

LETTER FROM ARCHBISHOP PILARCZYK

Dear Friends,

The Archdiocese of Cincinnati has had policies and directives about child abuse in place since 1993. Our first *Decree on Child Abuse*, published that year, was the result of two years of labor by a nine member Task Force. That first Decree was revised and updated in 1998. The title was changed to *Decree on Child Protection*. Now, we have revised the decree once more, partially in response to the requirement of the 1998 decree, partially in response to the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegation of Sexual Abuse of Minors by Priests or Deacons* approved by the United States Conference of Catholic Bishops in 2002.

By this letter I promulgate the *Revised Decree on Child Protection* for the Archdiocese of Cincinnati. The Revised Decree will take effect on March 31, 2003. It applies to all parishes, schools, offices, agencies and other institutions which operate under the administrative authority of the Archbishop. On that date, this Decree supersedes any existing policies in the Archdiocese which deal with the issues of child protection or child abuse, insofar as they are not in conformity with this Decree.

This Decree seeks to protect, enhance and, in some cases, restore the trust that our faith calls for between agents of the Church and the children and adolescents entrusted to their care.

I have personally witnessed the hurt and anger that is involved in child abuse. To victims and their families I again extend my sincere apology and ask forgiveness on behalf of the Archdiocese for the harm inflicted by any agents of our local Church. If there are any cases of abuse that have not been brought to our attention, I once more urge the victims to come forward now.

If there are any agents of the Archdiocese who believe themselves to be at risk to children, I urge them to come forward and seek assistance.

All the members of our local Church are called to be vigilant that this Decree is fully implemented.

I offer my thanks and the thanks of all the faithful of the Archdiocese to those persons who have collaborated in preparing and implementing the first two decrees, as well as all who have had a hand in this present revision.

May Our Blessed Mother continue to intercede for us. May the Holy Spirit continue to guide and protect us.

Sincerely yours in Christ,

Most Reverend Daniel E. Pilarczyk
Archbishop of Cincinnati

Given this 18th day of March, 2003 at Cincinnati, Ohio

Notary

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GLOSSARY OF TERMS As Used In This Decree

Accused Person

means an individual who is suspected of having performed an act of child abuse.

Adult

means an individual who is eighteen years of age or older.

Archdiocese

means the Roman Catholic Archdiocese of Cincinnati.

Chancellor

means the Chancellor of the Archdiocese or his delegate.

Child

means a person who is under eighteen years of age or a physically or mentally handicapped person under twenty-one years of age.

Child Abuse

means any of the following:

- a. Engaging in sexual activity, as defined under Chapter 2907 of the Ohio Revised Code, with a child where such activity would constitute an offense under that Chapter;
- b. Endangering a child as defined in Section 2919.22 of the Ohio Revised Code;
- c. Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care or other care necessary to a child for the child's health;
- d. Use of restraint procedures on a child that cause injury or pain;
- e. Administration of prescription drugs or psycho tropic medication to the child without the written approval and ongoing supervision of a licensed physician;
- f. Providing alcoholic beverages or controlled substances to a child;

- g. Commission of any act, other than by accidental means, that results in any injury or death to the child or commission of any act by accidental means that results in any injury or death to the child and that is at variance with the history given of the injury or death;
- h. Infliction by any individual of physical or mental injury that threatens to harm the child's health or welfare.

Cleric

is used as a canonical term and means ordained priests and ordained deacons who are incardinated in the Archdiocese, as well as religious priests and priests and deacons incardinated in other dioceses who are engaged in a ministry under the control or auspices of the Archdiocese.

Decree

means this Decree on Child Protection.

Employee

means any person who is employed by the Archdiocese or a subdivision thereof. An employee may be a cleric, a lay person or a member of a religious order.

Local Church Community

means parish, school or other ministry location such as hospital, university, etc.

Offender

means an individual who has performed an act of child abuse.

Parent or Guardian

means that person possessing legal custody of a child.

Policy

means a provision of this Decree requiring an action or standard of behavior on the part of specified persons or offices, agencies, parishes or institutions of the Archdiocese. The policies of this Decree are particular law of the Archdiocese of Cincinnati, as defined by the Code of Canon Law.

Recommendation

means a provision of this Decree which urges an action or standard of behavior on the part of specified persons, offices, agencies, parishes or institutions.

Regular Volunteer

means a catechist, scout leader, coach, server coordinator, etc. who functions in a regular, significant relationship with children. This includes interns, student teachers and others in a similar capacity. Moreover, any volunteer who works with children more than (3) hours a month or who works with children more frequently than once a month should comply with the diocesan policy. It does not include the occasional volunteer, such as a driver or chaperone for individual activities.

Responsible Supervisor

means the hiring and/or supervising agent: for the parish, its pastor; for a school, its principal; for a parish religious education program, its director/coordinator; or for an Archdiocesan department, its department head; for any other organization or institution, the person in charge thereof.

Superintendent of Schools

means the Director of the Catholic Schools Office of the Archdiocese and includes an acting or interim Superintendent.

Suspect

means to imagine one to be guilty or culpable based on slight evidence or on facts and circumstances which do not amount to proof.

DECREE ON CHILD PROTECTION

INTRODUCTION

Every society esteems its children. In their innocence a society recognizes its own innate goodness and its calling to build a better world. In their incompleteness a society understands that hope for a fuller life and second chances is never extinguished. This is no less true for the Church.

Faithful to the Lord's desire to let the children come to Him, the Church has from its beginning initiated children into its sacramental life. It has opened to them the treasure of truth and has striven to form them in gospel values. It has attempted to guide and support parents in their crucial role. Parishes have devoted tremendous energy and resources to the development of their young members, and countless individuals have dedicated themselves to nurturing young Catholics. God has placed those most fit for the Kingdom of God in our hands. We have taken our charge seriously.

But there are sometimes exceptions. Both through neglect and active abuse, adults in the community of faith on occasion inflict harm upon children instead of serving as channels of life and grace. This is a very serious matter. It is especially so because children and adolescents are not equipped to understand the situation or to defend themselves. It is not the victims alone who suffer. Their families are confused and angry. The offender, who may well suffer from a sickness which cannot easily be controlled, often experiences terrible guilt, and his or her relationship with the community is shattered. Parishes and schools are left hurt, confused and embarrassed. The Church's reputation in the community, and therefore its ability to fulfill its mission, is harmed.

Although the abuse of children and adolescents is a reality in our society, such abuse, whether mental, physical or sexual, whether inflicted by lay persons or clerics, professionals or volunteers, cannot be tolerated in the Church. The Archdiocese of Cincinnati recognizes the need to address child abuse and attempts to do so through this Decree.

The purpose of this Decree is two-fold. It is intended first to prevent the abuse of children and adolescents. Prevention can best be achieved by educating children, parents, professionals and volunteers about the realities of abuse. It can be aided by the screening of professionals and volunteers who aspire to serve the youth of our parishes and other institutions and through assistance to those who might be inclined toward abuse. The second purpose of this Decree is to provide a system for handling incidents of abuse after they occur. The key elements of this system include

a thorough assessment of the allegation, care for the victim and the victim's family, appropriate action with regard to the accused person and attention to the affected local church community.

There are a number of principles which underlie the details of this Decree:

1. Allegations of child abuse are to be taken seriously.
2. Incidents of abuse are to be handled forthrightly, but with due regard for confidentiality and privacy, especially with regard to the victim.
3. The Archdiocese will cooperate with the civil authorities responsible for handling incidents of child abuse.
4. A victim should never be held responsible for the abuse.
5. The paramount concern of the Archdiocese is the well-being of the victim and the victim's family.
6. An accused person has the right to due process, both civilly and canonically.
7. As disciples of Jesus Christ, all persons directly or indirectly involved with incidents of child abuse are to act with honesty, charity and confidence in the Lord's power to forgive and to heal.

Our knowledge of child abuse continues to grow. So does our understanding of how to respond appropriately. Therefore, every five years, commencing with the effective date of this Decree, the Review Board established by this Decree will evaluate the Decree and its implementation. The Review Board will offer to the Archbishop recommendations for improving the Decree and its implementation.

SECTION I: PREVENTION

Ideally no child will ever be abused by an adult. The provisions of this section are intended to help assure that ideal. Everyone in the community has a part to play: parents, pastors, educators, youth ministers, youth volunteers, even youths themselves and adults who are not directly involved in work with children.

A. Education

Everyone needs to be aware of the causes and signs of child abuse, what steps to take to protect children and what procedures to follow if abuse is suspected or observed.

Clerics, Employees and Regular Volunteers

The clergy of the Archdiocese and those lay persons employed or engaged as employees or regular volunteers by its parishes, schools and other institutions have an obligation to be knowledgeable about these matters. Not only are they responsible for the well-being of children on a day-to-day basis, but they are perceived by the community and children as special and trustworthy individuals. Some of the persons in this category have duties mandated by civil law with regard to child abuse, about which they must be aware especially.

A.1 Policy -

*All clergy, **in writing**, are to acknowledge receipt of the Decree on Child Protection and agree to be bound by its terms. All clerics, employees and regular volunteers are to be familiar with the existence of this Decree and to be knowledgeable about those provisions which apply to them in the position in which they serve the Archdiocese. They shall be aware specifically of the obligations for reporting suspected child abuse to civil and church authorities, and the consequences of failure to report (cf. Appendix A).*

A.2 Policy -

All Archdiocesan programs designed to certify clerics, educators, youth ministers and others who serve children on a regular basis, whether as employees or volunteers, are to include a segment dealing with child abuse, including this Decree. Those who develop and sponsor such programs are responsible for the implementation of this Policy.

A.3 Recommendation -

Clerics, employees and regular volunteers should learn as much as they can about the causes, forms and symptoms of child abuse through reading, participation in workshops and staff discussions.

Parents and Children

Parents have an obvious interest and responsibility in protecting their children from abuse. An understanding of the causes and effects of abuse will assist them in making sound decisions with regard to their children and in recognizing symptoms of abuse exhibited by their children. Children, too, can help to protect themselves by having a simple, practical appreciation of potential risks and appropriate responses.

A.4 Policy -

Catholic schools and religious education programs are to include in their health and sexuality curricula an appropriate discussion of child abuse. Other youth programs in Catholic parishes and institutions which teach about personal health and development or human sexuality are likewise to include a discussion of this topic.

A.5 Recommendation -

Parents need to learn about the causes, forms and symptoms of child abuse. Parishes and other institutions of the Archdiocese could assist with this by offering programs for parents.

A.6 Recommendation -

Parents should strive diligently to develop good communication with their children and to alleviate any tensions which may interfere with good communication. Parents should avail themselves of “teachable moments” to discuss with their children in a positive fashion the realities of child abuse.

B. Screening Child Workers

Persons who serve our youth as employees or regular volunteers are among the faith community’s most valuable assets. They contribute much to the spiritual, emotional, intellectual and physical well-being of young Catholics. Administrators must take due precautions in order to assure that only those persons who are psychologically and temperamentally suited are chosen to work with children.

B.1 Policy -

Each applicant for employment in a position with regular, significant contact with children in the parishes and institutions of the Archdiocese must supply to the hiring agent personal information adequate to assess his or her suitability for contact with children. Each applicant must complete and sign the official Applicant's Certification (cf. Appendix B). Each applicant must supply the names of three references, at least one from the most recent employer and none from close friends or relatives.

Candidates for ordination to the Archdiocese of Cincinnati must sign the Applicant's Certification.

B.2 Policy -

Responsible supervisors are to speak with all references provided by applicants for employment and to examine and verify the employment history. They are also to submit all names of applicants to the Chancery for a check of the register mentioned below (B.4). The responsible supervisor is to request the Bureau of Criminal Investigation and Identification (BCII) to conduct a criminal records check of any person seeking employment at his or her facility. Any applicant who has not continuously lived in the State of Ohio for the last five years must also complete an FBI card.

B.3 Policy -

Every parish and institution of the Archdiocese is to establish procedures for gathering information and completing the reference checks mentioned above. All of this information is to be retained in a confidential file at the location of employment until five years after employment ends, at which time all application documents are to be destroyed.

B.4 Policy -

The Archdiocesan attorney is to maintain a permanent confidential register of all clerics and lay employees and volunteers who have abused children in conjunction with employment or volunteer involvement at parishes and institutions of the Archdiocese.

B.5 Policy -

Those persons who recruit volunteers to work regularly with children in the parishes and institutions of the Archdiocese should exercise caution in

selecting volunteers. Responsible supervisors shall require criminal background checks from the Bureau of Criminal Investigation and Identification on each volunteer. However, if the volunteers have not continuously lived in the State of Ohio for the last five years, then they must also complete an FBI card. If there is any cause for concern in a particular case, the matter should be brought to the attention of the responsible supervisor for further review.

B.6 Recommendation -

Principals or pastors require of any person or group who are hired through a third party contract and will have responsibility for the care, custody, or control of a child to provide proof of a Bureau of Criminal Investigation and Identification background check for the personnel they provide.

C. Contact with Children

Those persons dedicated to the care of children in the Church devote much attention to planning and executing activities which are beneficial to youth. They must at the same time be vigilant to guard against actual or potential situations which can inflict harm, or which even give rise to suspicions of potential abuse.

C.1 Policy -

Except when civil law explicitly permits certain persons (e.g. licensed social workers) to counsel children without parental consent, a child may receive scheduled, individual instruction or counseling from a cleric, employee or regular volunteer only with the written consent of the child's parent or guardian.

C.2 Policy -

A child may participate in an organized program sponsored by a parish or institution of the Archdiocese only with the written consent of the child's parent or guardian. Such consent should provide for emergency care of the child, as warranted by the program or activity.

C.3 Policy -

At least two adults must be present for any activity for children sponsored by a parish or institution of the Archdiocese.

- a. Moreover, the number of adults is to be in proportion to the age and number of the participants and the duration and difficulty of the activity.
- b. Whenever possible, one of the adults should be a parent of a participant.
- c. Exceptions for Policy C.3 are only allowed for the Sacrament of Penance, regular day-school, or religion classes conducted on the grounds of the parish or institution, and if for unanticipated reasons, only one adult can actually be present for an activity which is not overnight.
- d. For purposes of this policy C.3, “adult” excludes 18 and 19 year olds not yet graduated from high school.

Policy C.3 must be adhered to strictly for any overnight activity; otherwise said activity is to be cancelled.

C.4 Policy -

No child may be disciplined corporally or corrected with abusive language.

C.5 Policy -

A cleric, employee or regular volunteer must obtain the consent of a child’s parent or guardian before inviting or allowing the child to visit in the adult’s home. In the event that the adult has little or no advance notice of the visit and another adult is present, this consent is not required.

C.6 Policy -

No child may visit overnight in a rectory (or other residence of a diocesan priest), or stay overnight with a diocesan priest in any other place, unless in the company of his or her parent or guardian. (An exception can be made when the child is a close relative of the priest, but even this is discouraged.)

C.7 Policy -

Pastors, principals, directors of religious education and other administrators are to assure that the policies of schools, religious education programs, athletic and scouting groups, and the like provide for the implementation of the first four policies listed above, including the definition of responsibility for enforcement.

D. Preventive Intervention

Policies cannot in themselves always restrain an adult from abusing children. Thus, adults bear responsibility to assist one another in avoiding abuse, and those at risk of abusing children must seek assistance to avoid behavior which may place a child at risk.

D.1. Policy -

Any cleric, employee or regular volunteer who observes another cleric, employee or volunteer behaving in a manner which may pose a potential risk to a child is to report the matter in confidence to the proper superior or supervisor without delay.

D.2 Policy -

The proper superior or supervisor is to deal expeditiously with any situation of potential risk brought to his or her attention. If a serious potential risk is not resolved satisfactorily, the superior or supervisor may take appropriate action, with due regard for personnel policies and due process.

D.3 Recommendation -

A parent, guardian or any adult who observes a cleric, employee or volunteer behaving in a manner which may pose a potential risk to a child is advised to call the matter to the attention of that adult. This may involve calling attention to circumstances which are inappropriate, even though not in themselves abusive, or reminding the person of particular provisions of this Decree, or challenging the person when guilty of affronts to a child. Any adult should not hesitate in reporting concerns confidentially to the proper superior or supervisor, when warranted.

SECTION II: RESPONSE

If the steps outlined in the Prevention section of this Decree are followed, many potential instances of child abuse will be eliminated. Nevertheless, some instances might occur. In these cases the church community, under the leadership of the Archbishop and its other pastors, must respond expeditiously and with compassion and care to the victim and the victim's family, to the local church community affected by the abuse, to the larger community and to the offender. The primary objectives of this response are personal and communal healing and the prevention of any further abuse by the offender.

People involved directly or indirectly in incidents of child abuse, indeed, even the general public, look to the Archbishop for personal pastoral care for victims and their families, for public statements when appropriate and for a consistent application of Archdiocesan policy.

Another important element of the response is a Response Team, whose task is to formulate specific plans for individual cases. The existence of a Response Team is intended to assure a high degree of objectivity in determining an appropriate response.

Everything that follows in this section on Response has the weight of policy. The principles provided in the Introduction of this Decree are to guide those managing the response.

A. Initial Tasks

Section 1 below applies to all cases of actual or suspected child abuse, regardless of who the accused person is. Sections 2 through 5 also apply when the accused person is a cleric, employee or volunteer of the Archdiocese.

1. Reporting to Civil Authorities

Because of the serious nature of child abuse, the law imposes obligations on many, and affords protection for all, in the reporting of known or suspected child abuse. It is the expectation that all who are subject to the Decree shall promptly alert the civil authorities and cooperate with them in good faith whenever acts of child abuse are known or suspected, unless to do so would violate a sacred trust (i.e. Sacrament of Penance) or an established legal privilege.

Ohio law *requires* that certain professionals and administrators immediately report any actual or suspected act of child abuse to the public children's service agency or to local law enforcement where the child resides or where the abuse is occurring. (Ohio Revised Code § 2151.421). Failure to do so is a misdemeanor and can result in prosecution. Any other citizen may report such behavior to the authorities. In either case, a person participating in good faith in making such a report is immune to both civil and criminal liability.

Many acts of child abuse are felonies. Ohio law imposes a general duty to report a felony on any person who knows that it has been or is being committed. (Ohio Revised Code § 2921.22) There are certain exceptions to this requirement. Thus, those who learn of such information through a privileged communication (see Appendix A) are not required to disclose information obtained through such communications.

All clerics, employees and volunteers of the Archdiocese are to be familiar with the provisions of both Ohio Revised Code § 2151.421 and § 2921.22 (see Appendix A). In situations where there may be questions about duty to report, the Chancellor should be consulted promptly. When necessary, the Chancellor shall arrange for consultation with the Archdiocesan attorney to provide legal advice.

2. Reporting and Investigating - Church Authorities

a. Any cleric, employee or regular volunteer (except licensed counselors, psychologists or social workers when their knowledge is protected by legal privilege and priests when their knowledge is protected by the seal of Confession), whether obligated by state law to report to the civil authorities or not, who witnesses an act of child abuse perpetrated by another cleric, employee or volunteer or suspects that such an act has occurred or receives a report of such an act, must report the incident immediately to the Chancellor of the Archdiocese.⁽¹⁾ If the Chancellor is not available, the report is to be made to the Archbishop's Administrative Assistant; if the Administrative Assistant is not available, the report is to be made to the Director of the Priests' Personnel Office.⁽²⁾

⁽¹⁾The Archbishop is free, with appropriate public notice, to appoint another qualified Archdiocesan official to fulfill some or all of the duties of the Chancellor described in this Decree, should the Archbishop judge that the objectives of this Decree would be better served.

⁽²⁾The Archbishop's Administrative Assistant or the Director of the Priests' Personnel Office will continue to fulfill the duties of the Chancellor outlined below until the Chancellor is able to assume those duties.

b. Any other person who believes that a child has been abused by an agent of the Archdiocese is encouraged to report the incident to the Chancellor.

c. If the reported incident has not already been reported to the civil authorities, the Chancellor, with the assistance of legal counsel, is to determine whether the incident requires reporting in accord with Ohio law. If so, the Chancellor will promptly report the incident to the appropriate civil authority and offer the full cooperation of the Archdiocese.

The person who made the initial report will be notified by the Chancellor whether the incident has been reported to the civil authorities. The reporter, of course, retains the right to report the incident to the appropriate civil authority personally, if this has not already been done.

d. If the Chancellor believes that legal advice or direction is warranted, he will arrange for consultation by the Archdiocesan attorney with the Archbishop, the Vicar General, Chancellor, the Director of the Office of Communications, the insurance administrator, and any other affected officer or local responsible supervisor of the Archdiocese with respect to any incident or allegation which has been reported to him.

Whether or not the incident requires reporting to the civil authorities, the incident is to be investigated quickly by the Chancellor or his delegate. This investigation is to be coordinated with any civil investigation and is to include, whenever possible, interviews with the alleged victim, the victim's parents, the person making the initial report, the accused person and any other person who may have knowledge of the situation. (This investigation is not intended to uncover all other possible cases of abuse perpetrated by the accused person; that aspect of the investigation is left properly to the civil authorities.)

e. If the charges are substantiated (even if not proven conclusively), steps 4 and 5 below are to be implemented immediately. If it is concluded that the charges of child abuse are unsubstantiated, the original copy of the investigation report is to be placed in a confidential file of the Chancery. All other copies are to be destroyed. The original copy is to be destroyed after ten years. Should the Chancellor learn later that the civil authorities have substantiated the charge or if new evidence is uncovered, then the case is to be reopened, and steps 4 and 5 below are to be implemented immediately.

f. A report of the investigation is to be written by the Chancellor and distributed to the Archbishop and to those other persons the Chancellor determines should receive it.

3. Immediate Pastoral Response to Victim

Whenever abuse occurs, the victim and the victim's family experience shock and anger. It is essential that effective, immediate and compassionate care be provided to these individuals until the procedures outlined below are completed. Ordinarily responsibility for this care will fall to those on the local level, typically the victim's Pastor, and continue until the Response Team's plans are implemented. When necessary, the local Dean should see to this care when so requested by the Chancellor or the Pastor of the affected parish. Care should be taken to consult with the civil agency or agencies which are investigating and responding to the reported incident.

4. Immediate Action Regarding Accused Person in Substantiated Case

a.. The Chancellor will direct the accused person's supervisor to place the person on a leave of absence from any official duties, pending the final resolution of the matter. Regular salary and benefits are to be provided. The accused person's permanent status should be resolved as soon as possible, pending any criminal proceedings and the long-term response plan of the Response Team (cf. Appendix D).

In the case of a priest, in addition to his being placed on a leave of absence, a temporary residence at a distance from the current assignment and without contact with children is to be arranged, if a serious act of child abuse is alleged to have occurred during the current canonical assignment. If the abuse is alleged to have occurred during some prior assignment, the current residence may be maintained until the matter is further resolved. Any accused priest or deacon is to undergo a psychological assessment arranged by the Director of the Priests' Personnel Office. All of these actions are to be approved by the Archbishop.

b. The supervisor will notify the local church community that an allegation has been made. Care is to be taken to avoid defamation of the character of the accused person.

c. The accused person should seek his or her own legal counsel.

d. The Chancellor will direct the Archdiocesan attorney to place the name of the accused person on the register mentioned in paragraph B.4 of the Prevention section of this Decree.

5. Formation of Response Team

- a. From a list of qualified persons, maintained for this purpose by the Chancellor, the Chancellor will convene a Response Team comprised of one person from each of these categories:
 - 1) licensed social worker with experience in child abuse
 - 2) licensed psychologist or psychiatrist with experience in child abuse
 - 3) pastoral services.⁽³⁾
- b. The Response Team is to meet within one week after the Chancellor completes the investigation described in step 2.e. above.
- c. At its first meeting the Response Team is to agree on one of its members to serve as chairperson. The chairperson will serve as liaison to the Chancellor and as official spokesperson for the Team.
- d. The Team will disband upon the completion of the tasks delineated in Appendix D, with the concurrence of the Chancellor.

B. On-going Tasks

1. Central Office Tasks

The Archbishop, the Response Team and the Chancellor will bear the major responsibility for the Archdiocese's response to incidents of child abuse, as outlined above and in Appendix D. However, various offices of the Archdiocesan central administration can provide valuable assistance to the response.

a. Review Board

The Review Board, established by the Archbishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the Review Board members will be lay persons who are not in the employ of the Archdiocese, and at least

⁽³⁾When possible this third person will have qualifications relating to the specific circumstances of the case, e.g. a principal, if a school community is most directly affected.

one member should have particular expertise in the treatment of the sexual abuse of minors; but at least one member should be a priest who is an experienced and respected pastor. The members will be appointed for a five-year term, which can be renewed. The Review Board will assist the Chancellor with the implementation of the Response section of this Decree. The Board will meet at least twice a year to review active cases, to reassess old cases as needed and to offer advice to the Chancellor. The Chancellor may also call at any time on members of the Board, individually or collectively, for advice. Every five years the Review Board will offer to the Archbishop recommendations for improving this Decree and its implementation.

All deliberations of the Review Board as a whole or of its members individually are to be maintained in strict confidentiality.

b. Personnel Management

The Personnel Office, the Department of Educational Services, the Priests' Personnel Office and other offices of the Archdiocese, which assist parish and institution personnel in their daily responsibilities, are to offer guidance to these personnel in their response to incidents of child abuse, in accord with this Decree.

c. Media Relations

Too often cases of child abuse occasion sensational attention in the media, which can be harmful to victims, local church communities and the mission of the Church. On the other hand, there is benefit to a forthright and honest presentation of the Church's attempt to provide a suitable response to incidents of child abuse within the Church. It is the task of the Director of the Office of Communications to serve as official public spokesperson for the Archdiocese, its personnel and the Response Team and to assist these people in responding to inquiries from the media. Thus, all media inquiries addressed to the personnel of the Archdiocese (including at the local level) and the Response Team are to be referred immediately to the Director of the Office of Communications who is to consult with the Chancellor and the Response Team, once it is formed, before making any public statements or advising others to do so. All responses and statements to the media will be guided by the principles which underlie this Decree (cf. Introduction).

d. Legal Actions

When instances of child abuse lead to legal actions, the rightful claims of victims, the protection of the Archdiocese and the legal rights of the accused person must be carefully balanced. All personnel of the Archdiocese will cooperate with the civil authorities in their investigations, always notifying the Chancellor of these contacts. The Chancellor bears exclusive responsibility (subject to the authority of the Archbishop) for managing the response of the Archdiocese to claims and civil actions and for advising the personnel of the Archdiocese, including the Response Team, in this regard, always with the assistance of qualified attorneys. The Chancellor also bears responsibility for advising the Archbishop in the event that canonical procedures are warranted. Normally, the Archdiocese will not provide legal counsel for accused persons.

e. Records Retention

Once implementation of the Response Team's long-term response plan has begun, the Chancellor will place a dossier in the secret archive of the Chancery under the name of the accused person. The dossier will include the Chancellor's investigation report, the short-term response plan, the long-term response plan and any other pertinent documents. After ten years, in accord with canon law (Canon 489.2), the dossier will be destroyed, with only a summary of the case being retained in the secret archives.

2. Local Tasks

The regular leaders of the parishes, schools and institutions of the Archdiocese, especially ordained ministers and professional staff, occupy a critical position in the response to instances of child abuse. It is they who know the victims, their families and the local church communities. It is they who can offer a particularly effective ministry of healing, both short-term and long-term. It is the task of pastors, principals, directors of religious education and other administrators to see that the provisions of this Decree with regard to the response to child abuse are implemented fully and carefully on the local level. It is also incumbent upon these persons and those who work with them to uphold the values enunciated in this Decree, to listen well and to provide concrete means for healing. They are to be especially attentive to the pastoral needs of victims and their families.

At the same time, local leaders must recognize that their community is part of a larger church family. Thus, they must look to the Response Team and appropriate officials of the Archdiocese for guidance and direction and stand

ready to offer advice to these persons. Specifically, all contact with the media is to be arranged through the Office of Communications.

In the end, a collaborative effort among parish leaders, the Response Team and Archdiocesan officials, and an openness on the part of all involved, will lead to the most effective response to cases of child abuse. Such a response will itself be a powerful means for preventing future cases of child abuse.

APPENDIX A

OHIO REVISED CODE

[§ 2151.42.1] § 2151.421 Duty to report child abuse or neglect; investigation and followup procedures.

(A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, shall fail to immediately report that knowledge or suspicion to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; registered nurse; licensed practical nurse; visiting nurse; other health care professional; licensed psychologist; licensed school psychologist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp or child day camp; administrator or employee of a certified child care agency or other public or private children services agency; school teachers; school employees; school authority; person engaged in social work or the practice of professional counseling; or a person rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion.

(2) An attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding, except that the client or patient is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to that communication and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney or physician knows or suspects, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The attorney-client or physician-patient relationship does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(B) Anyone, who knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child, may report or cause reports to be made of that knowledge or suspicion to the public children services agency or to a municipal or county peace officer.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's known or suspected injuries, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the known or suspected injury, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect.

Any person, who is required by division (A) of this section to report known or suspected child abuse or child neglect, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D)(1) Upon the receipt of a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, the municipal or county peace officer who receives the report shall refer the report to the appropriate public children services agency.

(2) On receipt of a report pursuant to this division or division (A) or (B) of this section, the public children services agency shall comply with section 2151.422 [2151.42.2] of the Revised Code.

(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 [2151.42.2] of the Revised Code.

(F) (1) Except as provided in section 2151.422 [2151.42.2] of the Revised Code, the public children services agency shall investigate, within twenty-four hours, each report of known or suspected child abuse or child neglect and of a known or suspected threat of child abuse or child neglect that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (J) of this section. A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to a central registry which the department of job and family services shall maintain in order to determine whether prior reports have been made in other counties concerning the child or other principals in the case. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(G)(1)(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(H)(1) Except as provided in divisions (H)(4), (M), and (N) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(I) Any report that is required by this section shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 [2151.42.2] of the Revised Code.

(J) (1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

- (a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;
- (b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;
- (c) The county peace officer;
- (d) All chief municipal peace officers within the county;
- (e) Other law enforcement officers handling child abuse and neglect cases in the county;
- (f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B) (1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

(3) A memorandum of understanding shall include all of the following:

(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected.

(K) (1) Except as provided in division (K) (4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report to be provided with the following information:

(a) Whether the agency has initiated an investigation of the report;

(b) Whether the agency is continuing to investigate the report;

(c) Whether the agency is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (K) (1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a municipal or county peace officer or employee of a public children services agency receives a report pursuant division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K) (1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K) (1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K) (1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.42.22 [2151.42.2] of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(L) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(M) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of

the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(N) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 [2151.42.2] of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

§ 2921.22 Failure to report a crime or knowledge of a death or burn injury.

(A) No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(B) Except for conditions that are within the scope of division (E) of this section, no person who is a physician, limited practitioner, nurse, or other person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound that the physician, limited practitioner, nurse, or person treated or observed or any serious physical harm to persons that the physician, limited practitioner, nurse, or person knows or has reasonable cause to believe resulted from an offense of violence.

(C) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, ambulance service, emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained.

(D) No person shall fail to provide upon request of the person to whom the person has made a report required by division (C) of this section was made, or to

any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

(E) (1) As used in this division, "burn injury" means any of the following:

- (a) Second or third degree burns;
- (b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;
- (c) Any burn injury or wound that may result in death.

(2) No physician, nurse, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under division (E)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the state fire marshal. The report shall be made on a form provided by the state fire marshal.

(5) Anyone participating in the making of reports under division (E) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding section 4731.22 of the Revised Code, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted pursuant to division (E) of this section.

(F) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, professional clinical counselor, or professional counselor who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in section 3113.31 of the Revised Code, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding section 4731.22 of the Revised Code, the doctor-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted pursuant to division (F)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(G) Division (A) or (D) of this section does not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the clergyman, † the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a † the professional character of the member of the clergy, rabbi, minister, or priest; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under section 2739.04 or 2739.12 of the Revised Code.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to the clergyman † that member of the clergy in a † that member's capacity as a clergyman by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or organization certified pursuant to section 3793.06 of the Revised Code.

(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of section 2907.02 or 2907.05 of the Revised Code or to victims of felonious sexual penetration in violation of former section 2907.12 of the Revised Code. As used in this division, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide such services.

(H) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(I) Whoever violates division (A) or (B) of this section is guilty of failure to report a crime. Violation of division (A) of this section is a misdemeanor of the fourth degree. Violation of division (B) of this section is a misdemeanor of the second degree.

(J) Whoever violates division (C) or (D) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

(K)(1) Whoever negligently violates division (E) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates division (E) of this section is guilty of a misdemeanor of the second degree.

APPENDIX B

APPLICANT'S CERTIFICATION

This Certification must be signed by every applicant for employment with the Archdiocese of Cincinnati which involves regular contact with children.

I hereby attest and certify that I have never been convicted of nor pled guilty to: endangering children, including child abuse, in violation of Ohio Revised Code Section 2919.22; contributing to the unruliness or delinquency of a child, in violation of Ohio Revised Code Section 2919.24; rape, in violation of Ohio Revised Code Section 2907.02; sexual battery, in violation of Ohio Revised Code Section 2907.03; unlawful sexual conduct with a minor, in violation of Ohio Revised Code Section 2907.04; gross sexual imposition, in violation of Ohio Revised Code Section 2907.05; sexual imposition, in violation of section Ohio Revised Code Section 2907.06; importuning, in violation of Ohio Revised Code Section 2907.07; voyeurism, in violation of Ohio Revised Code Section 2907.08; public indecency, in violation of Ohio Revised Code Section 2907.09; any offense of violence; or any existing or former offense of any municipal corporation, of this state, any other state, or the United States, that is substantially equivalent to any of the above offenses. (If you have been convicted of or pled guilty to any of the above offenses and wish to explain the circumstances thereof, please do so on a separate sheet.) I further certify that I have never been discharged from employment or a volunteer position because of any activity covered by the foregoing statutes.

I hereby authorize any present or former employer, person, firm, corporation, physician, or government agency to answer any and all questions and to release or provide any information within their knowledge or records, and I agree to hold any and all of them harmless and free of any liability for releasing any truthful information that is within their knowledge and records. I further authorize the Archdiocese of Cincinnati to conduct a check of my police criminal records and agree that I will fully cooperate in providing all information and signing all documents necessary to conduct such a check.

I hereby attest and certify that the above information provided by me is true and correct to the best of my knowledge. I understand that misrepresentations or omissions may disqualify my application or result in my immediate dismissal if I am already employed.

Signature of Applicant

Date

Institution Name

Witness

This Applicant's Certification is only one part of the application process. Applicants must also supply other personal information and references, as required in Section I, B of the Decree on Child Protection.

APPENDIX C

DIRECTIVES TO ARCHDIOCESAN OFFICES CONCERNING IMPLEMENTATION OF THE DECREE ON CHILD PROTECTION

Numbers below correspond to the numbers in the Prevention section of the Decree.

- A.1 The Chancery is to provide for the reproduction and distribution of this Decree. The Chancery will also arrange for informational sessions to introduce this Decree to appropriate Archdiocesan personnel within six months of its promulgation.

- A.2 The Department of Educational Services, in collaboration with other offices and agencies of the Archdiocese, such as the Priestly Formation Office and Youth Ministry Office, is to develop or identify curricula, programs and in-service opportunities which can be used in the training and certification of youth workers.

- A.4 The Department of Educational Services, in collaboration with other offices and agencies of the Archdiocese, is to develop curricula which can be used in the educational programs for children.

- B.1 The Personnel Office of the Archdiocese is to develop forms to assist with the gathering of information about applicants and to make these forms readily available to the parishes and institutions of the Archdiocese.

APPENDIX D

RESPONSE TEAM TASKS

1. Preliminary Plan of Action

- a. At its initial meeting (see Section II, 5b.) the Response Team is to review the Chancellor's investigation report, assess the nature of the case and agree upon a preliminary plan of action.
- b. The preliminary plan of action will ordinarily involve making personal contact with the victim and victim's parents, with the leadership of the local church community and with the accused person.
- c. This work of the Response Team will be coordinated with the efforts of the civil authorities through the Chancellor. The Chancellor will also consult regularly with the Archdiocesan attorney and apprise the Office of Communications of the relevant information concerning the Response Team's work.

2. Short- Term Response

- a. Within two weeks of its initial meeting the Response Team is to meet to review the information gathered during implementation of the preliminary plan of action and to develop a plan for a short-term response. The short-term response plan will include the following elements:
 - 1) the needs of the victim and victim's family (e.g. psychological evaluation, medical treatment, immediate demands upon the Archdiocese or the accused person, continued contact with the Response Team);
 - 2) the needs of the local church community (e.g. public disclosure of the matter, group counseling, remembering process);
 - 3) the needs of the civil authorities dealing with the case;
 - 4) the needs of the accused person.

- b. The Response Team is to report its plan for a short-term response to the Chancellor, and the Team and Chancellor are to agree on its implementation, including the assignment of responsibilities. The Chancellor will forward a copy of the plan to the Archbishop.
- c. The Chancellor will communicate responsibilities assigned in the plan to specific central office, parish, school or institution personnel. Compliance by these persons is required. The Response Team will implement any responsibilities it has assigned to itself.
- d. Members of the Response Team and the Chancellor are to confer regularly during the implementation of the short-term response plan, making adjustments to the plan as needed. The Chancellor will confer regularly with central office, parish, school or institution personnel regarding their responsibilities under the plan.

3. **Long-Term Response**

- a. As the short-term response plan reaches full implementation, the Response Team will meet to review the case and to develop a plan for a long-term response. The long-term response plan is to include the following elements:
 - 1) the needs of the victim and victim's family;
 - 2) the needs of the local church community;
 - 3) the needs of the Archdiocese;
 - 4) the needs of the accused person (e.g. therapy, future role in Church life, public disclosure at any future assignments).
- b. The Response Team is to report its plan for a long-term response to the Chancellor, and the Team and Chancellor are to agree on its implementation, including the assignment of responsibilities. The Chancellor will forward a copy of the plan to the Archbishop.
- c. The Chancellor will communicate responsibilities assigned in the plan to specific central office, parish, school or institution personnel. Compliance by those persons is required. The Response Team will implement any responsibilities it has assigned to itself.

- d. The Response Team, the Chancellor and other appropriate persons will meet quarterly to monitor, evaluate and adjust implementation of the long-term response plan. They will meet until such time as the Response Team judges that such meetings are no longer important for effective implementation of the long-term response plan.

4. **Related Issues**

- a. Clientele

The Response Team principally serves the Archdiocese of Cincinnati in its attempt to provide a proper response to incidents of child abuse. As such, the Team is an official organ of the Archdiocese and operates under its auspices but in complete cooperation with civil authorities.

- b. Confidentiality

The proper response to an incident of child abuse will ordinarily involve the sharing of information among a number of people. Whenever the greater good is served — bearing in mind the priority of the victim's well-being — the members of the Response Team may function as a conduit of information among the various persons involved in the incident. As a rule, communication between the Response Team and the civil authorities, if any, will be handled by the Chancellor. Otherwise the internal deliberations of the Response Team are to remain confidential. The Response Team should determine, in consultation with the Chancellor, who besides the Archbishop and the Director of the Office of Communications should receive a copy of the short-term and long-term plans.

- c. Reimbursement

The working hours of the Response Team members are reimbursable by the Archdiocese according to standard rates for their respective professions. Out-of-pocket expenses are also reimbursable. Other expenses must receive prior approval from the Chancellor. The Chancery staff will provide secretarial support to the Response Team.

- d. Psychological Services

In some cases the victim, members of the victim's family or the local church community affected by an act of abuse may require the assistance of mental health or social service professionals. Typically

the short-term response plan will provide for evaluative counseling and the long-term response plan for any continuing assistance, as needed. When such assistance is called for in either the short-term response plan or in the long-term response plan, the Archdiocese stands ready to assume any associated costs, as part of its healing ministry, if those costs are not covered by insurance. Such assistance will be provided through Catholic Social Services or some other counselor, therapist, support group, etc. The Chancellor will be responsible for the Archdiocese's role in providing this assistance.

APPENDIX E

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons

Appendix E in the 1993 *Decree on Child Abuse* and the 1998 *Decree on Child Protection* was “Criteria for Reinstatement of Clerics, Employees and Volunteers Who Are Guilty of Sexual Abuse of Children.” That appendix has been abrogated by the “Essential Norms for Diocesan/Eparchial Policies Dealing with the Allegation of Sexual Abuse of Minors by Priests or Deacons,” published below. Those norms are particular law for the dioceses and eparchies in the United States Conference of Catholic Bishops, of which the Archdiocese of Cincinnati is a member. In addition, a lay offender in the Archdiocese of Cincinnati will not be reinstated as an employee elsewhere, nor act as a volunteer.

NORMS

Preamble

On June 14, 2002, the United States Conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*. The charter addresses the Church’s commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse by minors by diocesan and religious priests or deacons.¹ These norms are complementary to the universal law of the Church, which has traditionally considered the sexual abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor or other behavior by which an adult uses a minor as a object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth Commandment (Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, USCC, 1995, p. 6). A canonical offence against the sixth commandment of the Decalogue (c. 1395, §2) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to be involve force, physical contact, or a discernible harmful outcome. Moreover, “imputability [moral responsibility] for a canonical offense is presumed upon external violation...unless it is otherwise apparent.” (c. 1321, §3). Cf. Cc 1322-27².

Norms

1. Having received the *recognitio* of the Apostolic See on December 8, 2002, and having legitimately promulgated in accordance with the practice of this Episcopal Conference on March 1, 2003, these Norms constitute particular law for all the dioceses/eparchies of the United States of America. Two years after *recognitio* has been received, the norms will be evaluated by the plenary assembly of the United States Conference of Catholic Bishops.
2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other Church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly canons 1717-1719. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.

3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.
4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include:
 - A. advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
 - B. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and
 - C. offering advice on all aspects of these cases, whether retrospectively or prospectively.
5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.
6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (c. 1717). All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in canon 1722—i.e., remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit the public participation in the Most Holy Eucharist pending the outcome of the process.

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.
8. When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord in canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants. (c. 1395, 2)³.
 - A. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered. (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001.) Unless the Congregation for the Doctrine of the Faith, having been notified, call the case to itself because of special circumstances, it will direct the diocesan bishop/eparch to proceed. (Article 13, “Procedural Norms” for *Motu proprio Sacramentorum santitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch shall apply to the Congregation of the Doctrine of the Faith for a derogation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of canon 1722 shall be implemented during the pendency of the penal process, in accord with Article 15 of this *motu proprio*.
 - B. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of a prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.
9. At all times, the diocesan bishop/eparch has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.⁴ Because sexual abuse of a minor is a crime in all jurisdictions in the United States, for the sake of common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest who has committed even one

act of sexual abuse of a minor as described above shall not continue in active ministry.⁵

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.
11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the diocese/eparchy will advise and support a person's rights to make a report to public authorities.⁶
12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward in a confidential manner to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.
13. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

¹In applying these Norms to religious priests and deacons, the term "religious ordinary" shall be substituted for the term "bishop/eparch" *mutatis mutandis*.

²If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted and the opinions of recognized experts should be appropriately obtained (Canonical Delicts, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

³Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder which requires professional treatment.

⁴See canons 35-58, 149, 157, 187-189, 192-195, 277 § 3, 381, 383, 391, 1348, 1740-1747.

⁵The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions: (cc. 381, 129ff):

- a. He may request that the accused freely resign from any currently held ecclesiastical office (cc. 187-189).
- b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (c. 149, §1) at this time for holding an office previously freely conferred (c. 157), then he may remove that person from office observing the required canonical procedures (cc. 192-195, 1740-1747).
- c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (c. 391, §1 and 142, §1),while any *de lege* faculties may be removed or restricted by the competent authority as provided in law (e.g., c. 764).
- d. The diocesan bishop/eparch may also judge that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (c. 906), and he may strongly urge the priest not to do so and not to administer the sacraments for the good of the Church and for his own good.
- e. Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (cc. 85-88) the cleric from the obligation of wearing clerical attire (c. 284) and may urge that he not do so for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (cc. 47-58) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (cc. 1734 ff).

⁶The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

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