

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

September, 2007

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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. 11165.7 a(37))

P.C. Section 11165.7 b states that except as provided in paragraph (35) of sub division (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>. (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.

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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.”

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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 11 th 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
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Examples of unincorporated areas

Fernbridge	Petrolia
Hoopa	Philippsville
Loleta	Red Way
Miranda	Weott
Orick	

APPENDIX III

CHILD PROTECTIVE SERVICES

Del Norte County

Child Protective Services	707-464-3191
880 Northcrest 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	
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.

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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.

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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 imitations 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.

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- 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

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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

