DIOCESE OF SANTA ROSA

POLICY FOR THE PROTECTION

OF CHILDREN AND YOUNG PEOPLE

INCLUDING

THE STATE OF CALIFORNIA

CHILD ABUSE AND NEGLECT

MANDATED REPORTING LAW

Serving the Diocese of Santa Rosa in California
Sonoma; Napa; Mendocino; Lake; Humboldt and Del Norte Counties

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PART I

CHILD ABUSE AND NEGLECT REPORTING ACT REQUIREMENTS

The first child abuse reporting law in California was enacted in 1963. Those early laws mandated only physicians to report physical abuse. However over time, amendments have expanded the definition of child abuse and the person required to report. The purpose of this policy is to clarify the responsibility of mandated reporters working for the Diocese of Santa Rosa, to detail reporting requirements, give definitions of abuse, some possible indicators of abuse, and suggestions on how to respond when a child discloses. The California Child Abuse Reporting Law is found in Penal Code sections 11165-11174.5.

MANDATED REPORTERS

The California Penal Code section 11165.7 clearly spells out the individuals who come under the definition of mandated reporter. Those individuals working in the Diocese who meet one of the following definitions are considered mandated reporters by civil law and diocesan policy.

1- A teacher (P.C. 11165.7a (1))
2- An instructional aide (P.C. 11165.7a(2))
3- A teacher’s aide or teacher’s assistant employed by any public or private school. (P.C. 11165.7a(3))
4- An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school. (P.C. 11165.7a(5))
5- An administrator of a public or private day camp. (P.C. 11165.7a(6))
6- An administrator or employee of a public or private youth center, youth recreation program, or youth organization. (P.C. 11165.7a(7))
7- An administrator or employee of a public or private organization whose duties require direct contact and supervision of children. (P.C. 11165.7a(8))
8- Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school. (P.C. 11165.7a(17))
9- A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, “clergy member” means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization. (P.C. 11165.7a(32))

Section 11166 subdivision (d) states: (1) a clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, “penitential communication” means a communication intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

10- Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166. (P.C. 11165.7a(33))
11- Any person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code. (P.C. 11165.7a(37))
P.C. Section 11165.7 b states that except as provided in paragraph (35) of subdivision (a), volunteers of public or private organization whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse or neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

12-While P.C. Section 11165.7 b. makes it clear that volunteers for the Diocese of Santa Rosa are not mandated reporters under the laws of the State of California, however, it must be stated that those volunteers who have regular contact with children, are acting as representatives for the Roman Catholic Church, and are required to act as mandated reporters by diocesan policy. In addition, all staff of the cemeteries; the administration and staff of Catholic Charities, its departments and agencies; all paid personnel in the department and offices of the diocese, the parish offices, ministries and schools of the diocese, as representatives for the Roman Catholic Church, are considered mandated reporters by diocesan policy.

DEFINITIONS

Under the law, when the victim is a child (a person under the age of 18) and the perpetrator is any person (including a child), the following types of abuse must be reported by all legally mandated reporters:

1. **Child sexual abuse**, which includes sexual assault and sexual exploitation. (P.C. 11165.1)
   - **Sexual assault** includes, but is not limited to, sex acts with children, intentional masturbation in the presence of children and child molestation.
   - **Sexual exploitation** includes, but is not limited to, preparing, selling, or distributing pornographic materials involving children, performances involving obscene sexual conduct and child prostitution.

2. **Neglect of a child**, whether “severe” or “general” must also be reported if the perpetrator is a person responsible for the child’s welfare. It includes acts or omissions harming or threatening to harm the child’s health or welfare. (P.C. 11165.2)

3. **Willful cruelty or unjustified punishment**, which includes inflicting or permitting unjustifiable physical pain or mental suffering, or the endangering of the child’s person or health. (P.C. 11165.3). “Mental suffering” in and of itself is not required to be reported, however it may be reported. Penal Code 11166.05 states: “Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered in any other way may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9”.

4. **Unlawful corporal punishment or injury**, willfully inflicted, resulting in a traumatic condition. (P.C. 11165.4)

5. **Traumatic condition** is an injury caused by physical force, whether of a minor or serious nature.

6. A **physical injury** inflicted by other than accidental means on a child. (P.C. 11165.6).

**REPORTING GUIDELINES**

A. A mandated reporter shall make a report when he or she observes, knows or has reasonable suspicion that a child has been the victim of abuse or neglect.

- *Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon the fact that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.*
  
  *(PC 11166.05 a1)*

- If in doubt consult with Child Protective Services.

**HOW TO REPORT**

A. When a mandated reporter observes, knows, or has reasonable suspicion that a child has been abused, a telephone report is required immediately, or as soon as is reasonably possible. If all required information is not immediately attainable, the telephone report must still be made with the available information. The following information will be required:

  i. your name
  ii. child’s name, age, date of birth
  iii. parent’s name and address, telephone numbers
  iv. names and ages of siblings
  v. incident information

B. A written report is required to be mailed or faxed within 36 hours.

C. Reporting forms are to be kept on file in the parish or school office, or other readily accessible locations. If you are unable to locate a form, contact Child Protective Services, or find one online at [http://ag.ca.gov/childabuse/forms.php](http://ag.ca.gov/childabuse/forms.php). (Click on *Suspected Child Abuse Report Form*). A sample of the Suspected Child Abuse Report Form is attached to this policy.
WHERE TO REPORT

If child abuse is suspected, the mandated reporter is to report according to the following criteria:

- Abuse by a family member: report to Child Protective Services, see page 14.
- Abuse by a non-family member: report to Law Enforcement agency where alleged abuse occurred, pages 10-13.

INDIVIDUAL RESPONSIBILITY

When two or more persons who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article. The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer. Reporting the information to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to CPS or law enforcement. (P.C. Section 11166.05 (h - i).

ANONYMOUS REPORTING

Mandated reporters are required to give their names. Non-mandated reporters may report anonymously. Child protective agencies are required to keep the mandated reporter’s name confidential, unless a court orders the information disclosed.

IMMUNITY

Mandated reporters have immunity when making a report under this policy or the law. In the event a civil suit is filed against the reporter, reimbursement for fees incurred in the suit will occur up to $50,000 (P.C. Section 11172). No individual can be dismissed, disciplined, or harassed for making a report of suspected child abuse. The only exception is if the mandated reporter makes a false report with reckless disregard of the truth. (P.C.11172)
LIABILITY

Legally mandated reporters can be criminally liable for failing to report suspected child abuse. The penalty for this misdemeanor is up to six months in county jail, a fine of not more than $1,000 or both. Any mandated reporter who willfully fails to report abuse or neglect, or any person who impedes or inhibits a report of abuse or neglect, where the abuse or neglect results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than $5,000 or both that fine and imprisonment. (P.C. 11166.01b)

FINANCIAL RESPONSIBILITY

Any clergy, employee or volunteer who avails of civil legal counsel in any civil or criminal proceeding is responsible for all expenses incurred.

FALSE ACCUSATIONS AND RETALIATORY ACTIONS

There is always the possibility of false accusations or unsubstantiated claims. Both civil and canon law provide penalties for the crime of falsehood in which individuals become victims of false denunciation and calumny. Care will always be taken to protect the rights of all parties involved. When an accusation has proved to be unfounded, every means possible will be taken to restore the good name of the person falsely accused.

Retaliation and/or discrimination against any person who reports child abuse or neglect is strictly prohibited and will not be tolerated.

EDUCATION/PREVENTION

To support each mandated reporter and volunteer in their own responsibility for their sexual growth, maturity, professional and personal conduct, every two years they are required to attend a training session provided by the diocese or are to take this training on-line at www.santarosacatholic.org in order to assist them in recognition, prevention, and the reporting of child abuse and neglect.

BACKGROUND CHECK

- All mandated reporters and volunteers who have regular contact with children are to be fingerprinted and receive clearance from the FBI and/or the Department of Justice before engaging in any ministry or work on behalf of the diocese, a school or other institution, whichever is applicable.

- All mandated reporters and volunteers are to complete the Declaration of Responsibility. This signed form is to be kept on file at the diocese, parish, school or institution, whichever is applicable.
POLICY APPLICATION

- The Policy For the Protection of Children and Young People is to be distributed to all mandated reporters listed on pages 1 & 2, nos. 1-11, and to those listed in no. 12.

- All mandated reporters are to sign the Acknowledgment of Receipt of Policy form confirming receipt and understanding of this policy before engaging in any ministry or work on behalf of the diocese, parish, school or institution.

- Even though volunteers and some other personnel are not mandated reporters under the laws of the State of California, nevertheless, as representatives for the Roman Catholic Church (diocese, parish, school or institution), they are, by diocesan policy, required to confirm receipt and understanding of this policy by signing the Acknowledgment of Receipt of Policy form.

- A copy of the signed Acknowledgment of Receipt of Policy form of each mandated reporter and volunteer and other personnel is to be on file at the parish, school, or institution, whichever is applicable.

AN HISTORICAL ALLEGATION OF SEXUAL ABUSE OF A MINOR

- The one bringing such an allegation is to be directed immediately to the Diocesan Director for the Protection of Children and Young People. For additional information in contacting the Director for the Protection of Children and Young People refer to page 20.
APPENDIX I

INDICATORS OF ABUSE

Indicators of abuse are often absent or difficult to spot. Many children are highly competent, making it difficult for adults to believe that anything could be wrong. On the other hand, a child with behavior issues may also have difficulties with credibility when making an allegation. The presence of any of the following indicators does not prove that a child is being abused, but should serve as a warning signal to look further.

PHYSICAL INDICATORS IN THE CHILD

Physical Abuse

- Fractures, lacerations, bruises that cannot be explained, or explanations which are improbable given the extent of the injury.
- Burns (cigarette, rope, scalding water, iron, radiator).
- Facial injuries (black eyes, broken jaw, broken nose, bloody or swollen lips) with implausible or nonexistent explanations.
- Subdural hematoma, long-bone fractures, fractures in different states of healing.
- Pattern of bruising, (e.g. that shows an outline of the object used) or bruises in different stages of discoloration, indicating repeated trauma over time.

Neglect

- Failure to thrive, a child’s failure to gain normal weight at the expected rate for a normal child. A child who fails to thrive may have medical or psychosocial problems, or a combination of these.
- Malnutrition or poorly balanced diet (bloated stomach, extremely thin, dry, flaking skin, pale, fainting).
- Inappropriate dress for weather.
- Extremely offensive body odor.
- Dirty, unkempt.
- Unattended medical conditions (e.g. infected minor burns, etc.).

Sexual Abuse

- Bruising around genital area.
- Swelling or discharge from vagina/penis.
- Tearing around genital area, including rectum.
- Visible lesions around mouth or genitals.
- Complaint of lower abdominal pain.
- Painful urination or defecation.
BEHAVIORAL INDICATORS IN THE CHILD

Physical Abuse

- Hostile or aggressive behavior toward others.
- Extreme fear or withdrawn behavior around others.
- Destructiveness (breaks windows, sets fires, etc.).
- Verbal abusiveness.
- Out-of-control behavior (angry, panics, easily agitated).
- Overly compliant behavior.

Sexual Abuse

- Sexualized behavior (has precocious knowledge of explicit sexual behavior and engages self or others in overt or repetitive sexual behavior).
- Hostility or aggression.
- Fearfulness or withdrawn.
- Self-destructiveness (self-mutilates).
- Pseudo-maturity (seems mature beyond chronological age).
- Eating disorders.
- Alcoholism/drug abuse.
- Running away.
- Promiscuity.

Neglect

- Clingy or indiscriminate attachment.
- Self imposed isolation.
- Depression or passivity.

Emotional abuse

- Severe anxiety
- Depression
- Withdrawal
- Aggressive behavior toward others
- Aggressive behavior toward self

(This may be a new category for some mandated reporters, but emotional abuse is now reportable under Penal Code 11166.05)
WHAT TO SAY WHEN A CHILD DISCLOSES

It is important to understand the distinction between clarifying what a child has said and doing an investigation. Only a child protective agency or county designee can conduct an investigation. It is the obligation of the mandated reporter to ask only those questions that would help determine whether there are grounds for reasonable suspicion.

It is also important not to make promises that cannot be kept. Often children who disclose child abuse say they will only tell their secret if ‘you promise not to tell anyone.’ A mandated reporter cannot keep this promise. If it is given, and later the confidence is broken, the child is likely to feel betrayed and trust will be jeopardized.

Suggested Comments to the child that discloses:

- “I’m really glad you told me.”
- “It was the right thing to do.”
- “Thank you for trusting me with this problem.”
- “It took a lot of courage to tell me.”
- “This has happened to other kids.”
- “I need to tell some other people who work to protect children.”
- “We will work together to try to get help.”
- “It is not your fault.”

-XXXXXXXXXX-
APPENDIX II

SONOMA COUNTY LAW ENFORCEMENT JURISDICTIONS

Telephone a report to the law enforcement agency where alleged abuse occurred immediately. Written report must be sent within 36 hours after telephone report.

A. If inside the city limits call the following:

Cloverdale PD 894-2150, 112 Broad Street, 95425
Cotati PD 792-4611, 201 W. Sierra Avenue, 94931
Healdsburg PD 431-3377, 126 Matheson Street, 95448
Petaluma PD 778-4372, 969 Petaluma Blvd. No., 94954
Rohnert Park PD 584-2611, 500 City Hall Drive, 94928
SRJC 527-1000 or 576-3299, 1501 Mendocino Ave., 95401
Santa Rosa PD 528-5222, 965 Sonoma Ave., 95404
Sebastopol PD 829-4400, 6850 Laguna Park Way, 95472
Sonoma PD 996-3602, 175 1st Street, 95476
SSU 664-2143, 1801 E. Cotati Ave., Rohnert Park, 94928
Windsor PD 838-1234, 9047 Old Redwood Highway, 95492

B. If outside the city limits (i.e. unincorporated areas) call the following:

Sonoma County Sheriffs Dept. 565-2121, 600 Administration Dr., Santa Rosa, 95403

Examples of unincorporated areas:

Agua Caliente Guerneville
Annapolis Jenner
Asti Kenwood
Bloomfield Lakeville
Bodega Mark West Springs
Boyes Hot Springs Monte Rio
Camp Meeker Occidental
Cazadero Penngrove
Duncan Mills Rio Nido
Eldridge Sea Ranch
El Verano Sears Point
Forestville Shellville
Fort Ross Stewarts Point
Freestone Two Rock
Fulton Villa Grande
Geyserville Vineburg
Glen Ellen Wikiup
Graton

NAPA COUNTY LAW ENFORCEMENT JURISDICTIONS

Telephone a report to the law enforcement agency where alleged abuse occurred immediately. Written report must be sent within 36 hours after telephone report.

A. If inside the city limits call the following:

American Canyon PD 648-0171 2185 Elliott Dr. 95403
Calistoga PD 942-2810 1235 Washington St. 94515
Napa PD 257-9223 1539 1st St. 94558
St. Helena PD 967-2850 1480 Main St. 94574
Yountville 253-4451 1535 Airport Blvd. Napa 94558 (Sheriff)

B. If outside the city limits (i.e. unincorporated areas) call the following:

Napa County Sheriffs Department. 253-4451, 1535 Airport Blvd. Napa 94558

Examples of unincorporated areas:
Angwin Oakville
Deer Park Rutherford

MENDOCINO COUNTY LAW ENFORCEMENT JURISDICTIONS

Telephone a report to the law enforcement agency where alleged abuse occurred immediately. Written report must be sent within 36 hours after telephone report.

A. If inside the city limits call the following:

Ukiah PD 463-6242 300 Seminary Ave. 95482
Willits PD 459-6122 125 E. Commercial #150 95490
Ft. Bragg PD 961-2800 250 Cypress St. 95437
Mendocino Sheriff 463-4411 589A Low Gap Rd. Ukiah 95482
Pt. Arena Sheriff 964-6308 700 S. Franklin St. #110 Ft. Bragg
Gualala Sheriff 964-6308 700 S. Franklin St. #110 Ft. Bragg

B. If outside the city limits (i.e. unincorporated areas):

Mendocino Co. Sheriff 459-6111 125 E.Commercial St.#200 Willits

Examples of unincorporated areas
Albion Covelo Hopland Westport
Boonville Elk Manchester
**LAKE COUNTY LAW ENFORCEMENT JURISDICTIONS**

Telephone a report to the law enforcement agency **where alleged abuse occurred** immediately. Written report must be sent within 36 hours after telephone report.

**A. If inside city limits call the following:**

- Lakeport Sheriff 262-4200 1220 Martin St. 95453
- Clearlake PD 994-8251 14050 Olympic Dr. 95422
- Middletown 62-4200 1220 Martin St. 95453

**B. If outside the city limits (i.e. unincorporated areas) call the following:**

- Lake County Sheriff 262-4200 1220 Martin Street. Lakeport

**Examples of unincorporated areas**

- Knocti
- Kelseyville
- Lower Lake
- Lucerne
- Lock Lomond
- Nice

**DEL NORTE COUNTY LAW ENFORCEMENT JURISDICTIONS**

Telephone a report to the law enforcement agency **where the alleged abuse occurred** immediately. Written report must be sent within 36 hours after telephone report.

**A. If inside the city limits call the following:**

- Crescent City PD 464-2133 686 G St. 95531

**B. If outside the city limits (i.e. unincorporated areas) call the following:**

- Del Norte Co. Sheriff 464-4191 5650 5th St. Crescent City 95531

**Examples of unincorporated areas:**

- Klamath
- Smith River
HUMBOLDT COUNTY  LAW ENFORCEMENT JURISDICTIONS

Telephone a report to the law enforcement agency where alleged abuse occurred immediately.  Written report must be sent within 36 hours after telephone report.

A. If inside the city limits call the following:

- Arcata PD  822-2428  736 F. Street, 95521
- Blue Lake PD  668-5895  111 Greenwood Rd. 95525
- HSU  826-5555  #1 Harpst St. Arcata 95521
- Eureka PD  441-4060  604 C Street  95501
- Ferndale PD  786-4025  PO Box 1096 95536
- Fortuna  725-7550  621 11th St. 95540
- Rio Dell PD  764-5642  675 Wildwood Ave .95562
- Scotia  822-2428  736 F. St. Arcata 95521
- Garberville  822-2428  736 F. St. Arcata 95521
- Trinidad PD  677-0133  409 Trinity St. 95570

B. If outside the city limits (i.e. unincorporated areas) call the following:

- Humboldt Co  822-2428  736 F. St. Arcata 95521

Examples of unincorporated areas

- Fernbridge
- Hoopa
- Loleta
- Miranda
- Orick
- Petrolia
- Philipsville
- Red Way
- Weott
APPENDIX III

CHILD PROTECTIVE SERVICES

Del Norte County

Child Protective Services  707-464-3191
880 Northerest Drive
Crescent City, CA  95531

Humboldt County

Child Welfare Services  707-445-6180
929 Coster Street
Eureka, CA  95501

Mendocino County

County Child Protective Service  707-463-5600
747 South State Street
Ukiah, CA  95437

Lake County

County Child Protective Service  707-262-3270
922 Bevins Court
Lakeport, CA  95453

Napa County

Child Protective Services  707-253-4261
2261 Elm Street  800-464-4261
Napa, CA  94559

Sonoma County

Human Services Department  707-565-4304
Child Protective Services  707-565-4304
P.O. Box 1539  800-870-7064
Santa Rosa, CA  95402-1539
PART II

CHARTER FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

CODE OF CONDUCT FOR DIOCESAN PERSONNEL IN MINISTRY OR IN PASTORAL COUNSELING WITH CHILDREN AND YOUNG PEOPLE

MINISTRY WITH MINORS

1. Minors are to be considered as restricted individuals. That is, they are not independent. Wherever they are and whatever they do must be with the explicit knowledge and consent of their parents or guardians. They are not adults and are not permitted unfettered decisions.

2. Clergy, religious, employed personnel and volunteers are to avoid situations which place them in a position to be alone with a minor in the rectory, school or in a closed room except for a priest when hearing confessions in the confessional.

3. In meeting and pastoral counseling involving a minor, excluding the Sacrament of Penance (Confession/Reconciliation), the presence or proximity of another adult is encouraged. However, where the presence of another adult is unusual or not practical (piano lessons, disciplinary meeting with an administrator, etc.):
   • another adult should know the meeting is to take place,
   • the meeting place is accessible and visible, and
   • unless there is a clear window in the door of the meeting place, the door must be open.

4. An unaccompanied minor is allowed only in the professional section of the rectory or parish center, but never in the living quarters.

5. Minors, age 16 and over, are permitted to work in the rectory, parish residence, school or parish facility, if two adults (over 21 years old) are normally present. Minors under age 16 are not to be hired to work in any capacity for a parish, school or diocese.

6. At least two adults over the age of 21 (and one the same sex as the participants) must be present when a group of minors engage in organized events or sports activities.

Note: A young adult between the ages of 18 and 21 is not permitted to supervise minors; however, under the supervision of an adult over the age of 21 he or she can participate in a supervisory capacity.
7. Clergy, religious, employed personnel and volunteers must avoid being the only adult in a bathroom, shower room, locker room, or other dressing areas whenever minors are using such facilities.

8. Youth trips of any kind must have a minimum of two adult chaperones, at least one of whom should be of the same sex as the young people. Larger groups must have at least one adult chaperone for every eight to ten minors.

9. While on trips or program activities, the adults as well as the minors may not use alcohol or controlled substances, and anyone under the influence of such substances cannot participate.

10. While on youth trips, clergy, religious, employed personnel and volunteers are never to stay alone overnight in the same motel/hotel room with a minor or minors. One adult alone is not to engage in an overnight trip with a minor or minors.

11. The sacristy door is always to be open whenever minors are present within the sacristy.

12. Comments of a sexual nature are not to be made to any minor except in response to specific classroom or otherwise legitimate questions from a minor.

13. Topics or vocabulary, such as profanity, cursing, or vulgar humor, which could not comfortably be used in the presence of parish/school administrators, parents/guardians, or another adult, are not to be used in the presence of a minor/minors.

14. Clergy, religious, employed personnel and volunteers are absolutely prohibited from serving or supplying alcohol, tobacco products, controlled substances or pornographic or other inappropriate reading materials to minors.

15. Audiovisual, music (including its lyrics), internet, and print resources must be screened prior to use to ensure their appropriateness for the participants. It is not appropriate to use an “R”-rated movie without explicit written parent permission. Movies with a stronger designation are never appropriate.

16. Careful boundaries concerning physical contact with minors must be observed at all times and should only occur under public circumstances. Prudent discretion and respect must be shown before touching another person in any way.

17. Clergy, religious, employed personnel and volunteers must refrain from giving regular and/or expensive gifts to children and young people without prior approval from the parents or guardian and the pastor or administrator.

18. It is never appropriate to require children and young people to keep “secrets” from their parents, police, etc. under threat of physical harm, “punishment by God”, or any other threat.
PASTORAL COUNSELING WITH MINORS

1. Pastoral Counseling must take place only in the professional portion of a rectory or parish facility, never in the living quarters.

2. Offices or classrooms used for pastoral counseling must have a window in the door, or the door must be open during the counseling session.

3. Unless the subject matter precludes their presence and/or knowledge, parents or guardians of minors should be made aware of the counseling session.

4. If counseling is expected to extend beyond one session with a minor, evaluation of the situation should be made with the parents or guardians.

5. Clergy, religious, employed personnel and volunteers are responsible to recognize any personal/physical attraction to or from a minor. In such a situation the minor should be immediately referred to another qualified adult or licensed profession.

6. The Sacrament of Penance (Confession/Reconciliation) must be celebrated in the confessional or reconciliation chapel or at the designated station during a penance service.

Clear violations of the Code of Conduct with minors outlined herein, must be reported immediately to the appropriate parish, school, civil and diocesan (Director for the Protection of Children and Young People) authorities, in accordance with civil law and this diocesan policy.
INTERNAL PROCEDURES FOLLOWING A REPORT TO CIVIL AUTHORITIES OF CHILD ABUSE OR NEGLECT

• Mandated reporters, employees and volunteers are to cooperate fully in any investigation by the civil authorities.

• After a mandated reporter has submitted the suspected child abuse or neglect report to the civil authorities, he/she is to provide a written account of the suspected child abuse or neglect to the Diocesan Director for the Protection of Children and Young People.

• The Diocesan Director for the Protection of Children and Young People is to provide the diocesan bishop, the chair of the diocesan review board and the diocesan attorney with a written description of the suspected child abuse or neglect.

• If the accused is a cleric, the diocesan bishop or his delegate is to meet with him if possible and is to place the cleric on administrative leave until the civil authorities have rendered a final decision.

• Should civil authorities find the cleric culpable of sexual abuse of a minor or minors, the diocesan bishop is to proceed with an administrative or judicial process in accord with canon law.

• Should civil authorities find that the cleric is not culpable of sexual abuse of a minor or minors or if the civil authorities do not pursue the allegation of sexual abuse of a minor or minors because the statute of limitations has expired, the diocesan bishop is to seek the advice of the Diocesan Review Board to determine the cleric’s suitability for ministry.

• If the accused is an employee or volunteer, the pastor or relevant administrator is to place him or her on administrative leave until the civil authorities have rendered a final decision.

• Should civil authorities find the employee or volunteer culpable of sexual abuse of a minor or minors, the employee or volunteer is to be dismissed from employment/volunteering forthwith and prohibited from any future work or volunteering for the Diocese of Santa Rosa.

• Should civil authorities find the employee or volunteer is not culpable of sexual abuse of a minor or minors or if civil authorities do not pursue the allegation of sexual abuse of a minor or minors because the civil statute of limitations has expired, the pastor or relevant administrator is to seek the advice of the Diocesan Review Board to determine a course of action concerning the employee or volunteer.
ROLE OF DIOCESAN REVIEW BOARD

- The Diocesan Review Board consists of a minimum of five lay members and a pastor. The promoter of justice is to participate in the meetings.

- It functions as a confidential, consultative advisory body to the Bishop:

  1. in his assessment of allegations of sexual abuse of minors, after the civil authorities have completed their investigation and rendered a decision in the civil forum whether the allegation is within the state or church statute of limitations or not,

  2. in his determination of suitability for ministry,

  3. on all aspects of allegations of sexual abuse of minors whether retrospectively or prospectively.

- It ensures that the Policy For the Protection of Children and Young People for all personnel of the diocese is enacted and implemented.

- It reviews every two years the Policy For the Protection of Children and Young People and ancillary policies to evaluate its effectiveness.

- It approves counseling services offered to victims and periodically reviews these services.

- It consults with the Diocesan Director of Vocations and the Diocesan Director of the Permanent Diaconate Program to ensure that those in priestly and diaconal formation are properly screened and participate in courses dealing with the protection of children and young people.

In accord with particular law of the Diocese

- The Diocesan Review Board reviews allegations of sexual misconduct brought by adults who believe that, as adults, they may be victims of sexual misconduct by a cleric or other church personnel when that sexual misconduct is a violation of a pastoral relationship.
ROLE OF DIOCESAN DIRECTOR
FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

• To oversee and coordinate the pastoral care and outreach to victims and their families.

• To reach out to victims of sexual abuse, exploitation or harassment, whether it occurred recently or in the past. This outreach includes provision for services agreed upon by the victim and the diocese, namely counseling, spiritual assistance, support groups or other social services in order to assist in their spiritual and emotional well-being leading to healing and reconciliation.

• To coordinate the continuing education on the Child Abuse and Neglect Mandated Reporting Policy and other ancillary policies for all personnel of the diocese (mandated reporters, #1–11) and #12.

• To provide/coordinate safe environment programs in parishes, schools and diocesan institutions.

• To ensure that all diocesan personnel (mandated reporters, #1–11) and #12, who have regular contact with children and youth are fingerprinted and have a background clearance on file. www.santarosacatholic.org.

• To consult with and receive advice from the diocesan committee for education and prevention of child abuse and neglect.

The Diocesan Director for the Protection of Children and Young People:

Julie Sparacio
Address: 985 Airway Court, Santa Rosa, California, 95403
Telephone: 707-566-3308
e-mail: Sparacio@sonic.net

-xxxxxxxxxx-
ACKNOWLEDGMENT OF RECEIPT OF POLICY

I, ____________________________________, the undersigned, under penalty of perjury (print name) declare the following:

1. That I have received a copy of the Policy for the Protection of Children and Young People of the Diocese of Santa Rosa including the State of California Child Abuse and Neglect Mandated Reporting Law for clergy and church personnel (employed and volunteers), dated September, 2007, and that I have read the law and the policy, understood their meaning, and agree to conduct myself in accordance with them. I also understand that this acknowledgment will be kept in my personnel file, and that this acknowledgment may be disclosed to third parties.

2. I acknowledge that, in accordance with the policy, I have participated in a workshop for Child Abuse and Neglect and for the Protection of Children and Young People, offered by the Diocese of Santa Rosa, and that, also in accordance with the policy, I will participate in additional educational seminars as required in the future.

Executed on this date, ______________________, 20___, at (city)____________________, California.

________________________________________________________
Name of Parish/School/Diocesan Institution

________________________________________________________
Signature
DECLARATION OF RESPONSIBILITY

I, ___________________________________, the undersigned, under penalty of perjury, 
(print name)
declare the following:

1. That I have no record of any felony conviction.

2. That, if there have been any allegations of commission of a crime of whatever gravity, I will disclose these allegations before executing this declaration, listing the specific instances, the time lapsed since the occurrence, evidence of rehabilitation or any other pertinent information.

3. My acceptance into any diocesan and/or parish sponsored program of any type is contingent upon the documented absence of any criminal or other pertinent information.

4. That to the extent that there is any information regarding any felony convictions, I swear under penalty of perjury that I will provide such information immediately to the Diocese of Santa Rosa to allow the diocese to make an independent determination that I am fully able and likely to function in a fashion consistent with the ideals, mission and objectives of the Roman Catholic Church.

I declare before God and under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that if called to testify I would so state and completely testify thereto.

Executed on this date____________________, 20______, at (city)__________________, California.

________________________________________________
Name of Parish/School/Diocesan Institution

________________________________________________
Signature