocacy services.

#### **A. Persons Directly Harmed by Sexual Abuse**

3.1 The Archdiocese will:

- a. Be respectful of all persons bringing a complaint.
- b. Provide an advocate/advisor upon request.
- c. Help those harmed by sexual abuse committed by clergy or other Church personnel to obtain counseling support.
- d. Provide information about support groups.
- e. Help all involved obtain spiritual direction.
- f. Help bring concerns to the proper civil and Church officials.
- g. Help bring complaints and concerns to Church officials outside the Archdiocese as appropriate.

3.2 The Archdiocese will give the complainant as much information as possible about:

- a. Results of the Archdiocesan investigation.
- b. Restrictions and limitations on ministry imposed on the accused.
- c. Supervision, counseling, or treatment recommendations for the accused.

## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

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- d. Any other appropriate or necessary information that does not violate the accused party's right to privacy or other legal rights.
- 3.3 While reconciliation remains desirable as a part of the healing process for persons harmed by sexual abuse committed by clergy or other Church personnel, the Archdiocese will not attempt reconciliation between the offender and the victim unless or until the victim makes a request. Any involvement in non-authorized reconciliation efforts by Archdiocesan staff or agents will be considered a violation of these policies.

#### **B. Secondary Victims (Family, Friends, and Significant Others)**

- 3.4 Families and others harmed by abuse committed by clergy or other Church personnel require the same consideration, compassion, and sensitivity in the healing process as the person directly harmed by the sexual misconduct. Spouses, parents, other immediate family members, and significant others may request support services from the Archdiocese at any time during the healing process. Support for secondary victims may include:
- a. Pastoral counseling.
  - b. Referral for mental health or psychosocial services.
  - c. An advocate to provide support through the process.
  - d. Other identified special needs—upon request.

#### **C. Faith Communities**

- 3.5 Parishes, organizations, and religious communities/institutes are also harmed when clergy or other Church personnel abuse a child. The Archdiocese is guided by the following principles in its response to affected communities:
- a. Faith communities and organizations and institutions undergo a complex process of grieving when they learn a trusted and respected leader has been accused of child sexual abuse.
  - b. A critical element in healing is providing truthful, clear, and accurate information regarding the facts of the allegations and investigations.
  - c. Communication may be limited by the concern for privacy of the victim and the victim's family and the need to protect the rights of the accused, particularly when criminal charges are pending.
  - d. The healing of a parish, organization, or religious community/institute is a multidisciplinary challenge requiring expertise from professionals from various fields.
  - e. An official voice of the Archdiocese must speak directly to the community.

The healing process for communities may include any or all of the following elements:

- a. A meeting between Archdiocesan officials and the entire faith community.
- b. An opportunity for those in the community to express their thoughts, opinions, feelings, and fears in a confidential and safe environment.



**Commission for the Protection of Children**

**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

- c. Accurate information about abuse, the nature of healing, and the pending legal process.
- d. An inquiry into the next steps in the community's healing process.
- e. Working with a group of local parishioners to facilitate the ongoing process of healing.
- f. Dealing with possible recriminations or retaliation against complainants and their families.

# Commission for the Protection of Children Archdiocese of Boston

## *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

---

### **Section 4: The Foundation for Prevention**

Preventing abuse before it occurs is the ultimate objective of the Archdiocese. Prevention requires a long-term commitment to alter the way the Church has dealt with the issue of abuse in the past, and, in particular, how the Church has dealt with child sexual abuse by clergy. Prevention of abuse involves raising awareness of the nature of abuse and its prevalence in all segments of society, training adults to recognize the symptoms of child sexual abuse, and teaching them how to intervene when children are at risk.

Parents can have a profound effect on the education and awareness of children and the community. The Church, in collaboration with dedicated parents, can become the foundation for a society where there is no longer a risk of children being abused, where those who have been victimized can find the resources and courage to heal, and where all people live together in loving, supportive relationships.

The Archdiocese's commitment to preventing child abuse and sexual misconduct includes utilizing school and religious education programs to educate children and parents about inappropriate touching and establishing appropriate ecclesiastical boundaries. The Church can implement programs that teach children basic personal safety skills and provide an atmosphere of open communication allowing children and parents the freedom to comfortably discuss any subject.

It shall be the policy of the Archdiocese to educate clergy, staff, volunteers, parents, and other adults annually about the nature of the problem, warning signs and symptoms of abuse, and appropriate responsive actions. The Archdiocese will use qualified, knowledgeable professionals to conduct training on abuse and sexual misconduct issues. The Archdiocese shall consult with DSS and the Attorney General in the development of relevant educational materials. All such training will include an evaluation and quality assurance component.

#### 4.1 Educating Priests, Deacons, and Religious

Priests, permanent deacons, and religious educated in and by the Archdiocese shall be required to attend annual training sessions that include the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of abuse and child sexual abuse.<sup>14</sup>
- c. Signs and symptoms of child abuse and child sexual abuse in children and youth.
- d. Policies and procedures for prevention of abuse by clergy and other Church personnel.
- e. Policies and procedures for prevention of abuse on any Church-owned property and at Church-sponsored events and activities.
- f. Policies and procedures for reporting allegations of abuse.
- g. Types of disclosures by children and how to respond appropriately.
- h. Ongoing education in the integration of issues about human sexuality into the ideal of chaste and celibate service to others<sup>15</sup>

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<sup>14</sup> "Sexual abuse" is defined in footnote 1 and in the Glossary of Terms at Appendix A.

<sup>15</sup> The Archdiocese will cooperate fully with Apostolic Visitation of seminaries and religious houses of formation and provide all necessary information regarding human formation for celibate chastity.

**Commission for the Protection of Children**

**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

- i. Wise and humane self-care for ministers, including, but not limited to:
  - (i) Scheduling and taking adequate personal time for family, hobbies, recreational activities, and friends.
  - (ii) Making time for prayer, spiritual direction, an annual retreat or other spiritually nourishing activity.
  - (iii) Delegating authority effectively and accepting assistance.
  - (iv) Avoiding overwork, exhaustion, and excess stress.
  - (v) Working with the parish to create mutually beneficial support teams.

4.2 Educating staff and volunteers

Every employee of the Archdiocese and its local parishes and every Archdiocesan or parish volunteer shall be required to attend scheduled training sessions that include, but are not limited to, the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of abuse and child sexual abuse.
- c. Signs and symptoms of abuse and sexual abuse in children and youth.
- d. Policies and procedures for prevention of abuse by clergy and other Church personnel.
- e. Policies and procedures for prevention of abuse on any Church-owned property and at Church-sponsored events and activities.
- f. Policies and procedures for reporting allegations of abuse.
- g. Types of disclosures by children and how to respond.

Deadline for completing training:

- a. Before assuming duties: New staff and volunteers who will work with or have direct contact with children.
- b. Within 30 days of assuming duties: Staff and volunteers who do not work directly with or have regular contact with children and youth.

Availability of training: Training shall be available at both the local and Archdiocesan level. New staff and volunteers must:

- a. Attend a regular scheduled training session in the parish or Archdiocese.
- b. Arrange for individual training if no training is available in the area.
- c. In certain circumstances, complete training through online, web-based coursework.
- d. All staff and volunteers shall receive annual training updates.

## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

---

#### 4.3 Educating Parents and Other Adults

Each parish shall provide an annual opportunity for parents and other adults to attend an onsite instructor-led training session and/or to receive training via a web-based training or awareness course. The material provided shall include, but is not limited to, the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of abuse and sexual abuse with children.
- c. Signs and symptoms of abuse in children and youth.
- d. Policies and procedures for prevention of abuse by clergy and other Church personnel.
- e. Policies and procedures for prevention of abuse on any Church-owned property and at Church-sponsored events and activities.
- f. Policies and procedures for reporting allegations of abuse.
- g. Types of disclosures by children and how to respond.
- h. Parent education that encourages dialogue between parents and children regarding a child's personal safety.
- i. Educating parents on strategies for protecting children from potential abuse.

#### 4.4 Educating children and young people

The goal of prevention education is to protect children and young people ages Pre-K through high school. The Archdiocese shall mandate school-based and religious education curricula that teach children and young people basic personal safety skills that help keep them safe from dangerous and/or abusive situations. The programs will cover:

- a. Safety issues including rules about appropriate and inappropriate forms of physical contact and other interpersonal boundary violations.<sup>16</sup>
- b. Steps to take to deal with inappropriate contact.

An outline of yearly implementation of prevention programming for children and young people shall be included in the Annual Parish Plan. The Parish Child Abuse Prevention Team shall ensure that the prevention curricula for children and youth are implemented annually.

#### 4.5 Evaluation and Assessment

Evaluation and assessment are critical to the goals of prevention of abuse and sexual misconduct. An evaluation process will confirm or deny whether the education goals have been met. The evaluation will include a thorough and multi-faceted process for gathering feedback from participants, trainers,

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<sup>16</sup> The Archdiocese will train teachers, counselors, and school nurses to implement *Talking About Touching* in grades K through 4 in all Catholic schools and parish religious education programs in 2003. A lending library of appropriate prevention curricula for grades 5 through 12 will be developed and maintained in a central location under the management of the office of the Archdiocesan Secretary of Education. Education Committee Report - Appendix F.

**Commission for the Protection of Children**

**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

and independent consultants. This feedback will allow for continuous improvement of the program and timely modifications to enhance effectiveness of the education program as it is implemented.

# Commission for the Protection of Children

## Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

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#### **Section 5: Response to Clergy Accused of Sexual Abuse**

**No bishop, priest, permanent or transitional deacon, or religious<sup>17</sup> who engages in sexual activities with a minor shall be allowed to return to any ministry. THERE SHALL BE NO EXCEPTIONS TO THIS POLICY. A credible complaint<sup>18</sup> against clergy will result in the immediate administrative removal from all ministry duties (See Section 5.5 and accompanying footnote).**

The Church is pastorally responsible for clergy unless and until they are laicized. While its first priority is to protect children in the community and to cooperate with civil authorities, the Archdiocese is committed to providing pastoral support and addressing the legitimate mental health needs of clergy who engage in or appear to have engaged in child sexual abuse. Proper care may include engaging qualified experts to provide:

- Extensive assessment of the accused.
- Supervision, counseling, and/or treatment for the accused.

The Church knows the abundance of God's mercy and recognizes the need for forgiveness through sacramental reconciliation. The offender will have every opportunity for conversation of the heart and forgiveness. However, there are consequences for wrongful acts and the Church must take certain measures to preserve the safety of children.

#### **A. Notice to the Accused**

- 5.1 A team consisting of the Archbishop or his designee, a notary, and a pastoral counselor designated by the Archbishop to provide pastoral counseling<sup>19</sup> to the accused will meet with the accused within 48 hours of receipt of notice of the complaint. The notary, who must be a priest (c. 483, §2), is to be present at all meetings with the accused and, for validity, at the judicial depositions of witnesses (c. 1569).
- 5.2 At the initial meeting the accused will not be interviewed or asked to make a response to the complaint. During the meeting Church representatives will:
  - a. Advise the accused of the nature of the allegations against him and his rights and responsibilities.
  - b. Encourage the accused to retain civil and canonical counsel and advise him of the Archdiocese's policy regarding payment for legal services.
  - c. Provide the accused with a list of available canonists.
  - d. Inform the accused that all information gathered in interviews and during the investigation may be used against him in civil and/or canonical proceedings.
  - e. Advise the accused that he will have an opportunity to respond to the allegations.
  - f. Request that the accused read and sign a "Rights and Obligations of the Accused" form (See Appendix E).

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<sup>17</sup> The Archdiocese will work with the religious community/institute of any accused religious to determine the validity of complaints and make determinations about future assignments.

<sup>18</sup> A "credible complaint" is an allegation of wrongdoing that is plausible—one that appears to merit belief or acceptance.

<sup>19</sup> "Pastoral counseling" is spiritual guidance through counseling or emotional or psychological support and requires specialized training. Appropriately trained pastoral advocates may also provide pastoral counseling.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

- g. Inform the accused that he is on administrative leave and inform him of the specific constraints this imposes on him (c. 1722).<sup>20</sup> Administrative leave will be planned and imposed according to canon 1722. The length of time for leave will be specified along with living arrangements, location, financial support, treatment, conduct, and aftercare, where applicable. The accused will be advised that at the end of the imposed time limit, Church officials will reevaluate the need for and terms of administrative leave.
  - h. Instruct the accused not to contact the complainant or any of the possible witnesses, and advise the accused that any attempt to personally contact the complainant or potential witnesses in the case will subject him to further disciplinary action.
- 5.3 Pastoral and psychosocial support will be provided to any cleric. The Archdiocese will refer clergy accused of, or engaging in, sexual misconduct to appropriate, competent assessment, evaluation, counseling, therapy or treatment. The team will provide relevant information to the therapist. The Archdiocese will carefully monitor treatment of accused clergy without compromising the integrity or confidentiality of the patient/therapist relationship. No cleric may be forced into receiving psychiatric treatment and/or evaluation (c. 220). No records of mental health services may be used against the cleric in a canonical trial.
- 5.4 After an allegation is made, no bishop or priest involved in the investigation may hear the sacramental confession of the accused, including potential witnesses, confidants, or others who may have relevant information regarding the allegations or the accused.

**B. Internal Investigations**

- 5.5 The Archdiocese will conduct a thorough, fair, and objective internal investigation of all allegations of sexual misconduct by clergy. The investigation will be conducted according to the requirements of canon law and in a manner that does not interfere with or obstruct any ongoing investigation by civil authorities.
- 5.6 The Archdiocese will inform the accused of the result of its investigation and provide him with an opportunity to respond. The accused will also receive copies of evaluations and assessments.
- 5.7 An acquittal in a criminal proceeding or decision not to prosecute by civil authorities will not terminate the Archdiocese's investigation or its right to take all necessary actions to protect children.
- 5.8 Throughout the investigation, the Priest Delegate or his designee shall monitor compliance with all restrictions on the accused's ministry and other limitations imposed on the accused by the Archbishop or other appropriate supervisory personnel. Failure to comply with the established restrictions or guidelines will subject the accused to further disciplinary action.

**C. Services to Accused Clergy**

- 5.9 The Secretary for Ministerial Personnel will support and assist any priest on administrative leave with finding housing and other pastoral support. The Archdiocese shall be responsible for his financial support pending a permanent resolution of the matter.

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<sup>20</sup> "Administrative leave" restricts the accused's right to exercise ecclesiastical office (performing acts on behalf of the Church or Christ) or participate publicly in the celebration of the Eucharist. In addition, the accused may be asked to move to a new residence during the leave. Administrative leave is intended to protect the faith community from further disruption, and restrict the accused's access to witnesses, etc. It is imposed for a specific time by Administrative Decree.

**Commission for the Protection of Children**

**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

5.10 The Archbishop or his designee may refer accused clergy for assessment, evaluation, counseling, and/or treatment. If the accused cleric chooses not to cooperate, the Archbishop will be notified about the lack of cooperation. The Archbishop or his designee shall make all decisions regarding the non-cooperating accused's ministry and ministerial status without input from the accused.

5.11 The Archdiocese recognizes that if a permanent deacon is accused of sexual misconduct, his spouse and/or children will face enormous strain. The Archdiocese is committed to the emotional, psychosocial, and spiritual support of the deacon's spouse, children, and other family members.

**D. Restitution**

5.12 When allegations are substantiated, the Archdiocese may seek restitution from the offender for the services provided to persons harmed by abuse by clergy. The offender may be held responsible for the costs of therapy and for all other expenses incurred by the Archdiocese including but not limited to attorneys fees, court costs, and judgments.

**E. Legal Fees for Accused Clergy**

5.13 The accused is advised to retain civil and canonical counsel independent from the Archdiocese.

5.14 Cost of legal defense shall be borne by the accused. The Archdiocese shall reimburse him for reasonable legal fees if he is found to be innocent of the allegations and there is a determination that the accused complied with applicable policies.



## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

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#### **Section 6: Response to Unsupported Allegations**

From time to time, an investigation of allegations will determine that the accusations are unsupported and that there are no remaining concerns; in some other cases there will be no credible evidence to prove or disprove allegations. Both of these types of claims have a profound impact on the accused and the complainant and can leave the faith community uncertain and fearful.

**When allegations are unsupported and there are no remaining concerns**, the Archdiocese will work closely with the accused, the complainant, and the faith community to restore trust and recreate the pastoral and ministerial relationships. Particular attention will be given to the thoughts, feelings, fears, and concerns of the accused. The Archdiocese will provide a supportive environment and counseling or therapy to the accused to help manage the effects of the unsupported accusations where there are no remaining concerns. The Archdiocese, through the Review Board, will work with the accused to restore his or her good name and reputation and create a workable plan for the future. The Archdiocese will inform the faith community of the investigative process and the results of the investigation.

**When allegations are unsupported but concerns about the future safety and well-being of children still exist**, the Archdiocese will exercise extreme caution in reassigning the accused in order to protect the accused, the complainant, and the faith community from further risk of harm. The Archbishop will consult the Review Board regarding future ministry, staff, or volunteer assignments for the accused and will establish safeguards that protect children from harm.

**NOTE:** The Archdiocese will advise the complainant, and his or her therapist if appropriate when a claim is determined to be unsupported. Outreach and advocacy will not necessarily terminate services or support to a complainant based on a determination that the claim was unsupported.

#### **A. Unsupported Allegations – No Remaining Concerns**

- 6.1 In addition to the duties set forth in Section 2.4, the Review Board shall determine the fitness for ministry and assist with decisions regarding reassignment of clergy or other Church personnel suspended from ministry, employment, or volunteer duties during an investigation of accusations of abuse that are ultimately determined to be unsupported and that leave no remaining concerns. The Review Board shall:
  - a. Have access to all information in the possession of the Archdiocese, including the reports of the Priest Delegate or his designee (for the accused clergy) or the human resource supervisor (for the accused staff or volunteer), provided that all necessary releases have been secured.
  - b. Review and make recommendations regarding the successful return to ministry of any cleric whose ministry was restricted due to unsupported allegations of misconduct which were unsupported or about which there are no remaining concerns, and the return to work or volunteer duties of any non-clergy personnel in similar circumstances.
  - c. Review and make recommendations regarding the continuation in pastoral ministry, counseling, or other support services of the person subjected to such unsupported accusations.
  - d. At least every two years, review and recommend changes to diocesan policies regarding assignment and reassignment of clergy, staff, and volunteers accused of child sexual abuse.
- 6.2 The Archdiocese recognizes that the trauma of being subjected to accusations when there is a determination that the complaint is unsupported and there are no remaining concerns can do irreparable harm to the accused's ability to be effective in ministry. However, no person accused of

## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

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abuse or sexual misconduct should suffer any adverse consequences or have his or her future ministry opportunities compromised as a result of an unsupported accusation with no remaining concerns upon completion of an investigation. Therefore, when making decisions about the reassignment of clergy who are the subject of such unsupported allegations, the Archbishop will consider the following factors:

- a. The completed investigation report.
  - b. The assessment of the Review Board and Delegate.
  - c. The spiritual, emotional, and psychological well-being of the accused.
  - d. The judgment, recommendation, and advice of trained mental health professionals.
  - e. The well-being of the faith community and of all those ministered to by the Church or religious community/institute.
  - f. The ability of the cleric to provide effective ministry in light of the circumstances.
  - g. The best interests of the Archdiocese and all its people.
- 6.3 The Priest Delegate or his designee will serve as a link between the Archdiocese and an accused priest or permanent deacon returning to ministry after a determination that there are no remaining concerns. The Delegate or his designee shall provide pastoral support for the priest or permanent deacon to ensure that the accused's ability to minister effectively in the wake of such unsupported accusations is fully restored.
- 6.4 When it is determined that the complaint is unsupported and there are no remaining concerns, the human resource supervisor responsible for staff or volunteers who are accused of abuse shall provide continuing moral support to the individuals as they return to work or provide volunteer services. The Archdiocese will provide necessary mental health services to assist those wrongly accused in dealing with the consequences of the accusations and to be restored to power and effectiveness in their job duties and volunteer services.

#### **B. Unsupported Allegations – With Remaining Concerns**

- 6.5 The Review Board shall make recommendations regarding the fitness for ministry of any cleric whose ministry was restricted due to unsupported accusations of sexual misconduct which were unsupported but about which there are remaining concerns about the safety of children, or the fitness for work or volunteer duties of the non-clergy personnel who are the subject of unsupported allegations that leave remaining concerns about the well-being of children.
- 6.6 Unsupported allegations about which there are unresolved concerns 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 veracity of the complaint or if the investigation establishes a pattern of repetitive problematic behavior, the Archbishop will consider the following factors in making decisions about reassignments of the accused:
- a. The completed investigation report.
  - b. The recommendation of the Review Board and Delegate.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

- c. The outcome of proceedings in a civil or criminal court case and/or the findings in a DSS investigation.
  - d. The judgment, recommendation, and advice of trained mental health professionals.
  - e. The spiritual, emotional, and psychological well-being of the accused.
  - f. The well-being of the faith community and of all those ministered to by the Archdiocese.
  - g. The concerns of complainants and their families.
  - h. The ability of the Archdiocese to assure the safety of the community or organization to be served.
  - i. The ability of the cleric to provide effective ministry in light of the circumstances.
  - j. The best interests of the Archdiocese and its people.
  - k. The stewardship of the Archdiocese's financial resources.
- 6.7 If the Review Board recommends that, as a result of unsupported allegations, a priest, transitional deacon, or permanent deacon be denied the opportunity to return to ministry and the Archbishop agrees, the Archbishop may consider the following options:
- a. Application for dismissal from the clerical state through laicization.
  - b. In some cases (e.g., for reasons of infirmity or advanced age), the priest may be confined to a life of prayer and penance
- In addition, the cleric may be offered an opportunity for job training or, when appropriate, he may apply for permanent disability.
- 6.8 If the Review Board recommends that, as a result of unsupported allegations, a priest or permanent deacon be confined to restricted ministry, live in a supervised setting, resign from ministry, or apply for laicization, the Archdiocese may pursue all available courses of action permitted by the Code of Canon Law.
- 6.9 If it is recommended, as a result of unsupported allegations, that the priest or permanent deacon be counseled out of the ministry, and he refuses, canonical procedures for removal from office may be initiated and followed in keeping with the Code of Canon Law.
- 6.10 **Under no circumstances will an offender be allowed “to celebrate Mass publicly, wear clerical garb, or present himself publicly as a priest or permanent deacon.”<sup>21</sup>**
- 6.11 The Review Board may, as a result of unsupported allegations, recommend that a staff member or volunteer be transferred to another position or to a different volunteer assignment. The Archdiocese and the accused's human resource supervisor shall take all necessary steps to assure the safety of children and all others when reassigning accused staff and volunteers.

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<sup>21</sup> Article 5, *Charter for the Protection of Children and Young People*, United States Conference of Catholic Bishops, June 13, 2002. Appendix C.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

**Section 7: Aftercare and Supervision**

- 7.1 The Review Board shall create a structure for monitoring aftercare of priests removed from ministry or priests with restricted ministry assignments as a result of unsupported allegations about which there are remaining concerns.
- 7.2 Monitoring shall include regular reports to the Review Board for as long as the individual is under the auspices of the Archdiocese indicating the following:
  - a. Any changes in the cleric's living situation.
  - b. Any changes in work situations including, but not limited to a change in the cleric's direct supervisor.
  - c. Compliance or non-compliance with the terms of the agreements with the Archdiocese.
  - d. Any new information with regard to previous allegations.
  - e. Any new complaints or allegations.
- 7.3 The Archdiocese shall maintain a current master list of all clergy, staff, and volunteers who are:<sup>22</sup>
  - a. Participating in aftercare.
  - b. Subject to allegations.
  - c. Operating under an agreement that restricts ministry.
  - d. Removed from ministry but not laicized.
  - e. Laicized through a voluntary or penal process.
- 7.4 The Review Board shall conduct periodic risk assessments of all priests under its supervision and shall adjust assignment conditions, living situations, treatment options, and supervision structures as needed.

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<sup>22</sup> The Cardinal's Commission for the Protection of Children shall make a further recommendation to the United States Conference of Catholic Bishops that a National Registry be established to maintain a list of all laicized clergy, all religious, and all staff or volunteers who were removed from ministry as a result of substantiated allegations of abuse or sexual misconduct.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

**Section 8: Screening and Selection—Clergy, Staff, and Volunteers**

Screening and selection of clergy, staff, and volunteers is an important step in the process of assuring a safe worship environment for the faith community. The Archdiocese, its parishes and other organizations and agencies shall strictly comply with policies and procedures for hiring staff or selecting volunteers, and shall complete all elements of the screening and selection process before the staff person begins work. Failure to take the necessary precautions can result in risks to children.

Applicants for staff and volunteer positions must provide references and be willing to submit to a thorough criminal background check, including fingerprinting, as a part of the screening process. The Archdiocese requires full disclosure from all applicants.

**A. Clergy and Religious**

- 8.1 All applicants to the priesthood and/or permanent diaconate are required to participate in psychological screening and background checks to assess their fitness for the ministry and their fitness to work with minors.
- 8.2 Clerics seeking incardination, and priests or religious seeking ministry or residency in the Archdiocese must demonstrate their fitness to work with minors.
  - a. Superiors of religious communities/institutes proposing names of individuals for ministry or residency in a Church institution are required to state in writing that there is nothing in the person's history or behavior that would make him or her unsuitable to work with minors.
  - b. Pastors, parochial vicars, administrators, or directors of Church institutions may not grant permission for full-time, part-time, or regular weekend ministry to an external priest or permanent deacon without prior written approval of the Archbishop or his designee.
- 8.3 No religious or non-incardinated priest or permanent deacon known to have abused a minor will be accepted for ministry in the Archdiocese. The Archdiocese will immediately terminate the services of any incardinated clergy or religious if it discovers evidence of previous child abuse by the person.
- 8.4 Accountability of a permanent deacon's or priest's performance after ordination should include periodic review by the lay community he serves (e.g., parish, school, hospital, or other institution).
- 8.5 Before any priest or permanent deacon of the Archdiocese transfers to or takes up residence in another diocese for any purpose, the Archbishop shall forward an accurate and complete description of the clergy's record to the ordinary/hierarch in the new location. The description shall include any information in the transferee's background indicating that he could be a danger to children or young people. This applies to all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.

**B. Staff and Volunteers**

- 8.6 The basic screening program for all staff and volunteers shall include:
  - a. A completed employment/volunteer application (No missing relevant information).
  - b. A completed screening information form.
  - c. A personal interview with the applicant.

## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

---

- d. A Criminal Offender Record Information (CORI) background check.
  - e. A fingerprint check.
  - f. Reference checks.
- 8.7 The Archdiocese shall screen potential staff members and shall conduct background checks, including but not limited to criminal background checks, of potential staff members prior to extending an offer of employment. Applicants who refuse to grant permission for the background checks and inquiries will not be considered for any staff position in the Archdiocese or its parishes, organizations, or institutions.
- 8.8 All employees and all volunteers who work with or have regular contact with children shall be screened for their fitness to work with minors. This will include but not be limited to criminal background checks. The Archdiocese will specifically ask applicants and their references about any inappropriate physical and/or sexual contact with children. Applicants who refuse to grant permission for the background checks and inquiries will not be considered for any position in the Archdiocese or its parishes, organizations, or institutions.
- 8.9 No individual who has abused a minor will be employed or engaged as a volunteer for the Archdiocese. The Archdiocese will immediately terminate any staff member or volunteer if it discovers credible evidence of previous child sexual abuse by the person.
- C. Code of Pastoral Conduct**
- 8.10 The Archdiocese will adopt a Code of Pastoral Conduct for clergy, staff, and volunteers. The Code of Conduct will establish guidelines for appropriate interactions between Church personnel and those that they serve and will establish disciplinary consequences for violations of the Code.
- D. Continuous Screening**
- 8.11 The Archdiocese will conduct CORI checks on all clergy, staff, and volunteers working in the Archdiocese at the time of the adoption of these policies.
- 8.12 The Archdiocese will conduct annual CORI checks on all clergy and staff, and all volunteers working with children and youth under the age of 18.

## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

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#### **Section 9: Specific Canon Law Considerations**

Canon law applies to the clergy and laity, especially to religious and those persons holding ecclesiastical offices. The right to canonical due process belongs to all the faithful. In particular, when the accused is a cleric, the Church must comply with the universal laws of the Catholic Church and the particular law of the United States Catholic Conference. It must also conform to the procedures established by the Congregation for the Doctrine of the Faith.

Canon law requires that the Archbishop conduct an independent investigation of allegations against a cleric in accordance with the norms of canon law. The Church's investigation is in addition to any civil investigation. The Archbishop will appoint the most objective and independent clergy to conduct the investigation on his behalf. Those selected to conduct such investigations should disclose to the Archbishop and in the written investigation report, all prior involvements or contacts with parties involved in the allegation or incident— involvements or contacts that might give the appearance of a conflict of interest.

In both civil and canon law, a person is presumed innocent until proven guilty. The presumption of innocence does not preclude the Archdiocese from taking prudent action in response to complaints before an investigation is complete.

- 9.1 The Archdiocese will follow mandated reporting procedures adopted by the Congregation for the Doctrine of the Faith for reporting allegations and complaints of sexual abuse committed by clergy.
- 9.2 The Archdiocese will act in accordance with canon law when making decisions about the accused's ministry and during all investigations of allegations against clergy. Canon law shall govern all aspects of the Church's response to allegations of sexual abuse committed by clergy. This shall, in no event, preempt the procedures outlined in this document.
- 9.3 The Office of the Delegate shall retain all records and other materials related to the matter as required in Sections 1.8 and canon 1719.

## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

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#### **Section 10: Internal Response to Other Church Personnel Accused of Child Abuse or Sexual Activities with a Minor**

**Staff members or volunteers who engage in abusive or sexual activities with a minor shall not be allowed to work for the Church in any capacity or to participate in ministry. THERE SHALL BE NO EXCEPTIONS TO THIS POLICY. A credible complaint<sup>23</sup> against a member of the staff or a volunteer will result in the person being placed on administrative leave and/or prohibited from performing any Church-related duties pending investigation of the allegations.**

- 10.1 The Office of the Delegate or the Outreach and Advocacy program reports the allegations to the Human Resource supervisor for the accused staff or volunteer. The Human Resource supervisor notifies the accused within 48 hours and schedules an appointment to meet with the accused.
- 10.2 The Human Resource supervisor and a representative from the Office of the Delegate or the Outreach and Advocacy office, or their designee, meet with the accused and advise him or her:
  - a. That the Archdiocese has received a credible complaint.
  - b. Of the rights and obligations of the accused.
  - c. That any information gathered during the interview and investigation may be used against the accused in civil or criminal proceedings.
  - d. That the accused must sign the “Rights and Obligations of the Accused” form at the initial meeting.
- 10.3 The accused may bring legal counsel to the meeting.
- 10.4 After an allegation is made, no bishop or priest involved in the investigation may hear the sacramental confession of the accused.
- 10.5 The Archdiocese is aware of the profound impact an accusation of sexual misconduct has on the lives of people who are falsely accused. The Archdiocese is committed to providing pastoral, emotional, and psychological support to staff and volunteers who are wrongly accused. In order to assure the well-being of everyone, staff and volunteers who are falsely accused of sexual misconduct are encouraged to participate in pastoral and psychological counseling.

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<sup>23</sup> A “credible complaint” is an allegation of wrongdoing that is plausible—one that appears to merit belief or acceptance, which includes, but is not limited to the filing of a 51A.



**Commission for the Protection of Children**  
**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

---

**Section 11: Employment and Volunteer References**

The Archdiocese, upon request from a potential future employer or volunteer service organization, shall disclose relevant information regarding former clergy, staff, or volunteers who sexually abused children while working for or volunteering for the Church. Relevant information that will be provided to potential employers or prospective volunteer service organizations includes the number of substantiated allegations against the individual, the ages and genders of victims, the types of offences, and all disciplinary and other punitive actions taken by civil or Church authorities as a result of the investigation of the allegations.

If any priest or permanent deacon of the Archdiocese seeks to transfer to or take up residence in another diocese for any purpose, the Archbishop shall forward an accurate and complete description of the clergy's record to the ordinary/hierarch in the new location. The description shall include any information in the transferee's background indicating that he could be a danger to children or young people. This applies to all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.

**Commission for the Protection of Children**

**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

**Section 12: Disciplinary Action**

- 12.1 Failure to comply with these policies will result in disciplinary action. Certain events may require immediate disciplinary action, including temporary relief from clerical, staff, volunteer, or ministry duties, imposition of administrative leave, or dismissal. Decisions about the appropriateness of immediate dismissal are at the sole discretion of Archbishop or his designee in the case of clergy misconduct, and at the sole discretion of the relevant Human Resource supervisor in the case of misconduct by other staff or volunteers.
- 12.2 Usual and customary disciplinary action shall include the following steps:
- a. Oral Warning: An oral warning is delivered to the clergy, staff or volunteer stating the specific issue and the time frame for correction. Documentation of the oral warning shall be maintained in the personnel file.
  - b. Written Warning: If correction is not made after the oral warning, a written warning is delivered to the clergy, the staff person, or the volunteer. Written disciplinary warnings must include the specific deficiency, suggestions for correction, and a time frame for improvement and corrective measures. The clergy, staff, or volunteer shall receive a copy of the written warning and a copy is placed in the personnel file.
  - c. Temporary relief from staff, volunteer, or ministry duties: If sufficient improvement does not occur within the specified time frame, or a problem arises that warrants immediate attention, further disciplinary action in the form of reduction in pay or temporary relief without pay from staff, volunteer, or ministry duties may be imposed. These actions require authorization from the Archbishop, the Pastor, the Director of Human Resources, and/or the Administrator of the Church facility.
  - d. Dismissal: If the employee does not sufficiently improve, dismissal will be recommended to the Archbishop, Pastor, or Administrator. The cleric may be placed on Administrative Leave.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

**Section 13: Implementation, Review, and Revision**

- 13.1 The Archdiocese shall name a qualified individual to oversee and direct the implementation of all aspects of these policies. The director on implementation efforts shall be a cabinet level position with full authority to implement the programs and procedures called for in these policies.
- 13.2 The Archbishop will establish a specialized, five (5) to ten (10) member advisory committee<sup>24</sup> to oversee implementation of these policies for a minimum of three (3) years. The advisory committees shall prepare quarterly status reports for the Archbishop. The Archdiocese shall publish regular updates on the status of implementation to the Archdiocese and the people of Boston. The Archdiocese shall actively seek input and counsel from community service organizations, the Attorney General and DSS and shall make an annual request for their comments on the implementation status. The published update shall include an examination of the proposed schedule for implementation and the progress in each area.
- 13.3 These policies will be reviewed and revised at least every three (3) years by a team of experts including a lawyer, a canon lawyer, a psychiatrist, a social worker, a nurse, or psychologist with expertise in child sexual abuse issues, a victim's advocate, a victim or member of a victim's family, a cleric, any other necessary consultants, and a representative of the Archbishop. The Archbishop shall seek consultation from the Attorney General and DSS when considering revisions to the policy.
- 13.4 Recommendations for revisions shall be presented to the Archbishop.
- 13.5 Revisions to these policies shall be forwarded to the United States Catholic Conference within ninety (90) days of adoption.

**Section 14: Research**

The Archdiocese is willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in the area of child sexual abuse. In no instance will such research impose on the privacy rights of any of the parties involved.<sup>25</sup>

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<sup>24</sup> Committee membership shall include experts in the respective area of specialization.

<sup>25</sup> Article 16: *Charter for the Protection of Children and Young People*, United States Conference of Catholic Bishops, © 2002. Appendix C.

Commission for the Protection of Children

**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

---

APPENDICES

Glossary of Terms	Appendix A
Massachusetts General Laws M.G.L- Chapter 119 Section 51A – 51B M.G.L. – Chapter 151	Appendix B
U. S. Conference of Catholic Bishops Policy Statement <i>Charter for the Protection of Children and Young People, June 2002</i>	Appendix C
Child Abuse Prevention Team Guidelines	Appendix D
“Rights and Obligations” Statements “Rights and Obligations of the Accused” “Rights and Obligations of the Complainant”	Appendix E
Education Subcommittee Recommendations	Appendix F

**Commission for the Protection of Children**

**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

---

APPENDIX A

**Glossary of Terms**

## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

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#### GLOSSARY OF TERMS

**Accused:** A person charged with or alleged to have committed an offense, a serious violation of policies and procedures, or a crime.

**Administrative leave for Clergy:** An Administrative Decree restricting the accused's clergy's right to exercise ecclesiastical office (performing acts on behalf of the Church or Christ) or participate publicly in the celebration of the Eucharist. The accused may be asked to move to a new residence during the leave. Administrative leave is intended to protect the faith community from further disruption, and restrict the accused's access to witnesses, etc. It is imposed for a specific time.

**Allegation:** A formal accusation against someone that asserts certain matters of fact that, if true, are a serious violation of policy and/or civil, criminal, or canon law.

**Child:** A minor between birth and 13 years of age.

**Child abuse:** The physical, sexual, or mental injury, negligent treatment or maltreatment of a child under the age of 18 by a person responsible for the child's welfare. Physical abuse is any non-accidental injury to a child under the age of 18 by a caretaker.

**Child Abuse Prevention Team:** A team of parish volunteers with expertise, experience, and/or training in area of child abuse and child sexual abuse reporting. The purpose of the team is to create within the parish community support for the prevention of child abuse and neglect and ensure that the Archdiocese policy on the protection of children is fully implemented within the parish.

**Child sexual abuse:** Sexual abuse includes a non-accidental act that constitutes a sexual offense under the laws of the commonwealth or any sexual contact between a caretaker and a child under the care of that individual. 110 CMR 2.00. Sexual abuse also includes sexually explicit conversations or verbally enticing language (such as suggesting sexual contact between the caretaker and the child) John D. v. Department of Social Services, 51 Mass. App. Ct. 125 (2001).<sup>26</sup>

**Civil authorities:** Representatives of the State of Massachusetts charged with responsibility for the investigation of allegations of suspected child abuse including the Department of Social Services and local law enforcement, which are responsible for investigating allegations of abuse when the victim is currently under the age of 18, and the local District Attorney, who is charged with investigating allegations of child abuse by adult survivors.

**Clergy:** Ordained ministers of the Catholic Church. (i.e. bishops, priests, deacons.)

**Complaint:** The presentation of an issue for which relief is sought.

**Complainant:** One who makes a complaint, report, or formal accusation expressing concern, upset, or dissatisfaction. One who files a formal grievance or allegation of wrongdoing with the Church.

**Concerns:** Situations that give rise to uneasiness, uncertainty, apprehension, or an anxious state of mind. Concerns arise when a person is troubled by an observation that may affect the welfare or happiness of someone.

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<sup>26</sup> See attached full definitional statement from the General Counsel of the Department of Social Services.

# Commission for the Protection of Children

## Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

---

**Credible Complaint:** An allegation of wrongdoing that is plausible, one that appears to merit belief or acceptance.

**Faith Communities:** The union or community in which the followers of Christ participate by being joined together with him through sanctifying grace. In particular, church dioceses, parishes, academic institutions, religious houses, etc.

**Incident:** A minor occurrence or situation of brief duration that may be an integral part of a broader condition and may signify potentially grave consequences. An incident is an unexpected event that could result in injury or damage but is usually minor in nature.

**Laicization:** Common term for the process of officially returning a cleric to a lay state. The cleric retains his sacred orders but cannot exercise any of the powers of those orders. He is prohibited from holding ecclesiastical offices, exercising jurisdictional and wearing clerical dress. Laicization can happen in any one of three ways:

**1. Petitioning:** The Cleric petitions the Holy See to be returned to the lay state.

**2. Dismissal through judicial penal process:** Laicization is a penalty imposed for certain crimes committed.

**3. Involuntary Laicization:** Usually at the request of a bishop or religious superior, a clerical can be involuntarily laicized by an administrative process and by Decree of the Holy See. Generally involves a cleric who is clearly unsuited to exercise ministry.

**Minor:** All children under the age of 18.

**Notary:** An ecclesiastical notary has duties similar to those of a civil notary. He must be a person of unblemished reputation who is above any suspicion (c. 483, §2). In any case in which the reputation of a priest is called into question, the notary must be a priest (c. 483, §2). He is to be present at all meetings with the accused and, for validity, at the judicial depositions of witnesses (c. 1569).

**Other Church Personnel:** Non-clergy staff and volunteers, including members of a religious community, who are participating in any Church-related activity, program, or task.

**Parish:** A defined community of faithful within a diocese, established by the bishop and entrusted to the responsibility of a pastor, who must be a priest.

**Pastoral counseling:** Spiritual guidance through counseling or emotional or psychological support and requires specialized training. Appropriately trained pastoral advocates may also provide pastoral counseling.

**Perpetrator:** An accused who is determined to have committed an offense or a serious violation of policies and procedures, or an accused who was formally convicted of a crime.

**Religious:** A brother, monk, or sister who is a member of and frequently lives in a religious community, takes vows of poverty, chastity, and obedience; and, engages in some pastoral or contemplative way of life.

**Risk control:** A comprehensive approach to managing risk that includes both loss control and loss prevention. *Loss control:* managing claims that arise in order to minimize the loss. *Loss prevention:* stopping loss before it occurs. Loss prevention includes the education and training of clergy, staff, and volunteers about various workplace risks and potentially dangerous issues and situations that may arise for Church-related organizations.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

**Secondary victims:** Spouses, parents, significant others, other family members, friends, and faith communities who are close to and affected by the victimization and/or the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

**Sexual exploitation:** Sexual conduct between clergy and anyone else in a pastoral relationship with the clergyman and sexual conduct between any Church personnel and a person receiving pastoral counseling or spiritual direction.

**Sexual harassment:** Unwelcome sexual conduct or words that are so severe that an intimidating, hostile, or offensive work or professional environment is created.

**Sexual misconduct:** Three related forms of sexual transgressions including 1) sexual abuse, 2) sexual exploitation, and 3) sexual harassment. As an inclusive term, “sexual misconduct” emphasizes the commonality between these aberrant behaviors—abuse of power or authority.

**Victim:** One who is subjected to oppression, hardship, or mistreatment including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights. Victims are people who have suffered at the hands of clergy or other Church personnel.

**Victim-survivor:** One who was victimized by clergy or other Church personnel but has moved forward in the healing process.

**Young people:** Minors between the ages of 13 and 18.



**Commission for the Protection of Children**

**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

**Sexual Abuse Definition provided by the Massachusetts Department of Social Services General Counsel.**

Sexual Abuse is reportable where there is reasonable cause to believe that a child under the age of 18 is suffering physical or emotional injury resulting from sexual abuse inflicted upon him that causes harm or substantial risk of harm to the child's health or welfare. G.L. c. 119, § 51A. Sexual abuse includes a non-accidental act that constitutes a sexual offense under the laws of the commonwealth or any sexual contact between a caretaker and a child under the care of that individual. 110 CMR 2.00. Sexual abuse also includes sexually explicit conversations or verbally enticing language (such as suggesting sexual contact between the caretaker and the child) John D. v. Department of Social Services, 51 Mass. App. Ct. 125 (2001). Examples of sexual contact include rape (oral, genital, or anal penetration), incest (intercourse between a child and his/her parents, siblings, etc.), sexual exploitation (encouraging prostitution by a child or the obscene or pornographic photographing, filming or depicting of a child), sexual molestation (interactions with a child that are used to satisfy an adult's sexual needs and desires), unnatural and lascivious acts with a child fondling, and masturbating or exposure of sexual organs by an adult.

**Commission for the Protection of Children**

**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

---

**APPENDIX B**

**Massachusetts General Laws  
M.G.L- Chapter 119 Section 51A  
M.G.L. – Chapter 151**

**Commission for the Protection of Children**

**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

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**GENERAL LAWS OF MASSACHUSETTS**

**PART I.**

**ADMINISTRATION OF THE GOVERNMENT.**

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**TITLE XVII.**

**PUBLIC WELFARE.**

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**CHAPTER 119. PROTECTION AND CARE OF CHILDREN, AND PROCEEDINGS AGAINST THEM.**

**Chapter 119: Section 51A. Injured children, reports.**

**Section 51A.** Any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, optometrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker or any person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth or licensed pursuant to the provisions of chapter twenty-eight A, which provides day care or residential services to children or which provides the services of child care resource and referral agencies, voucher management agencies, family day care systems and child care food programs, probation officer, clerk/magistrate of the district courts, parole officer, social worker, foster parent, firefighter or policeman, office for children licenser, school attendance officer, allied mental health and human services professional as licensed pursuant to the provisions of section one hundred and sixty-five of chapter one hundred and twelve, drug and alcoholism counselor, psychiatrist, and clinical social worker, who, in his professional capacity shall have reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall immediately report such condition to the department by oral communication and by making a written report within forty-eight hours after such oral communication; provided, however, that whenever such person so required to report is a member of the staff of a medical or other public or private institution, school or facility, he shall immediately either notify the department or notify the person in charge of such institution, school or facility, or that person's designated agent, whereupon such person in charge or his said agent shall then become responsible to make the report in the manner required by this section. Any such hospital personnel preparing such report, may take or cause to be taken, photographs of the areas of trauma visible on a child who is the subject of such report without the consent of the child's parents or guardians. All such photographs or copies thereof shall be sent to the department together with such report. Any such person so required to make such oral and written reports who fails to do so shall be punished by a fine of not more than one thousand dollars. Any person who knowingly files a report of child abuse that is frivolous shall be punished by a fine of not more than one thousand dollars.

Said reports shall contain the names and addresses of the child and his parents or other person responsible for his care, if known; the child's age; the child's sex; the nature and extent of the child's injuries, abuse, maltreatment, or neglect, including any evidence of prior injuries, abuse, maltreatment, or neglect; the circumstances under which the person required to report first became aware of the child's injuries, abuse, maltreatment or neglect; whatever action, if any, was taken to treat, shelter, or otherwise assist the child; the name of the person or persons making such report; and any other information which the person reporting believes might be helpful in establishing the cause of the injuries; the identity of the

## Commission for the Protection of Children

# Archdiocese of Boston

### *Recommendation for Policies for the Prevention of Child Abuse And the Response to Allegations of Abuse*

---

person or persons responsible therefore; and such other information as shall be required by the department.

Any person required to report under this section who has reasonable cause to believe that a child has died as a result of any of the conditions listed in said paragraph shall report said death to the department and to the district attorney for the county in which such death occurred and to the medical examiners as required by section six of chapter thirty-eight. Any such person who fails to make such a report shall be punished by a fine of not more than one thousand dollars.

In addition to those persons required to report pursuant to this section, any other person may make such a report if any such person has reasonable cause to believe that a child is suffering from or has died as a result of such abuse or neglect. No person so required to report shall be liable in any civil or criminal action by reason of such report. No other person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith; provided, however, that such person did not perpetrate or inflict said abuse or cause said neglect.

Any person making such report who, in the determination of the department or the district attorney may have perpetrated or inflicted said abuse or cause said neglect, may be liable in a civil or criminal action.

No employer of those persons required to report pursuant to this section shall discharge, or in any manner discriminate or retaliate against, any person who in good faith makes such a report, testifies or is about to testify in any proceeding involving child abuse or neglect. Any such employer who discharges, discriminates or retaliates against such a person shall be liable to such person for treble damages, costs and attorney's fees.

Within sixty days of the receipt of a report by the department from any person required to report, the department shall notify such person, in writing, of its determination of the nature, extent and cause or causes of the injuries to the child, and the social services that the department intends to provide to the child or his family.

Any privilege established by sections one hundred and thirty-five A and one hundred and thirty-five B of chapter one hundred and twelve or by section twenty B of chapter two hundred and thirty-three, relating to confidential communications shall not prohibit the filing of a report pursuant to the provisions of this section or the provisions of section twenty-four.

### **Chapter 119: Section 51B. Physically or emotionally injured children; duties of department; disclosure of information.**

**Section 51B.** The department shall:-

- (1) investigate and evaluate the information reported under section fifty-one A. Said investigation and evaluation shall commence within two hours of initial contact and be completed within twenty-four hours if the department has reasonable cause to believe the child's health or safety is in immediate danger from further abuse and neglect. Said investigation and evaluation shall commence within two working days of initial contact and be completed within ten calendar days for all other such reports. The investigation shall include a home visit at which the child is viewed, if appropriate, a determination of the nature, extent and cause or causes of the injuries, the identity of the person or persons responsible therefor, the name, age and condition of other children in the same household, an evaluation of the parents and the home environment, and all other pertinent facts or matters. Such determinations and evaluations shall be in writing;

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

- (2) evaluate the household of the child named in the report and make a written determination of the risk of physical or emotional injury to any other children in the same household; provided, further, that if such child named in the report is an out-of-home placement, the department shall notify his parent that a report has been filed when such report is supported by the department; provided, further, that the department shall notify the biological parent of other children in the same placement if the child named in such supported report died or was seriously injured; provided, further, that such notification shall not be required if in the commissioner's judgment such notification would be against the best interests of the child; provided, further, that when appropriate, the department shall consult with the biological parent of the child who is the subject of the report and the other children in the decisions regarding the children's removal or further placement;
- (3) take a child into immediate temporary custody if the department has reasonable cause to believe that the removal of the child is necessary to protect him from further abuse or neglect; provided, however, that the department shall make a written report stating the reasons for such removal; and provided further, that if any child is so taken into custody, the department must file a petition pursuant to section twenty-four on the next court day;
- (4) notify in writing the district attorney for the county in which the child resides and for the county in which the offense occurred by transmitting to such district attorney a copy of the report required under section fifty-one A and this section if, after an investigation and evaluation undertaken pursuant to clause (1), the department has reasonable cause to believe that any of the following conditions has resulted from abuse or neglect; provided, however, that the department may immediately report cases of serious physical injury to the appropriate office of the district attorney:
  - (a) a child has died;
  - (b) a child has been sexually assaulted, as set forth in sections thirteen B, thirteen H, twenty-two, twenty-two A, twenty-three, twenty-four, and twenty-four B of chapter two hundred and sixty-five or section thirty-five A of chapter two hundred and seventy-two;
  - (c) a child has suffered brain damage, loss or substantial impairment of a bodily function or organ, or substantial disfigurement;
  - (d) a child has been sexually exploited, which shall mean encouraging a child to engage in prostitution as defined in sections four A and four B of chapter two hundred and seventy-two or in the obscene or pornographic photographing, filming, or depicting of a child as defined in section twenty-nine A of chapter two hundred and seventy-two; or
  - (e) a child has suffered serious physical abuse or injury that includes, but is not limited to: (i) a fracture of any bone, severe burn, impairment of any organ, or any other serious injury; (ii) an injury requiring the child to be placed on life-support systems; (iii) any other disclosure of physical abuse involving physical evidence which may be destroyed; (iv) any current disclosure by the child of sexual assault; or (v) the presence of physical evidence of sexual assault.

The department shall within forty-five days after making such notification further notify the district attorney of the service plan, if any, developed for such child and his family. No provision of chapter sixty-six A, section one hundred and thirty-five of chapter one hundred and twelve, and sections fifty-one E and fifty-one F of this chapter relating to confidential data or confidential communications shall prohibit the department from making such notifications or from providing to the district attorney any information obtained pursuant to clause (1) or furnished pursuant to this clause. No person providing notification or information to a district attorney pursuant to the provisions of this clause shall be liable in any civil or criminal action by reason of such action. Nothing herein shall be construed to prevent

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

the department from notifying a district attorney relative to any incidents reported to the department pursuant to section fifty-one A or to limit the prosecutorial power of a district attorney.

The department shall forward to the local law enforcement authorities in the town in which the child resides and the town in which the offense occurred a copy of the report provided to the district attorney pursuant to this clause.

- (5) offer to the family of any child which it has reasonable cause to believe is suffering from any of the conditions described in the report appropriate social services to prevent further injury to the child, to safeguard his welfare, and to preserve and stabilize family life whenever possible. If the family declines or is unable to accept or to participate in the offered services, the department, or any person may file a petition pursuant to section twenty-four requesting an appropriate order with reference to the care and protection of the child;
- (6) file in the central registry established under section fifty-one F a written report containing information sufficient to identify each child whose name is reported pursuant to section fifty-one A or fifty-one B. A notation shall be sent to such central registry whenever further reports on each such child are filed with the department. If the department determines during the initial screening period of an investigation that said report under section fifty-one A is frivolous, or other absolute determination that abuse or neglect has not taken place, then said report shall be declared as ""allegation invalid". If such reports are declared ""allegation invalid", the name of the child, or identifying characteristics relating to the child, or the names of his parents or guardian or any other person relevant to the report, shall not be placed in the central registry, nor under any other computerized program utilized in the department;
- (7) utilize or purchase and utilize such protective services of private and voluntary agencies as it determines necessary;
- (8) promulgate regulations to implement the provisions of sections fifty-one A to fifty-one F, inclusive.
- (9) notify in writing the office for children by transmitting to said office a copy of the report received under section fifty-one A and a copy of the report prepared under section fifty-one B if and when such report alleges that abuse or neglect occurred at a facility operated by a person subject to licensure or approval by said office under section ten of chapter twenty-eight A, and when the department has substantiated said report. Said department and said office may coordinate their activities conducted under this section and paragraph (f) of said section ten. No provision of chapter sixty-six A, section one hundred and thirty-five of chapter one hundred and twelve, sections fifty-one E and fifty-one F of this chapter, or any other provision of law, shall prohibit the department from transmitting a copy of the reports prepared under the provisions of sections fifty-one A and fifty-one B to said office, or from conducting coordinated activities and sharing information with said office as herein provided, or from having its employees testify at administrative hearings held by said office in connection with matters about which said department has provided notice to said office under this section. Said department and said office shall make all reasonable efforts to minimize the number of interviews of any child-victim which may be necessary. If as a result of any report made under the provisions of said section fifty-one A or an investigation made under the provisions of said section fifty-one B, said department is made aware of information or circumstances indicating a licensing violation in any facility operated by a person subject to licensure or approval by said office, said department shall forthwith notify said office of such information. No provision of chapter sixty-six A, sections fifty-one E and fifty-one F of this chapter, or any other provision of law shall prohibit said office from providing information to said

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

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department in connection with matters about which said department has provided notice to said office under this section.

- (10) notify in writing the department of mental health, the department of mental retardation, the department of public health, and the department of youth services by transmitting to any of said departments a copy of the report received under section fifty-one A and a copy of the report prepared under section fifty-one B if and when that report alleges that abuse or neglect occurred at a facility owned, operated or funded, in whole or in part, by any of said departments, and when the department of social services has substantiated said report. Said department of social services and any of said departments may coordinate their respective activities conducted under this section, and shall make all reasonable efforts to minimize the number of interviews of any child-victim which may be necessary. No provision of chapter sixty-six A, section one hundred and thirty-five of chapter one hundred and twelve, sections fifty-one E and fifty-one F of this chapter, or any other provision of law, shall prohibit said department of social services from transmitting a copy of said reports made under the provisions of said sections fifty-one A and fifty-one B to any of said departments or from conducting coordinated activities and sharing information with any of said departments as herein provided, or from having its employees testify at administrative hearings held by any of said departments in connection with matters about which said department of social services has provided notice to any of said departments under this section.

Notwithstanding any privilege created by statute or common law relating to confidential communications or any statute prohibiting the disclosure of information, any person required to make a report pursuant to section fifty-one A who has information which he believes might aid the department in determining whether a child has been abused or neglected pursuant to an investigation under this section shall, if requested by the department, disclose such information relevant to the specific investigation to the department. Such statutory or common law privileges shall not preclude the admission of any such information in any civil proceeding concerning abuse or neglect of a child, placement or custody of a child.

No person required to provide such information pursuant to this section or permitted to disclose information pursuant to section 5A of chapter 119A shall be liable in any civil or criminal action for providing such information.

No employer of a person required to provide information pursuant to this section shall discharge, or in any manner discriminate or retaliate against any such person who in good faith provides such information, testifies or is about to testify in any proceeding involving child abuse or neglect; provided, however, that such person did not perpetrate or inflict such abuse or neglect. Any such employer who discharges, discriminates or retaliates against such person shall be liable for treble damages, costs and attorney's fees.

In all cases in which the department determines that a report of abuse or neglect is not substantiated, the department shall notify in writing any and all sources or recipients of information in connection with the investigation that the report of abuse or neglect has not been substantiated, unless the target of the investigation requests that such notification not occur.

Commission for the Protection of Children

## **Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

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### APPENDIX C

#### **U. S. Conference of Catholic Bishops Policy Statement**

***Charter for the Protection of Children and Young People, June 2002***

(see website [www.nccbuscc.org](http://www.nccbuscc.org) for down load of PDF file of this  
eight page document)



**Commission for the Protection of Children**

**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

---

**APPENDIX D**

**Child Abuse Prevention Team Guidelines**

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

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**PARISH CHILD ABUSE PREVENTION TEAM GUIDELINES**

**Policy 1.2:** “Each parish shall establish a “Child Abuse Prevention Team.” The team shall advise the parish on strategies to prevent child abuse and neglect and ensure that the Archdiocese’s policy on the protection of children is fully implemented within the parish.

**What is a Child Abuse Prevention Teams (CAP Team)?**

The CAP Team is a team of parish volunteers with expertise, experience, and/or training in the area of child abuse and child sexual abuse reporting. The purpose of the team is to create, within the parish community, support for the prevention of child abuse and neglect. This is in keeping with the mission of the Church to protect and foster the development of all children.

The CAP Team is proactive in working with the faith community on a parish level. The CAP Team is an integral part of the healing process. Its function is to support the faith community in preventing child abuse and neglect and to ensure that all policies of the Archdiocese relative to abuse and neglect are fully implemented. While it is not charged with reporting or managing reports it is consultative in nature to members of the parish who may have questions or concerns about child abuse and neglect.

**What are the areas of responsibility for CAP Teams?**

**CAP Teams provide leadership within the parish community in the following areas:**

The CAP Team ensures that all parish staff and volunteers are fully trained in mandated reporting laws and the child abuse prevention policies of the Archdiocese. Training shall include initial training for all new staff and volunteers and annual updates/refresher courses in mandated reporting and the Archdiocesan policies on the protection of children. At least two members of the CAP Team must be certified VIRTUS® trainers.

- The CAP Team ensures that Protecting God’s Children for Adults is presented annually to the parish community.
- The CAP Team ensures that the parish holds an annual parent information night . The presentation shall include viewing the parent videotape, “What Do I Say Now”, from the Talking About Touching Curriculum.
- The CAP Team ensures that an approved child personal safety curriculum is implemented annually in religious education classes and parish schools.
- The CAP Team annually surveys the parish community with a particular focus on parents to determine the effectiveness of the curriculum and parent education.
- The CAP team must become a necessary component of parish life that works with the parish community to develop additional child abuse prevention activities. For example, parenting workshops on effective discipline, parent support groups or workshops may be provided as part of an overall prevention program.
- The CAP Team is responsible for creating an atmosphere that encourages and supports disclosure of child abuse and neglect.

Specifically, should an allegation be made against a cleric, staff or volunteer of the parish, the CAP team will work with the Secretary of Child Advocacy and Implementation Office to ensure that the issues are addressed in an appropriate and sensitive manner that encourages all who have concerns or questions to come forward.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

CAP Teams should also provide consultation and support to adults in the faith community who have concerns about people or circumstances and are unsure about what actions to take. The CAP Teams are available to answer questions regarding the mandated reporting laws of Massachusetts and reporting procedures and to facilitate reports of suspected abuse by members of the faith community.

Although it is not the job of the CAP Team to be 3<sup>rd</sup> party reporters, it may, from time to time, become necessary to do so. *For example*, if a person comes forward and gives information about a situation that concerns the CAP Team and the person seeking advice decides not to report, the CAP Team may decide that a report is appropriate. At that time, it would be the responsibility of the CAP Team to make the 3<sup>rd</sup> party report.

The CAP Team **must** inform all mandated reporters of the legal responsibility to report reasonable suspicions that abuse and neglect has occurred or is occurring. The mandated reporter must report to the Department of Social Services (DSS) even if the CAP Team disagrees with the mandated reporter's concerns. Consultation with the CAP Team does not relieve the mandated reporter of his or her obligation to report reasonable suspicions of child abuse or neglect.

**How many people should be on the CAP Team?**

The number of team members depends on the size of the faith community. It is recommended that the CAP Team have no less than three (3) members and no more than seven (7) members.

**Who should be on the CAP Team?**

It is recommended that the VIRTUS® *Protecting God's Children for Adults* trainers in each parish form the foundation for the CAP Team. In addition, any local parishioner who is a DSS representative, or a child abuse specialist in the field of medicine, mental health, law, or law enforcement, parent of children under 18, or other interested member of the parish could be appointed to the CAP Team. Potential CAP Team members could include nurses, physicians, social workers, psychologists, guidance counselors, parents, and grandparents.

**Where, when and how often will the CAP Team meet?**

It may be necessary for the CAP Team to meet monthly in the initial stages to develop an administrative structure for fulfilling its duties. Once established, the CAP Team should meet formally at least quarterly and as needed on an emergency basis.

**Who selects CAP Team members and how long will they serve?**

It is recommended that the pastor, in consultation with the Parish Council and the Archdiocesan Secretary of Child Advocacy and Implementation, select local CAP Team members. It is further recommended that the members serve renewable terms of three (3) years. All CAP Team members will be required to have a CORI completed annually.

**Commission for the Protection of Children**  
**Archdiocese of Boston**

***Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse***

---

**How do we introduce the CAP Team to the faith community?**

The following methods are recommended for announcing the CAP Teams and continually reinforcing the availability of the CAP Team to the faith community:

- a. Announcement and introduction from the pulpit at all Sunday liturgies.
- b. Announcement in the Church bulletin and newsletters including contact numbers for the team.
- c. A letter to the parish from the pastor announcing the formation of the CAP Team, how it will function, and the names and credentials of the team members.
- d. Holding an annual open meeting for all parish members to attend to learn more about the Team and child abuse prevention
- e. A reminder at VIRTUS® training sessions along with a handout that includes the names of the members and contact numbers for the team.
- f. Fliers, posters, or other notices regarding the CAP Team on Church, school, and Church facility bulletin boards.

**How will the CAP Team work with the Archdiocese?**

The CAP Team will work closely both regionally and across the Archdiocese with the Secretary of Child Advocacy and Implementation. CAP Teams will be an integral component of the response team should an allegation of child abuse be made against a cleric, a staff member, or a parish volunteer. It is expected that the CAP Team will receive additional training and support from the Secretariat as the Archdiocese policy for the protection of children is integrated into parish life. This may include but not be limited to crisis management, handling disclosures, etc.

CAP Teams will submit an annual plan to the Secretariat outlining child abuse prevention activities including but not limited to: scheduled mandated reporter training, implementation of parent orientation and child personal safety curriculum, and other prevention activities.

CAP Teams will submit written annual reports that identify how CAP Team responsibilities were fulfilled during the previous year. This report should be presented to and approved by the Parish Council before submission to the Secretary of Child Advocacy and Implementation. It is expected that any issues or concerns regarding the responsibilities of the CAP Team will be communicated directly to the Secretary of Child Advocacy and Implementation so that appropriate technical assistance and training is provided. *For example*, a CAP Team may struggle with a particular situation that appears to have potential to harm a child. The Secretariat would provide outside expertise to aid the CAP Team in the resolution of the matter.

Commission for the Protection of Children

## **Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

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### APPENDIX E

**“Rights and Obligations” Statements:**

**“Rights and Obligations of the Accused”**

**“Rights and Obligations of the Complainant”**

**Commission for the Protection of Children**

**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

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**RIGHTS AND OBLIGATIONS OF THE COMPLAINANT**

**RIGHTS OF THE COMPLAINANT**

The rights of a complainant during an investigation include:

1. The right to be heard and have the allegations investigated.
2. The right to discretion in the conduct of the investigation and to have her or his good name protected in the investigation.
3. The right to reply to any response from the accused.
4. The right to provide corroborating evidence.
5. The right to know the results of the investigation.
6. The right to be free of intimidation by the Church, the accused, or the faith community.

**OBLIGATIONS OF THE COMPLAINANT**

The obligations of the complainant include:

1. The obligation to provide complete and accurate information regarding the allegations.
2. The obligation to provide names of additional witnesses to investigators.
3. The obligation not to interfere with the investigative process.

By affixing my signature below, I affirm that I have read and understand this statement of rights and obligations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**Commission for the Protection of Children**  
**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

---

**RIGHTS AND OBLIGATIONS OF THE ACCUSED**

**RIGHTS OF THE ACCUSED**

The rights of the accused during the investigation include:

1. The right not to implicate her/himself.
2. The right to civil counsel.
3. (Clergy) The right to canonical counsel.
4. The right to see the results of the evaluations of the accused.
5. The right to know the nature of the allegations.
6. The right to defend against the allegations.
7. The right to due process.
8. The right to discretion in the conduct of the investigation and to have her/his good name protected during the investigation.
9. The right to know the results of the investigation.

**OBLIGATIONS OF THE ACCUSED**

The obligations of the accused during the investigation include:

1. The obligation not to interfere with the investigative process.
2. The obligation to observe any special provisions or restrictions imposed by the Bishop, Vicar, Major Superior, or Human Resources Supervisor.

By affixing my signature below, I affirm that I have read and understand this statement of rights and obligations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

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**Commission for the Protection of Children**

**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

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**APPENDIX F**

**Education Subcommittee Recommendations**



**Commission for the Protection of Children**  
**Archdiocese of Boston**

*Recommendation for Policies for the Prevention of Child Abuse  
And the Response to Allegations of Abuse*

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**Education Subcommittee**

**Cardinal's Commission**

**Recommendations**

The Education Committee makes the following policy recommendations:

1. The curriculum, Talking About Touching, should be implemented throughout the RCAB education system grades pre-school through grade 4. The timeframe for this to be accomplished is January 2003.
2. The Talking About Touching curriculum should be adapted and integrated in to the RCAB religious education program, grades 1 through 4. This would require that the religious education calendar be extended to accommodate the curriculum. The timeframe for integrating TAT into the 6 religious education curricula and training religious education instructors is September 2003.
3. That the Talking About Touching parent video, "What Do I Say Now", be used in conjunction with Protecting God's Children for Adults. This requires that the training proposed by VIRTUS® for the RCAB be expanded to include the use of this video. The timeframe for this is effective October 2002 as VIRTUS® begins the train the trainer program.
4. That a curriculum for grades 5-8 be identified and implemented in both the RCAB school system as well as the religious education program. We recommend that selection of curricula take place no later than January 2003 with implementation to begin no later than the fall of 2003.
4. That a lending library of videos and other prevention curricula be developed for use for grades 5 through 12. This library should be developed and housed centrally within the RCAB Secretary of Education's office. A partial list of curricula has begun to be compiled.
5. That recommendations 1 through 4 be mandated as part of the annual parish plan and that each parish is required on an annual basis to submit their plan for how these curricula will be implemented in both CCD and parish schools.
6. That the Child Abuse Prevention Team in each parish is given the responsibility to ensure that prevention curriculum, including Talking About Touching, are fully implemented. We further recommend that the team be given the opportunity to be trained in the use of the curricula.