



Diocese of Scranton

Policy for Response to Allegations of Sexual Abuse of Minors

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POLICY FOR RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

Introduction

United States Conference of Catholic Bishops

In June of 2002, the bishops of the United States Conference of Catholic Bishops (USCCB) approved and promulgated the *Charter for the Protection of Children and Young People*. Commonly known as the *Charter*, this document is a comprehensive set of procedures established by the USCCB for addressing allegations of sexual abuse of minors by Catholic clergy. The *Charter* also includes guidelines for reconciliation, healing, accountability and prevention of further acts of abuse.

In November of 2002, the bishops of the USCCB approved as particular law the *Essential Norms for Diocesan/Eparchial Policies Dealing with the Allegations of Sexual Abuse of Minors by Priests or Deacons*. Commonly known as the *Essential Norms*, these mandates constitute law on sexual abuse of minors for the dioceses of the United States and were adopted by the bishops of the USCCB to ensure that each diocese/eparchy in the United States had procedures in place to respond promptly to allegations of sexual abuse of minors. The *Norms* address the Church's commitment to deal appropriately and effectively with allegations of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). Also in November of 2002, the bishops of the USCCB issued a statement, called the *Statement of Episcopal Commitment*, which outlines how allegations of sexual misconduct against bishops would be handled.

The bishops of the USCCB first revised the *Charter* and the *Essential Norms* in 2005. They were approved by the full body of bishops at its June 2005 General Meeting, received the subsequent recognition of the Holy See on January 1, 2006, and were promulgated May 5, 2006. A second revision was approved by the bishops of the USCCB at their June 2011 general meeting. These revisions reflected changes made to the Church's penal code, including making provisions for reporting the possession of child pornography and adding child pornography to the definition of sex abuse; and holding that abuse of an individual who habitually lacks reason, for example, a person with a developmental disability, is equivalent to child abuse (cf. *USCCB Charter*, Note). Similarly, the *Statement of Episcopal Commitment* was revised and approved by the bishops of the USCCB in November 2005 and again in 2011.

Diocese of Scranton

The Diocese of Scranton formally established a "Policy Concerning Clerics Accused of Sexual Abuse of Minors" in March, 1993. When the bishops of the USCCB adopted a comprehensive plan to deal with this important issue by promulgating the *Charter*, the *Essential Norms* and the *Statement of Episcopal Commitment*, many of the provisions the *Charter* were already contained in the Diocesan policy. Notwithstanding, the Diocese took the opportunity to refine and expand its procedures accordingly, and in April 2003, the Diocesan policy was revised.

When the Most Reverend Joseph C. Bambera, D.D., J.C.L. was ordained and installed as the 10th Bishop of Scranton in April, 2010, he determined that the Diocesan "Policy Concerning Clerics Accused of Sexual Abuse of Minors" needed to be reviewed. Bishop Bambera came to this

determination after visiting with and listening to members of his Diocese express confusion and pain due to the sex abuse crisis that sadly continues to unfold in our Church – a crisis that robbed many of the most vulnerable in our midst of their innocence and peace – a crisis that has rightfully shaken the confidence that so many have had in the leaders of our Church, priests and bishops alike – a crisis that has been an embarrassment and source of great pain for many faithful priests – a crisis that despite the passage of time, still inflicts real pain and devastation in the lives of victims.

Although the Diocese had previously implemented an appropriate policy, Bishop Bambera is committed to ensuring that the local Church of Scranton continues to address this serious issue with vigilance and fidelity so that its policies, procedures and practices achieve genuine transparency and true accountability. Accordingly, in establishing this revised policy, the Diocese is unequivocally committed to: authentically responding to and caring for victims and their families; reporting to and cooperating with civil authorities; responding swiftly, directly and deliberately when a cleric is accused of sexual abuse of a minor; creating safe environments for our children; and establishing appropriate and genuine formation of its seminarians.

After prayerful reflection, extensive research and study, and purposeful review by several external and internal entities, including the Diocesan Review Board, the *Diocese of Scranton Policy for Response to Allegations of Sexual Abuse of Minors* was created and approved for implementation in the Diocese of Scranton on April 15, 2013. This policy has been revised to reflect recent updates made by the Commonwealth of Pennsylvania in January 2015. These latest revised policy changes have been promulgated by Bishop Bambera to take effect August 1, 2015.

The intention of this policy is to be in conformity with all provisions contained in the *Charter for the Protection of Children and Young People*, the *Essential Norms for Dealing with Allegations of Sexual Abuse of Minors* and the *Statement of Episcopal Commitment*. This policy is designed to ensure appropriate responses to accusations of sexual abuse of minors and vulnerable adults by clergy, religious, employees and volunteers (cf. *USCCB Charter*, Note). It addresses preventing sexual abuse through education and screening, reporting abuse; providing pastoral assistance and promoting healing and reconciliation to persons affected by abuse; cooperating with civil authorities; disciplining offenders; and the processing of accusations.

A copy of this policy will be provided to all Members of the clergy and seminarians. The Policy will be made available to all diocesan employees and members of the general public via the diocesan website. A copy of this policy is also being given to each State Senator and Representative, District Attorney and Children and Youth Director serving in the eleven counties that represent the Diocese of Scranton.

In anticipation of the release of this revised Diocesan policy, Bishop Bambera commented, “While we must learn from the mistakes of the past, it is my hope and prayer that our pledge to protect our children and to clearly and effectively, responsibly and honestly respond to victims and their families, whom we have been called to serve, will allow us to move forward with renewed resolve.”

GENERAL PROVISIONS

Funding, Staff and Facilities

The Diocese of Scranton will endeavor to provide sufficient funding, staff, and facilities to assure the effective implementation of the programs established by these provisions.

Review and Amendment of Policies and Procedures

The Diocesan Review Board shall periodically review these policies and procedures and make any recommendations for amendment to the Bishop. The Bishop may amend these policies and procedures at any time upon the recommendation of the Review Board or on his own initiative (cf. *USCCB Essential Norms*, #4B).

Availability of Policies and Procedures

The Diocese of Scranton shall ensure that procedures for making a complaint are available in print form in the principle language in which the liturgy is celebrated. Public announcements regarding these procedures will be made at least annually and will also include the outcome of the annual Audit which determines the Diocese's compliance with the *Charter* (cf. *USCCB Charter*, art. 2 and 9).

The Diocesan "Notice Regarding Reporting Sexual Abuse of a Minor" will also be published in both English and Spanish in every edition of the diocesan newspaper, *The Catholic Light*, will be regularly available on the Diocesan website, and will be published in parish bulletins on regular basis.

RESPONDING TO ALLEGATIONS **PROCEDURES FOR RESPONDING TO ALLEGATIONS** **OF SEXUAL ABUSE OF MINORS**

Refer to Appendix A

Removal from Ministry

The Bishop will immediately apply the precautionary measures mentioned in the *Code of Canon Law*, c. 1722, i.e., to remove the accused from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public celebration of the most Holy Eucharist pending the outcome of the process. The Congregation for the Doctrine of the Faith shall also be notified (cf. *USCCB Essential Norms* #6).

Civil Reporting Requirements

In all instances where sexual abuse of a minor is reported to have occurred, the Diocese shall make a report to the proper civil authorities.

The Diocese will cooperate with public authorities about reporting cases even when the person is no longer a minor (cf. *USCCB Charter*, art. 4).

In every instance, the Diocese shall advise and support an accuser's right to make a report to public authorities (cf. *USCCB Essential Norms*, #11).

All Diocesan personnel are expected to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate fully in any investigation.

The Diocese shall strive to take appropriate steps to protect the good name and reputation of all persons involved in this process (cf. *Code of Canon Law*, c. 220 and *USCCB Essential Norms*, #6).

Reporting Child Abuse in the Commonwealth of Pennsylvania

The Commonwealth of Pennsylvania's Child Protective Services Law was signed into law in 1975. On May 28, 2007, amendments made to the law were made effective. In 2014, as a response to the recommendations of the Task Force on Child Protection, Pennsylvania enacted new legislation to amend the Child Protective Services Laws. The Pennsylvania Code defines child abuse as any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury or non-accidental serious mental injury to a child under 18 years of age; sexual abuse or sexual exploitation to child under 18 years of age, and serious neglect. "Recent" is defined as an abusive act within two years from the date a report is made to ChildLine. Sexual abuse has no time limit.

For the purpose of this document, the term "sexual abuse" of a child includes the following offenses as defined by Pennsylvania Law: Acquiring, possessing or distributing sexually explicit images of children under the age of 18 including but not limited to books, photographs, films or computer generated images for the intended purpose of sexual gratification; sexual act or the simulation of a sexual act deliberately committed against a minor child that includes incest, rape, indecent exposure or prostitution; allowing the filming or photographing of a minor child engaging in sexually explicit acts.

It continues to be the policy of the Diocese of Scranton to comply with Commonwealth law, which mandates the reporting of suspected child abuse and makes the failure to report suspected child abuse a crime. Mandated reporters in the Commonwealth are defined as individuals who, in the course of their employment, occupation, practice of a profession or volunteer service come into contact with children and have reasonable cause to suspect that a child under the care, supervision, guidance or training of that person or of an agency, institution, organization or other entity with which that person is affiliated is a victim of child abuse. The Diocese recognizes that many Church personnel are considered mandated reporters, including but not limited to clergy and diocesan employees, such as teachers, day-care personnel, social service workers, school administrators, school nurses, foster-care workers, parish and school administrative personnel, music ministers, youth ministers, athletic coaches, classroom aides, parish and school volunteers and Girl and Boy Scout leaders.

Pennsylvania law mandates that reporters must immediately make a report of suspected child abuse to ChildLine at 1-800-932-0313 or electronically through the self-service portal at www.compass.state.pa.us/CWIS. An oral report must be followed by a written report within forty eight hours on a form prescribed by the PA Department of Human Services and sent to the local county children and youth social service agency (cf. *49 PA Code §42.42*).

Adherence by Diocesan personnel (e.g., priest, religious or lay employee or volunteer) to these reporting mandates is a vital part of the Church's commitment and efforts to prevent the sexual

abuse of children. Failure to report in accordance with applicable laws (canon or civil) and regulations will result in immediate separation of employment or removal from ministry. Such failures will be reported to law enforcement and may result in criminal prosecution. The Diocese of Scranton will resolve any questions about the application or interpretation of the law in favor of reporting. It is recognized that members of the clergy are not required to report information received during sacramental confession or spiritual counseling.

Refer to Appendix B for Mandated Reporters in PA Information

Diocesan Review Board

The Diocesan Review Board shall function as a confidential consultative body to the Bishop. The Board will be comprised of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of its members are to be lay persons not in the employ of the Diocese; and will include at least one priest who is an experienced and respected pastor and at least one member who has particular expertise in the treatment of the sexual abuse of minors. The Board may advise the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry; review policies for dealing with sexual abuse of minors; and offer advice on all aspects of these cases whether retrospectively or prospectively. (cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, #4).

***Refer to Appendix C for the Diocesan Review Board By-Laws ***

Protection of Rights and Unfounded Allegations

Care shall 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 accusation has been made. When the accusation has proven to be unfounded, every step possible shall be taken to restore the good name of the person falsely accused (cf. *USCCB Essential Norms* #13).

ASSISTANCE TO THOSE AFFECTED

The Diocese of Scranton recognizes the Church's pastoral responsibility to assist all those affected by a cleric's sexual abuse of a minor: the accuser, the accused, the victim, his or her family, and the community.

Assistance to the Accuser

Beyond reporting the accusation, the first obligation of the Church with regard to a victim is healing and reconciliation. The Diocese will designate a Victim Assistance Coordinator whose duties include:

- serving as the contact person for anyone who reports having been sexually abused as a minor by clergy, religious, employee or volunteer;
- assisting the victim, the victim's family, or other persons affected, with a sincere commitment to their spiritual and emotional well-being; and
- identifying and coordinating pastoral and/or professional resources in order to assist the victims of abuse.

The Victim Assistance Coordinator shall comply with all applicable civil laws and will also report all allegations of sexual abuse of minors to the Vicar General who will also contact civil authorities and initiate a preliminary investigation in accordance with canon law (*CIC, c.1717; CCEO, c.1468*).

Through pastoral outreach to victims and their families, the Bishop or his representative shall offer to meet with the victim and his/her family if desired by the victim in order to listen to their experiences and concerns. This pastoral outreach by the Bishop or his delegate shall also be directed toward faith communities in which the sexual abuse occurred (cf. *USCCB Charter, art. 1*).

Assistance to the Affected Community

The Diocese shall reach out to those in the community who have been affected and shall maintain "safe environment" programs.

The Bishop or his delegate shall be clear in relating to the community all that is being done to rectify a situation where there is an accusation made or when sexual abuse of a minor by a cleric has been substantiated. A representative of the Bishop will speak at all Masses in the parish when a cleric has been removed for a credible accusation.

The Diocese shall make appropriate assistance available to those affected by the sexual abuse of a minor by a cleric, whether the abuse was recent or occurred many years in the past. This outreach may include the provision of counseling, spiritual assistance, support groups, and other social services.

Assistance to the Clergy

In the case of any disclosure of sexual abuse of a minor by a member of the clergy (i.e. priest or deacon), the diocesan representative who receives the accusation will immediately contact the civil authorities and inform the Vicar General who shall ensure compliance with all applicable civil laws and shall cooperate in their investigation.

The Vicar General will provide to an accused member of the clergy (i.e., priest or deacon) assistance, advice and support and will facilitate referrals to appropriate resource persons and other (e.g., medical or behavioral health) professionals. The accused shall be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention (cf. *USCCB Charter, art. 5*). The accused will be encouraged to retain the assistance of civil and canonical counsel and to the extent possible, will be promptly notified of the results of the investigation (cf. *USCCB Charter, art. 5, and USCCB Essential Norms #6*).

Note: If the accused is the Vicar General, his responsibilities as they related to this policy will be directed by the Bishop, who will appoint an appropriate delegate in order to ensure that all Diocesan responsibilities in this regard are met. If the accused is the Bishop, the Bishop shall inform the Apostolic Nuncio. Similarly, if another bishop becomes aware of the sexual abuse of a minor by another bishop or of an allegation of sexual abuse of a minor by a bishop, he too is obligated to inform the Apostolic Nuncio and comply with applicable civil laws (cf. *USCCB Charter, A Statement of Episcopal Commitment*).

CANONICAL RESOLUTION AND CONCLUSION

This section recognizes that a member of the clergy who has admitted or been found to have engaged in sexual abuse of a minor shall not continue in active ministry. It is understood that the Code of Canon Law stipulates that the first steps after receipt of an allegation of the commission of an ecclesiastical crime are usually taken by the bishop, who may at any time withdraw a cleric from active ministry pending the outcome of an investigation of the allegation. If the cleric against whom an allegation is brought is a member of a religious order, his superior is responsible to address the matter.

In addition, the Essential Norms, which constitute law on sexual abuse of minors, require the bishop and his diocese to follow all civil reporting laws when the allegation concerns the sexual abuse of a minor. Lastly, the Congregation for the Doctrine of Faith (CDF) in Rome has sole Church authority over this crime. The CDF, in having sole competence in resolving allegations of sexual abuse of minors committed by clerics, exercises its authority once a case is referred to it by the bishop, who makes the decision as to whether a case will be referred. Catholic Church law then provides a range of penalties for various crimes, including sexual abuse of a minor, including the following:

Permanent Removal from Ministry

When even a single act of sexual abuse of a minor by a member of the clergy is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon shall be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (USCCB Charter, art. 5; *Code of Canon Law*, c. 1395, §2). The policy shall be to apply for the penalty of dismissal from the clerical state. If after considering the danger of scandal to the community, dismissal from the clerical state is not done for reasons of advanced age or infirmity, the offender is to lead a life of prayer and penance. Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as suffering from a sexual disorder that requires treatment (cf. *USCCB Essential Norms*, #8, footnote 4).

Because sexual abuse of a minor by member of the clergy is a crime in the universal law of the Church (*Code of Canon Law*, c. 1395, §2) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the Bishop shall exercise this power of governance to ensure that any cleric who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry (*USCCB Essential Norms*, #9, especially footnote 6).

Dismissal from the Clerical State

After even a single act of sexual abuse by a cleric is admitted or is established by a process completed in accord with canon law, every effort shall be made to encourage him to request dismissal from the clerical state. Should he not do so, the Bishop shall pursue *ex officio* dismissal unless for reasons of advanced age or infirmity, he shall lead a life of prayer and penance.

Life of Prayer and Penance

If for some reason, such as advanced age or infirmity, dismissal from the clerical state has not been applied for, the cleric who has been found to have engaged in sexual abuse of a minor shall live a life of prayer and penance. He shall be subject to supervision for the remainder of his life as a cleric of the Diocese and his file shall remain open. Clerics under supervision are to be monitored according to Diocesan policies which require a transparency of lifestyle and behavior, as well as

accountability to the program directors. If the cleric refuses to accept and fulfill this assignment, he shall be separated from the diocese (*USCCB Norms*, #8).

CREATING A SAFE ENVIRONMENT

Training of Clerics, Deacons, Seminarians and other Church Personnel

The *Charter* and the *Essential Norms* placed a mandate upon every U.S. Diocese to establish educational and training programs that will help everyone to recognize and effectively respond to the problem of child sexual abuse. To this end, priests, deacons, seminarians, religious, lay employees and volunteers shall participate in all programs mandated by the Diocese regarding the nature, effect, and prevention of sexual abuse of a minor. These programs are intended to prevent abuse by increasing awareness of indicators of inappropriate behavior, as well as teaching appropriate behavioral boundaries.

To fulfill this requirement, the Diocese of Scranton implemented the “Protecting God’s Children for Adults” component of VIRTUS, which is aimed at establishing and maintaining a safe environment for all children. The VIRTUS program was developed by The National Catholic Risk Retention Group, Inc. of Lisle, Ill., a non-profit organization that provides risk control services to one-third of the Catholic dioceses in the United States. VIRTUS, derived from the Latin word meaning moral strength and excellence, represented a behavior and way of life in ancient times that aspired to the highest moral code and appropriate human interaction. The modern-day program, which carries its name, aspires to uphold these values

The Diocese’s Safe Environment program for students in grades K-10 teaches them how to recognize and avoid situations that could lead to sexual abuse. It also encourages communication between children and their parents so that dangerous situations and incidents are reported promptly. The safe environment program is offered to students in Diocesan Catholic schools and in all parish religious education programs.

All diocesan employees (clergy, religious and lay) in parishes and schools, including coaches and volunteers who have direct contact and routine interaction with children must have up-to-date criminal background and child abuse clearances. Background checks are conducted to meet the requirements for the Charter as well as compliance with Pennsylvania state law. The background screening is limited to a search for: 1) verification of a person’s identity; 2) existence of a prior criminal record; and 3) listing on any state sex offender registry

The Diocese will meet periodically with the major superiors of clerical and religious institutes to coordinate their respective roles concerning allegation of sexual abuse of a minor made against a cleric or member of a religious institute ministering in the Diocese of Scranton (cf. *USCCB Charter*, art. 15)

Education of the Affected Community

The Diocese shall publicize to all members of the community the standards of conduct for clerics, religious, employees, and volunteers of the Diocese with regard to creating a safe environment (cf. *USCCB Charter*, art. 12).

All clergy, religious and lay employees, and volunteers serving within the Diocese are required to abide by the *Code of Pastoral Conduct* which specifies boundaries and ensures that proper behavior is fostered whenever children and all members of the faithful gather for spiritual, educational or social activities conducted under the auspices of the Church.

*** Refer to Appendix D for the Code of Pastoral Conduct ***

All clergy, religious, employees, and volunteers serving within the Diocese are required to abide by the Mandated Reporter Policy of the Diocese of Scranton:

NOTICE REGARDING REPORTING SEXUAL ABUSE OF A MINOR

It is the policy of the Diocese of Scranton to report any allegation of sexual abuse of a minor to law enforcement. If you are a victim of sexual abuse committed by a priest, deacon, religious or lay employee or volunteer of the Diocese of Scranton, you are encouraged to immediately report the matter to law enforcement. If any priest, deacon, religious, lay employee or volunteer of the Diocese of Scranton has cause or reason to suspect that a minor has been subjected to any form of abuse, including child sexual abuse, the matter will be reported to law enforcement.

It is also the policy of the Diocese to adhere to all civil and state regulations. To this end, the Diocese is equally committed to adhering to the norms of the *Code of Canon Law* and to upholding the tenets of the *USCCB Charter for the Protection of Children and Young People*, which includes supporting victims of sexual abuse in their pursuit of emotional and spiritual well-being. As such, information regarding an allegation of sexual abuse of a minor should also be reported to the Victim Assistance Coordinator at (570-862-7551) or to the Vicar General at (570-207-2269).

FORMATION, EDUCATION, and ASSIGNMENT TO MINISTRY

This section contains provisions confirming the Diocese's responsibility to screen candidates for the priesthood and enhance educational programs regarding sexuality and sexual abuse. The Diocese's cooperative relationship with religious communities and clerics of other dioceses is clarified and the authority to review the fitness of clerics seeking assignment is confirmed.

Candidates for the Seminary and Seminarians

All candidates submitted for consideration as a seminarian for the Diocese of Scranton will be required to submit to a psychological evaluation and respond to specific questions relating to boundary and appropriate behavior issues. Seminarians studying for the Diocese of Scranton are subject to all Diocesan regulations pertaining to regular criminal background checks, VIRTUS training, and ongoing safe environment training. The Diocese will utilize only those seminaries that adequately address human formation.

Clergy of the Diocese of Scranton

A member of the clergy (i.e., priest or deacon) who has admitted or been found to have engaged in sexual abuse of a minor shall be immediately removed from ministry and will not be allowed to continue in active ministry. In addition, a cleric who has been accused of sexual abuse of a minor shall be immediately removed from ministry pending a definitive resolution of the accusation. No Diocesan cleric against whom an allegation of sexual abuse of a minor has been substantiated may be transferred for ministerial assignment to another ecclesiastical jurisdiction. Before a Diocesan cleric, against whom an allegation of sexual abuse of a minor has been substantiated, may be transferred for residence to another diocese, the Bishop or his delegate shall forward, in a confidential manner, to the receiving bishop of the proposed place of residence any and all information concerning any substantiated allegation of an act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall apply even if the priest or deacon shall reside in the local community of an institute of consecrated life or society of apostolic life (cf. *USCCB Charter*, art. 14, and *USCCB Essential Norms*, #12).

Clergy of Other Dioceses and Religious Congregations

No religious or extern priest or deacon who has committed an act of sexual abuse of a minor can be transferred for ministerial assignment into the Diocese of Scranton. Before a priest or deacon can be transferred for residence into the Diocese of Scranton, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the Bishop or his delegate any and all information concerning any allegation and/or act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall apply even if the priest or deacon shall reside in the local community of an institute of consecrated life or society of apostolic life (cf. *USCCB Charter*, art. 14, and *USCCB Essential Norms*, #12).

PERSONNEL RECORDS

The Diocese of Scranton's Priest Personnel Policy requires the Diocese to maintain a unified priest personnel record keeping system to enable accountability for the assignments and full ministerial record of a priest. The policy similarly applies to the permanent deacons of the Diocese of Scranton. The record of a cleric shall commence upon his ordination and is maintained throughout the remainder of his life as a cleric. In the event of an allegation of sexual abuse of a minor, all files, information and records pertaining to the accused cleric are subject to review in accord with canon and civil law.

Status of Files, Information and Records

Files, records and information shall be considered confidential and restricted; disclosure shall be made only in accord with canon and civil law.

Access to Personnel Files

In accordance with the Diocese of Scranton's Priest Personnel Policy, personnel files are those which contain the individual priest's academic history, medical reports, and appointment letters in addition to his personnel profile forms, a summary of periodic reviews, and other pertinent information appropriate for inclusion by the priest himself or by a diocesan office. Any priest who wishes to review his own personnel file may do so by making a formal request to the Vicar General. The priest has a right to respond in writing to anything in his file.



APPENDIX A

Diocese of Scranton

Procedures for Responding to Allegations Of Sexual Abuse of Minors

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Procedures for Responding to Allegations Of Sexual Abuse of Minors

1. Allegation of sexual abuse of a minor is made to the Diocese of Scranton:

- a. When reporting the sexual abuse of a minor by a diocesan or parish employee (i.e., bishop, priest, deacon, sister, brother, lay employee or volunteer), the person making the complaint will be instructed to immediately notify the proper civil authorities. While it is recommended that the allegation be reported to the District Attorney of the appropriate county, reporting the matter to local or state police is acceptable. The District Attorney offices within the boundaries of the Diocese of Scranton include:

<u>District Attorney's Offices</u>	<u>Phone Number</u>
Bradford County	(570) 265-1712
Lackawanna County	(570) 963-6717
Luzerne County	(570) 825-1674
Lycoming County	(570) 327-2456
Monroe County	(570) 517-3052
Pike County	(570) 296-3485
Sullivan County	(570) 946-4053
Susquehanna County	(570) 278-6655
Tioga County	(570) 724-1350
Wayne County	(570) 253-4912
Wyoming County	(570) 836-4681

- b. In the event that a Diocesan employee (cleric, religious or lay) receives a call from a person who desires to report an allegation of sexual abuse of a minor by a member of the clergy, religious, lay employee or volunteer, the employee must immediately inform the caller of their need to notify the proper civil authorities. If possible, the caller should be transferred to the Vicar General. However, if that is not possible after referring the caller to proper law enforcement, information regarding the call is then to be promptly reported to the Vicar General. In the event that the accused is the Vicar General, the information is to be reported to the Bishop.
- c. The Diocese of Scranton is required and committed to complying with the Commonwealth of Pennsylvania's Child Protective Services Law. If any clergy, religious, lay employee or volunteer of the Diocese of Scranton knows or has cause to suspect that a minor has been subjected to any form of abuse, including child sexual abuse, information regarding the accusation must be immediately reported to proper local civil authorities. In accordance with the Commonwealth of Pennsylvania's Child Protective Service Laws, reports of suspected child abuse will also be made immediately by phone to the 24-Hour Child Abuse Hot Line or electronically at www.compass.state.pa.us/cwis. The toll-free number is 1-800-932-0313.

- i. Following the telephone report, a written report will be made within 48 hours of the telephone report to the child protective services agency in the County where the abuse occurred:

<u>Children & Youth Services Offices</u>	<u>Phone Number</u>
Bradford County 220 Main Street Towanda, PA 18848	(570) 265-1760
Lackawanna County 123 Wyoming Ave., 4 th Floor Scranton, PA 18503	(570) 963-6781
Luzerne County 111 North Pennsylvania Blvd. Wilkes-Barre, PA 18701	(570) 826-8710
Lycoming County 200 East Street Williamsport, PA 17701	(570) 326-7895
Monroe County 730 Phillips Street Stroudsburg, PA 18360	(570) 420-3590
Pike County 506 Broad Street Milford, PA 18337	(570) 296-3446
Sullivan County 9219 Rt. 487, Suite D Dushore, PA 18614	(570) 928-0307
Susquehanna County 75 Public Avenue Montrose, PA 18801	(570) 278-4600
Tioga County Family Services 1873 Shumway Hill Road Wellsboro, PA 16901	(570) 724-5766
Wayne County 648 Park Street, Suite C Honesdale, PA 18431	(570) 253-5102
Wyoming County 819 Hunter Highway Tunkhannock, PA 18657	(570) 836-3131

- ii. In upholding the laws of the Commonwealth, it is important to note that child abuse is not limited to sexual abuse. It includes inflicting or creating an imminent risk of physical injury, mental injury, sexual abuse or exploitation, or harmful physical neglect. A child is any individual who is under the age of 18. The requirement to report applies to all suspected child abuse, not just abuse that has been perpetrated by members of the clergy, church officials or church employees.
- iii. When Diocesan officials have reason to suspect that a member of the clergy has sexually abused a minor, the Diocese will immediately refer the matter to the appropriate County District Attorney Office for investigation. The Diocese will cooperate fully with all civil investigations.
- iv. In addition, when Diocesan officials have reason to suspect that a member of the clergy has sexually abused a minor, the Diocese will initiate its own inquiry that will be conducted in harmony with canon law and in accordance with the *Charter for the Protection of Children and Young People*, the *Essential Norms*, and the *Statement of Episcopal Commitment*.

2. Diocese of Scranton Response to a Report of Sexual Abuse of a Minor by a Member of the Clergy

- a. The reporter is assured that the Diocese of Scranton takes every allegation seriously and the reporter is directed and encouraged to report the allegation to the proper civil authorities.
- b. The reporter is informed that the Diocese of Scranton will immediately report the allegation to law enforcement regardless of the reporter's intent or willingness to do so.
- c. Information is gathered regarding the allegation for two specific reasons: 1) so that the complaint can be reported to civil authorities and the Child Abuse Hotline, as appropriate; and 2) so that a Diocesan inquiry can also take place.
- d. If the reporter is self-reporting sexual abuse by a member of the clergy, he/she will be informed of the availability of the Diocesan Victims Assistance Coordinator, who works with each individual accuser to determine the assistance that is desired and appropriate. This assistance may include coordinating counseling sessions or spiritual assistance and referrals to support groups. If the reporter is not the victim, he/she will be asked to help determine the best way to share the availability of the Victims Assistance Coordinator with the individual on whose behalf he/she is calling.

Reporting Options:

When making a complaint of sexual abuse by a member of the clergy, religious or lay employee or volunteer regardless of whether the abuse happened recently or in years past, the reporter will be asked to provide the following information to the best of his/her ability:

1. Name
2. Address (street, city, state, zip)
3. Phone number
4. Date of birth
5. Accuser's name (if the reporter is not the victim)
6. Accuser's address (street, city, state, zip)
7. Accuser's phone number
8. Accuser's date of birth
9. Name and address of parents/guardian (if the victim is a minor)
10. Parents/guardian contact information
11. Name of the accused
12. Name of the parish, school or diocesan facility of the accused
13. Indication of whether or not the accused has been confronted or informed of the allegation; and if yes, when and by whom.
14. Brief description of the alleged abuse (i.e., date, place and acts)
15. Indication of whether or not the allegation has been reported to any civil authorities or to Church personnel; and if yes, when and to whom.

A person desiring to report an allegation of sexual abuse by a member of the clergy or any other Diocesan or Parish personnel to the Diocese may also do so by providing the above information to the Diocese of Scranton by mail or via email to the following:

Mailing Address: Diocese of Scranton
Office of the Vicar General
300 Wyoming Avenue
Scranton, PA 18503

E-Mail Address: Bishops-Office@dioceseofscranton.org

All information reported to the Diocese pertaining to an allegation of sexual abuse by a member of the clergy, religious, lay employee or volunteer or any other Diocesan personnel, regardless of the way received (e.g., phone, mail or e-mail) is handled confidentially and with discretion. A reporter choosing these alternative methods of reporting an allegation is reminded that the Diocese of Scranton will use the information received in order to report the allegation to law enforcement regardless of the reporter's intent or willingness to do so.

Receipt of the Report:

Typically, an individual who calls the Diocese to report abuse will be directed to speak with the Diocesan Vicar General, who will gather as much information as outlined in #2 above (Reporting Options). However, it is realized that at times, there may be other Diocesan officials (e.g., Episcopal Vicar for Clergy or Regional Episcopal Vicar) who may need to receive a report of abuse. As such, the Diocese will ensure that all Diocesan clergy and personnel are aware of the Diocesan policies and procedures.

Following the Vicar General's receipt of a report alleging sexual abuse of a minor by a member of the clergy or any other Diocesan personnel, the Bishop is immediately notified. If the Vicar General was not the person who received the report, the individual who did receive the report will promptly inform the Vicar General.

Every reported incident is immediately reported to the proper civil authorities. In most cases, the preliminary investigation required by canon law will be postponed until the civil authorities have completed their investigation. In the event that civil authorities proceed with a criminal prosecution, the diocesan inquiry will likely be further delayed. In conducting the diocesan inquiry, a high level of Christian care, concern and confidentiality is shown for the accuser, his/her family, the person reporting the incident and the alleged perpetrator. In every case, due diligence and extreme care is taken to ensure that the Diocesan inquiry does not interfere with any criminal investigation.

When necessary and as appropriate, the Diocesan Solicitor and the Diocesan Review Board are informed of the accusation and consulted regularly about the process and outcome of both the civil investigation and diocesan inquiry.

Accused is a Cleric

If the claim appears credible and if the accused is a member of the clergy (priest or deacon) incardinated in the Diocese of Scranton, the report and investigation is conducted by the local Ordinary in accordance with the norms of canon law.

Note: In accordance with the *Statement of Episcopal Commitment*, if the accused is the bishop, the bishop shall inform the Apostolic Nuncio.

If the claim appears credible and if the accused is a cleric incardinated in another Diocese, the Vicar General will immediately refer the matter to the appropriate proper Ordinary for further action.

If the accusation appears credible and if the accused is a member of the clergy, he will be immediately removed from ministry, his faculties will be suspended pending the outcome of the internal (diocesan) investigation and pending the outcome of the external (civil) investigation; and at the discretion of the Bishop and his Vicar General, the cleric will be encouraged to undergo a diagnostic evaluation and participate in appropriate treatment. The Diocesan Priest Remuneration Policy will dictate his pay, benefits, etc.; and in accordance with the Diocesan Clergy Monitoring Program Policies and Procedures, the Vicar General will oversee and coordinate all steps necessary to address the health and welfare of the accused cleric.

Accused is a Diocesan Employee

If the accusation appears credible, and if the accused is a Diocesan employee (cleric, religious or lay) after consultation with appropriate Diocesan officials, the accused will be removed from the exercise of any function or responsibility or ministry and/or employment in the Diocese; and will be placed on administrative leave pending the outcome of the internal (Diocesan) investigation and pending

the outcome of the external (civil) investigation. Such leave will be without pay and/or benefits as determined by Diocesan officials and may result in termination of employment. The Vicar General will oversee and when necessary, with the assistance of the Diocesan Secretary for Human Resources, will coordinate efforts to encourage the accused to seek independent legal counsel and to uphold the principals of Christian charity.

Accused is a Member of a Religious Institution

If the accusation appears credible, and if the accused is a member of a religious institution ministering in the Diocese, the major superior of the appropriate clerical or religious institute will be contacted by the Vicar General, who will ensure all reporting requirements are upheld and who will work collaboratively and to the extent possible with the major superior to ensure their particular policy is also followed. Any faculties granted will be removed, and if the accused was providing a service to the Diocese, he or she will be prohibited from providing that service pending the outcome of the internal investigation of the religious institution and pending the outcome of any external (civil) investigation.

Notification of Law Enforcement

In accordance with Diocesan policy when a report is received alleging sexual abuse of a minor by a member of the clergy, the Vicar General will immediately contact the proper civil authorities by calling the District Attorney of the appropriate county where the alleged abuse occurred. Immediately following the phone contact, the Vicar General will forward a written letter to the appropriate District Attorney's Office confirming the details shared during the initial telephone contact.

When required, the Vicar General will also report the incident to Child-Line and will follow all Commonwealth of Pennsylvania reporting requirements.

Sexual Abuse is Alleged but the Accuser is No Longer a Minor

In accordance with the *Charter* (Article 4), the Diocese is required to cooperate with public authorities about reporting cases even when the person is no longer a minor. In every instance, the Diocese will advise the accuser of his/her right to make a report to public authorities (i.e., law enforcement). In every instance, the Diocese will advise the accuser that the Diocesan policy is to report the accusation to law enforcement regardless of their willingness to do so.

Opening an Investigation and Confidentiality

The Bishop will initiate a Decree opening a preliminary investigation and appointing an investigator, who will typically be the Episcopal Vicar for Canonical Affairs. The Episcopal Vicar for Canonical Affairs will then be responsible to keep appropriate, confidential records of each incident reported. Aware of the sensitive nature of a complaint of sexual abuse for both the victim and the cleric, the Diocese does strive to keep the process confidential, however in keeping with Diocesan policy, the District Attorney, the cleric, the Diocesan

Review Board, and insurers, in accordance with the terms of applicable insurance policies may all be informed of the particulars of the complaint.

Internal (Diocesan) Inquiry Ensues

The Diocese will gather all available information to determine if the allegation is credible and will do so in a manner that will make certain that due diligence and extreme care is taken to ensure that the Diocesan inquiry does not interfere with any criminal investigation. The purpose of the inquiry is to seek out the facts surrounding the allegation in order to provide information needed by the Bishop for his judgment and actions.

Depending on the situation, and following consultation with Diocesan Officials and if warranted, consultation with law enforcement, it may be necessary for the Diocese to retain a private investigator to conduct interviews with the alleged perpetrator and potential witnesses.

Media and Communications

All media contacts or inquires regarding accusations of sexual misconduct by Diocesan clergy or personnel will be directed to the Diocesan Director of Communications. When a member of the clergy is removed from ministry due to an accusation of sexual abuse of a minor, in a timely fashion the Diocese will post on the diocesan website and will print in *The Catholic Light* notice of this action (i.e., cleric placed on administrative leave due to an accusation of sexual abuse of a minor). Desiring to maintain a spirit of openness to the faithful, and with concern for other potential victims, the Diocese will communicate and share information with local media and will use its own media outlets to inform the public when a cleric or other diocesan employee is removed from service due to an accusation of sexual abuse of a minor. Likewise, in the event that an accusation is found false or determined to be unsubstantiated, every effort will be made through available Diocesan and local media to restore the good name of the person determined to have been falsely accused.

Disposition of the Internal Inquiry

Any personnel of the Diocese who admits to, does not contest, or who are found guilty of an incident of sexual abuse of a minor will be immediately removed from the exercise of any function or responsibility of ministry and/or employment in the Diocese of Scranton. The Diocese will cooperate with, observe and will pursue all civil and canonical remedies and penalties.

When the situation involves a lay person, determination of guilt is cause for immediate loss of employment.

When the situation involves a member of a religious institute, society of apostolic life or a cleric not incardinated in the Diocese of Scranton, determination of guilt is cause for any appropriate prohibitions and deprivations in accord with the

norms of canon law. The Vicar General will be responsible to consult with the proper ecclesiastical superior in pursuing penalties and penances. When the situation involves a cleric incardinated in the Diocese of Scranton, he will be immediately subject to a permanent suspension in accord with canon law; and following the outcome of any civil/criminal actions in either State or Federal Court, further penalties and actions may follow. In consultation with the Diocesan Review Board, but at the discretion of the Bishop, the cleric may undergo diagnostic evaluation and treatment. An extended supervised aftercare program will be implemented and regular communication with the Vicar General will take place in accordance with the Diocesan Clergy Monitoring Program guidelines.

In the event that an allegation is found to be false or unsubstantiated, civil law provides for penalties for the crime of making a false report to law enforcement. Similarly, canon law also makes provisions for sanctions in various cases of falsehood and slander. It is important to remember that an accused cleric or layperson is presumed innocent until the contrary is proven. Notwithstanding, until a disposition of the accusation is reached, the Bishop must prohibit the exercise of the clergyman's ministry and the layperson's employment. Canon law, as well as civil law, is designed to protect the accuser and the accused. Not all allegations of clerical sexual abuse are true and an untrue or false accusation can destroy an innocent person's life. The Diocese strives to balance the possibility of innocence with the need to protect possible future victims. If the accusation is proven false, the cleric's reputation must be restored to the extent possible.

Victim Assistance Coordinator

The role of the Victim Assistance Coordinator is to 'coordinate' assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by a member of the clergy (i.e., a bishop, priest or deacon), religious, lay staff or volunteer of the Diocese of Scranton.

The Victim Assistance Coordinator responds promptly to persons who contact the Diocese concerning sexual abuse of a minor and will offer to meet with him or her. The purpose of the meeting is to acknowledge the accusation, empathetically listen to him/her and to inform him/her of any support that may be appropriate. The Victim Assistance Coordinator works with each individual to determine the assistance that is desired, necessary and appropriate. Such assistance may include arranging for counseling or spiritual direction and referrals to support groups. If requested, the Victim Assistance Coordinator will assist the individual in obtaining outpatient counseling, recommend licensed and qualified providers and facilitate spiritual and mental health support.

In instances where access to counseling by the individual is requested, the Diocese will agree to pay for appropriate outpatient mental health counseling sessions with qualified, credentialed counselors in consultation with the Victims

Assistance Coordinator, if the individual is eligible, for a period not to exceed one (1) year. This shall be considered as an offer of "economic assistance" in the spirit of Christian justice and charity and is not to be considered a payment. To be eligible for such economic assistance, the abuse must have been perpetrated by a member of the clergy (including clergy given written permission to serve in the Diocese by the Bishop of Scranton), religious, lay staff or volunteer of the Diocese of Scranton. The Victims Assistance Coordinator will coordinate with and arrange for payment to be made to such counselor for sessions during such one (1) year period.

Requests for counseling exceeding a one-year period will be evaluated on a case-by-case basis. The Victims Assistance Coordinator and a member of the Independent Review Board, after discussion with the individual and consultation with the individual's counselor, may recommend an extension to the Vicar General or Bishop of the Diocese of Scranton. Extended counseling for up to a period of one (1) year may be granted in the complete and sole discretion of the Bishop and/or Vicar General of the Diocese of Scranton.

Individuals making an accusation of sexual abuse who currently reside in the Diocese of Scranton, but whose abuse was said to have been perpetrated in another diocese or by a member of a religious order may call the Victim Assistance Coordinator for assistance in order to connect with the appropriate religious order or diocese.

The Victim Assistance Coordinator will work with all individuals approved for and engaged in treatment in order to oversee their needs over time.

Meeting with the Diocesan Bishop

For some individuals who have filed complaints of sexual abuse by a cleric, a meeting with the Bishop can be an important step toward healing. In keeping with Diocesan policy and the *Charter*, and recognizing his own personal commitment to pastoral care for the well-being of the victim and others who have been affected, the Bishop is willing to meet with any victim who desires to speak with him personally. Such a meeting can provide an opportunity to tell the Bishop as much as desired about the abuse, how it affected him/her and how the Diocese can support their healing.

To arrange for a meeting with the Bishop, the Victim Assistance Coordinator will work with the Vicar General to make the necessary arrangements. If a victim is represented by an attorney and wishes to meet with the Bishop, the victim's attorney should contact the Vicar General.

A meeting with the Bishop is entirely voluntary. No victim is required to meet with the Bishop. Rather, the Bishop is willing to meet only if a victim believes it would be helpful to his/her healing. The meeting is private and pastoral. It is not intended to provide a sacramental opportunity or for spiritual direction. It is also

not a therapy session nor is it an opportunity for the discussion of any legal or personnel matters. No such issues will be discussed, no attorneys will be present, no representatives from the news media will be permitted and the meeting will not be recorded. A victim can terminate a meeting at any time.

A victim should feel free to invite a family member, friend or therapist to support him/ her emotionally during the meeting. If the Victim Assistance Coordinator arranged the meeting, he/she will be present to facilitate the meeting.

In anticipation of a meeting, if a victim is in treatment with a psychotherapist, the victim's therapist or counselor may find it advisable to contact the Victim Assistance Coordinator to alert him or her to any special concerns of which the Bishop and the Victims Assistance Coordinator should be aware in advance of the meeting.

Appendix B

Mandated Reporters in Pennsylvania

What is the Child Protective Services Law (CPSL)?

The PA Child Protective Services Act was signed into law in 1975. It was enacted to protect children from abuse, allow the opportunity for healthy growth and development and, whenever possible, preserve and stabilize the family.

What is child abuse?

Child abuse, according to the CPSL, includes any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury, or non-accidental serious mental injury to a child under 18 years of age, sexual abuse or sexual exploitation to a child under 18 years of age, and serious neglect. “Recent” is defined as an abusive act within two years from the date a report is made to ChildLine. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit. Child abuse also includes any recent act, failure to act, or series of acts or failures to act by a perpetrator that creates a reasonable likelihood of bodily injury, sexual abuse or exploitation of a child under 18 years of age.

Who is a mandated reporter in Pennsylvania?

Individuals who, in the course of their employment, occupation, practice of a profession or volunteer service come into contact with children and have reasonable cause to suspect that a child under the care, supervision, guidance, or training of that person or of an agency, institution, organization or other entity with which that person is affiliated is a victim of child abuse.

What should I do when I suspect a child has been abused?

The law states that mandated reporters must immediately make a report of suspected child abuse to **ChildLine** by phone at **1-800-932-0313** or **electronically thru the self-service portal at www.compass.state.pa.us/cwis**. After making the report to ChildLine, notification of the official in charge of the institution, school, facility or agency should be made.

What is Childline and how does it work?

Childline is the 24-hour toll free telephone and electronic reporting system operated by the Department of Human Services to receive reports of suspected child abuse. ChildLine forwards the report of suspected child abuse to the local county children and youth agency, which investigates the report to determine if the allegations can be substantiated as child abuse/neglect and also arranges for or provides the services that are needed to prevent the further maltreatment of the child and to preserve the family unit.

If the alleged perpetrator named in the report does not meet the definition of perpetrator under the CPSL, but does suggest the need for investigation, ChildLine will forward the information to the district attorney’s office in the respective county. ChildLine also maintains a statewide central register, which contains the names and vital information about children who have been abused in PA since 1976. This information can be accessed by county children and youth agencies when investigating new reports of suspected child abuse.

What else must a mandated reporter do after calling ChildLine?

If an oral report was made to ChildLine, mandated reporters must also complete a report of suspected child abuse (CY 47). This form can be obtained from the children and youth agency in your county and must be submitted within 48 hours to the county agency. However, it is acceptable to submit the information in letter form. No further action is required if the report was submitted electronically.

Do I have to know for sure that the child was abused?

NO. Your responsibility is to make the report when you suspect a child is abused. The caseworker of the county children and youth agency will investigate and determine whether the child was abused.

Must I report?

YES. Mandated reporters, by law, must report suspected abuse when you have reason to suspect on the basis of medical, professional or other training.

Am I a mandated reporter if I learn of the abuse from someone other than the child who was allegedly abused?

YES. The child you suspect of being abused need not come directly before you in your professional or official capacity but must be under the care, supervision, guidance or training of the agency, institution, organization or other entity with which you are affiliated. A report must be made if a person discloses to a mandated reporter that an identifiable child has been victimized. If anyone 14 or older admits to a mandated reporter that they have committed child abuse, a report must be made to ChildLine.

What could happen to me if I don't report?

A mandated reporter who is convicted of willfully failing to report or refer suspected child abuse can be found guilty of a misdemeanor of the second degree up to a felony of the second degree. The maximum penalty for a misdemeanor of the second degree is \$5,000 and/or two years in jail.

What happens when a report is made?

The county children and youth agency must begin an investigation within 24 hours. A thorough inquiry is conducted to determine if the child was abused and what services are appropriate for the child and family. This must be completed within 30 days unless the agency provides justification as to why the investigation cannot be completed, including attempts being made to obtain medical records or interview subjects of the report.

<https://www.compass.state.pa.us/cwis/public/home>

APPENDIX C

Diocesan Review Board By-Laws

Composition of Board

The Diocesan Review Board, established by the 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; but at least one member should be a priest who is an experienced and respected pastor of the Diocese, and at least one member should have particular expertise in the treatment of behavioral disorders associated with the sexual abuse of minors (cf. *USCCB Essential Norms*, #5).

Term of Office

The members will be appointed for a term of five years, which may be renewed for one additional term (cf. *USCCB Essential Norms*, #5).

Meetings

The Review Board meetings shall be scheduled quarterly or will occur as often as necessary to perform its duties. The meetings shall reflect the pastoral character of this process that is consultative and advisory, not adjudicative (cf. *USCCB Essential Norms*, #4).

Duties

The Review Board shall have the duty to:

- A. advise the Bishop in his assessment of accusations of sexual abuse of minors and in his determination of suitability for ministry of the accused;
- B. review Diocesan policies for responding to accusations of sexual abuse of minors,
- C. offer advice on all aspects of these cases, whether retrospectively or prospectively (cf. *USCCB Essential Norms*, #5).

Recommendations

The Review Board shall make recommendations to the Bishop regarding the following:

- A. the credibility of an accusation of sexual abuse of a minor;
- B. a plan of action for clerics whose conduct does not constitute sexual abuse of a minor but falls within the parameters of a boundary violation of a minor.
- C. other recommendations that the Review Board considers beneficial as related to the sexual abuse of a minor.

APPENDIX D

Diocese of Scranton Code of Pastoral Conduct for all Clergy, Administrators, Staff and Volunteers

Our children are the most important gifts God has entrusted to us. As an adult member of the Diocese of Scranton, I promise to strictly follow the rules and guidelines in this Code of Conduct when providing services to or interacting via face-to-face or by telephone, cell phone or any social networking website with a child involved in any diocesan, parish or Catholic school program.

I will:

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where I am alone with children and/or youth while working or volunteering at any event or function sponsored by a diocesan parish or school.
- Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.
- Refuse to accept expensive gifts from children and/or youth or their parents without prior written approval from the pastor or administrator.
- Refrain from giving expensive gifts to children and/or youth without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected abuse to the pastor, administrator, or appropriate supervisor and the local Child Protection Services agency. I understand that failure to report suspected abuse to civil authorities is, according to the law, a misdemeanor.
- Cooperate fully in any investigation of abuse of children and/or youth.
- Maintain a standard of morality in public and private life which does not reject the teachings of the Catholic Church.

I will not:

- Smoke or use tobacco products in the presence of children and/or youth.
- Use, possess, or be under the influence of alcohol at any time while working or volunteering.
- Use, possess, or be under the influence of illegal drugs while working or volunteering.
- Pose any health risk to children and/or youth (i.e., no fevers or other contagious situations)
- Strike, spank, shake, or slap children and/or youth.
- Humiliate, ridicule, threaten, or degrade children and/or youth.
- Touch a child and/or youth in a sexual or other inappropriate manner.
- Use any discipline that frightens or humiliates children and/or youth.
- Use profanity in the presence of children and/or youth
- Acquire, possess or distribute sexually explicit images of children under the age of 18 including but not limited to books, photographs, films or computer generated images.

I understand that as a volunteer, staff member or clergy, I am agreeing to a mandatory background check including criminal history and child abuse history. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in disciplinary action up to and including removal from my position.

Printed Name: _____

Signature: _____

Date: _____