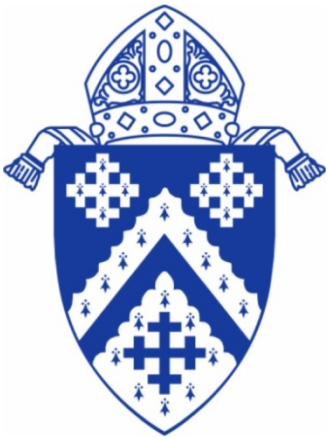
The Diocese of Cleveland

Policy for the Safety of Children in Matters of Sexual Abuse

Revised 2016

Promulgated 15 June 2016

Effective 31 December 2016



DIOCESE OF CLEVELAND

POLICY FOR THE SAFETY OF CHILDREN IN MATTERS OF SEXUAL ABUSE

REVISED 2016

Diocese of Cleveland
Cathedral Square

OFFICE OF THE BISHOP

15 June 2016

Dear Brothers and Sisters in Christ,

Our children are among our greatest treasures. We know that Jesus cherished the children and He commanded us to do the same. The Catholic Church strives to nurture the gifts and talents of our youngest members, guide their formation, and guard their safe passage at all times. Safety is absolutely non-negotiable in our parishes, schools, (and all Catholic) agencies and institutions throughout the Diocese of Cleveland.

The sexual abuse of young people is inexcusable. The Catholic Church will remain forever stained by the dark chapter of clergy abuse in our own history. But rather than being sidelined by our sorrow, we have used the occasion to examine our policies and procedures and to update our practices to keep children safe. This document, *The Policy for the Safety of Children in Matters of Sexual Abuse, Revised 2016*, is a prime point in our efforts to protect children and the vulnerable among us.

Over the past few decades, society has made tremendous strides forward in calculating the overwhelming cost of sexual abuse of minors. Psychologists have turned their attention to the long-term consequences of abuse of children and young people; researchers have documented its prevalence in many segments of society; and clinicians have earnestly sought treatment methods to help victims not only survive but learn to thrive. The Catholic Church has been a stalwart companion in these efforts to root out the evil of sexual abuse. We have commissioned and funded ground-breaking studies on the sexual abuse of minors and have used that information to craft policies and implement programs that train adults and children on how to recognize the warning signs of inappropriate behaviors and continually convey the necessity to communicate any concerns to the proper authority. There is zero tolerance for crossing the boundary line on abuse of children.

To that end, revisions once again have been recommended and accepted in this revised Policy. The recommended changes were guided by the Review Board, an independent group of individuals from many walks of life and fields of expertise who act in an advisory capacity to me in regard to the Diocesan Policy and its implementation. The Review Board has noted areas of improvement, and I have accepted their recommendations. I thank them for their dedicated service in the Diocese of Cleveland.

I am happy to report that every year since 2003, independent auditors have found the Diocese of Cleveland to be in compliance with the United States Conference of Catholic Bishops (USCCB) document called the *Charter for the Protection of Children and Young People*. This Charter guides all the programs of child protection in the dioceses across the country. Still, our constant striving to keep children safe can never cease. We cannot become complacent in our efforts to

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ensure that children receive an upbringing that forms in them a sense of right relationships and a respect for the dignity of every person.

The old adage, “It takes a village to raise a child” is as true in the Church community as in society overall. The guidelines set forth in these policies and procedures help all of us to keep our children safe. We have researched and followed best practices to pursue this goal. Since 2003 a group of 125 committed and well-trained men and women have facilitated over 3600 training sessions on the prevention of child sexual abuse. More than 136,000 clergy, religious, lay employees and volunteers who work with children in our parishes, schools, organizations and agencies have been trained in our policy and the safety of children and have received background checks in order to continue their work with children. All of these efforts are supervised by the Office for the Protection of Children and Youth as established by the diocese.

The rich and beautiful rituals and traditions of the Church give us a solid structure which supports the practical methods of prevention of abuse and protection of children. We ask you to join us in taking these policies to heart. We ask you to pray with us that our children be happy, healthy and safe within the care of the Church. And finally, we ask for the healing of all involved in the cycle of abuse, from the victims to their families to the offenders to the broader community. We are all in need of God’s great mercy and guidance.

Sincerely yours in Christ,

Bishop of Cleveland

Diocese of Cleveland
Cathedral Square

OFFICE OF THE BISHOP

DECREE

**PROMULGATION OF THE
POLICY FOR THE SAFETY OF CHILDREN IN MATTERS OF SEXUAL ABUSE:
REVISED, 2016**

15 JUNE 2016

In nomine Domini. Amen.

Ever mindful of the great importance which the Catholic Church places on the care and training of young persons, the Diocese of Cleveland formally adopted a *Policy Regarding Allegations of Child Abuse* on March 21, 1989 which was further amended on October 16, 1992; and

Fully cognizant of the additional need, recommended by a Special Commission authorized by Bishop Anthony M. Pilla, to provide education about issues of sexual abuse of minors, to expand requirements for the reporting and investigations of allegations of child abuse by church personnel, and to establish an independent Board to review such allegations, a *Policy for the Safety of Children in Matters of Sexual Abuse,* fully consistent with the *Charter for the Protection of Children and Young People* and the *Essential Norms* adopted by the United States Conference of Catholic Bishops in June of 2002 and recognized by the Congregation for Bishops in December of 2002, was promulgated as particular law for the Diocese of Cleveland on February 27, 2003; and

In view of the revisions of the *Charter* and *Essential Norms* which were recognized by the Congregation for Bishops in January of 2006 and of the requirement of Part VII of the *Policy* to review and propose amendments to the *Policy*, the Review Board for the Diocese of Cleveland suggested for consideration certain revisions to the *Policy*;

Now, I, RICHARD, by the grace of God and the Apostolic See, Bishop of Cleveland, having consulted the Review Board of the Diocese of Cleveland, having sought due canonical and civil counsel, and having heard the Presbyteral Council of the Diocese of Cleveland, do hereby promulgate as particular law for the Diocese of Cleveland, the *Policy for the Safety of Children in Matters of Sexual Abuse: Revised, 2016* present herein. Said *Policy* shall take effect on December 31, 2016, anything to the contrary not withstanding.

Given under my hand and seal on this day, the Fifteenth of June in the Year of Our Lord, Two Thousand Sixteen, *Sede Curiae*, in Cleveland, Ohio.

+ Richard G. Lennon
Bishop of Cleveland

Sr. Sheree Guerin Sullivan SP
Chancellor

POLICY FOR THE SAFETY OF CHILDREN IN MATTERS OF SEXUAL ABUSE REVISED 2016

CONTENTS

HISTORY ..... Page iii

PREAMBLE ..... Page v

Part I: PREVENTION 1

Section 1.1 Education 1
Section 1.2 Screening 3
Section 1.3 Compliance 5

Part II: REPORTING 5

Section 2.1 All Church Personnel are to Make Reports 6
Section 2.2 Reports to Civil Authorities 6
Section 2.3 Reports to the Diocese 7
Section 2.4 Knowledge Which is Protected by Confidentiality 8
Section 2.5 Notification to an Accused Person 8

Part III: DIOCESAN RESPONSE TO REPORTS SUGGESTING SEXUAL ABUSE BY CHURCH PERSONNEL 8

Section 3.0 Sexual Abuse Results in Permanent Removal From Ministry or Service 8
Section 3.1 Diocesan Response to Reports Suggesting Sexual Abuse by Church Personnel 8
Section 3.2 Response Team 9
Section 3.3 Community Outreach 10
Section 3.4 Investigative Response 11

Part IV: THE REVIEW BOARD 12

Section 4.1 The Review Board 12
Section 4.2 Board Functions 12
Section 4.3 Membership 13
Section 4.4 Appointment 14
Section 4.5 Conducting Business 14
Section 4.6 Authority of the Review Board 15
Section 4.7 Confidentiality, Disclosure of Information, and Record Keeping 16

Part V: PROCEEDINGS REGARDING CLERICS, AND THE REVIEW PROCESS 16

Section 5.1 Referral to the Review Board 16
Section 5.2 Notification of an Accused Cleric 16
Section 5.3 Investigation of an Accused Cleric 17

Section 5.4 Initial Assessment 18
Section 5.5 Review Following the Full Investigation 19
Section 5.6 Controlling Principles 20
Section 5.7 Return to Ministry 21
Section 5.8 Offering Assistance to Offenders 22

Part VI: COMMUNICATIONS 22

Section 6.1 General 22
Section 6.2 Disclosures 23

Part VII: POLICY REVIEW 24

Section 7.1 and 7.2 24

Part VIII: DEFINITIONS 24

Section 8.1 Sexual Abuse 24
Section 8.2 Minor and Child 25
Section 8.3 Sexual Conduct 25
Section 8.4 Sexual Contact 25
Section 8.5 Cleric or Clergy 25
Section 8.6 Volunteer 25
Section 8.7 Preliminary Investigation 26
Section 8.8 Church Personnel 26
Section 8.9 Response 26
Section 8.10 Restorative Justice 26
Section 8.11 Seminarian 26
Section 8.12 Vicar for Clergy and Religious 26
Section 8.13 Promoter of Justice 26
Section 8.14 Diocesan Parishes, Institutions and Organizations 26
Section 8.15 Person Who Habitually Lacks the Use of Reason 26

APPENDICES Index 29

HISTORY

On March 21, 1989, the Diocese of Cleveland adopted a *Policy Regarding Allegations of Child Abuse by Clerics*, which was amended once, on October 16, 1992. In March of 2003, upon the recommendation of a Special Commission authorized by then-Bishop Anthony M. Pilla, an expanded *Policy* was promulgated which addressed the need for education about the issue of sexual abuse of minors, expanded the requirements for the reporting and investigation of allegations of child abuse by church personnel, and defined a lay review board of eleven persons. This board, with a wide range of appropriate qualifications and experience, was charged with monitoring investigations of reports of sexual abuse of minors by clerics, reporting its recommendations and observations to the diocesan bishop, and examining for effectiveness the Policy and its implementation.

The *Policy* promulgated in 2003 was consistent with the *Charter for the Protection of Children and Young People*, (hereafter referred to as "*Charter*") adopted by the United States Conference of Catholic Bishops (USCCB) in June of 2002, and with the canonical *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, which first received *recognitio* by the Vatican in December of 2002 and were revised May 15, 2006. The *Essential Norms* required, for the first time, that each diocese must adopt a written policy on the sexual abuse of minors by priests. The *Essential Norms* are Appendix 6 to this Policy.

The Most Reverend Richard Lennon promulgated the *Policy for the Safety of Children in Matters of Sexual Abuse, Revised 2007* in November, 2007. By following its 2003 *Policy* and the *2007 Policy*, the Diocese of Cleveland has shown itself to be in full compliance with all aspects of the *Charter* and with the *Essential Norms*, as established in every annual compliance audit by the Office of Child and Youth Protection of the USCCB, from 2003 through 2015.

In May of 2010, Pope Benedict XVI clarified and expanded the *Normae de gravioribus delictis* in the document *Sacramentorum Sanctitatis Tutela* ("*SST*"), which are procedural and substantive rules applicable to offenses by clerics, including the sexual abuse of minors, that must be referred by diocesan bishops to the Vatican Congregation for the Doctrine of the Faith, for its instructions on how to proceed. When the USCCB updated the *Charter* again, in 2011, it incorporated changes to *SST* into the *Charter's* explanation of what constitutes sexual abuse of a minor. In accord with Part VII of the *Policy*, the Review Board again examined the implementation of the diocesan Policy within the Diocese over the past eleven years, and proposed improvements to the Policy, including changes consistent with the 2010 modifications to *SST* and the 2011 amended *Charter*. Those suggested improvements were incorporated by Bishop Lennon into this 2016 revised version of the Policy.

PREAMBLE*

Jesus said, "Let the little children come to me, for it is to such that the kingdom of God belongs." The Review Board for the Diocese of Cleveland submits recommended improvements to the *Policy for the Safety of Children in Matters of Sexual Abuse, Revised 2016* to Bishop Richard G. Lennon and the Diocese of Cleveland, and lifts hearts and minds to God, asking for the guidance of the Holy Spirit as we seek the protection of children, right relationships among people, and the healing of both victims and offenders.

This revised Policy utilizes the experience gained during the past eleven years to enhance the expression in this document of the Diocese of Cleveland's commitment to the safety of children. It addresses the need for prevention through the education of parents and children and of those who work with minors, and through careful screening of employees and Volunteers$_{(8.6.)}$ It provides diocesan requirements for the reporting and investigation of reports suggesting sexual abuse$_{(8.1)}$ of minors$_{(8.2)}$, and assures a means of outreach to those who have been abused and the communities harmed by those actions. It describes a process for return to ministry and a means of support for those who have been exonerated. Finally, it calls for a body of mainly lay individuals to monitor all reports of sexual abuse of minors by clergy, and to examine this Policy for effectiveness and for effective implementation.

Human dignity originates in our being made in the image of God. Sexual abuse against children violates this dignity. It is both a criminal and sinful act that results in great harm to the physical, emotional, and spiritual integrity of those who have been abused. We are therefore committed to safeguarding our children through collaboration with civil authorities and compliance with statutes that mandate the reporting of suspected sexual abuse. We are further committed to the full and fair investigation of reports, to avoid the tragedy of false accusation. We pray for God's guidance in protecting children. We pray for wisdom in our response to victims of sexual abuse and to those who stand accused. We pray for a spirit of love and forgiveness toward those who have offended against children. May the example of Jesus be a lamp to our feet and a light to our path. Amen.

*Definitions of terms used in this document are contained in Part VIII. The first time those terms are used in each Part, a subscript indicates the subsection in which the definition appears.

POLICY

FOR THE SAFETY OF CHILDREN

IN MATTERS OF SEXUAL ABUSE

REVISED 2016

Part I: PREVENTION[1]

Ideally no child will ever be sexually abused(8.1). The provisions of this section are intended to help achieve that ideal. Everyone in the church community has a role to play and must be aware of the causes and signs of sexual abuse, the steps to take to protect children(8.2) and the procedures to follow if sexual abuse is suspected or observed.

1.1 EDUCATION[2]

1.1.1 The Diocese of Cleveland and diocesan parishes, institutions, and organizations(8.14) will inform priests, deacons, seminarians(8.11), religious, certified pastoral ministers, parish life coordinators, members of pastoral teams, employees and Volunteers(8.6), and any persons given canonical appointment by the Bishop, of this Policy and its requirements. A signed acknowledgment of the receipt of this Policy by a cleric(8.5), stating that he is aware of its implications and of his obligation to relay reports suggesting sexual abuse of a minor to the appropriate civil authorities as well as to the Bishop of Cleveland, will be returned to the Chancery for inclusion in the permanent record of the cleric. An extern priest or deacon applying for an assignment, faculties, or residence in the Diocese of Cleveland, as well as a candidate for ordination, will be given a copy of the Policy before his request is granted and will be required to sign and return the acknowledgment to the chancery for inclusion in his permanent or clergy record.

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[1] Definitions of terms used in this document are contained in Part VIII. The first time those terms are used in each Part, a subscript indicates the subsection in which the definition appears, such as "Cleric or Clergy(8.5)." In addition, the term "Volunteer" is capitalized when the defined meaning is specifically intended in this document.

[2] Articles 6 and 12 of the USCCB *Charter for the Protection of Children and Young People*, June 2011.

1.1.2 The parent handbooks used in parish or independent schools under the authority of the Diocese of Cleveland will include a brief summary of the diocesan policies concerning sexual abuse prevention and recognition, including information concerning reporting sexual abuse and local resources. In addition, a brochure summarizing diocesan policies should be available in all diocesan parishes, institutions, and organizations.

1.1.3 All training programs designed to certify clerics, employees and Volunteers$_{(8.6)}$ of the diocese and of diocesan parishes, institutions, and organizations are to include segments that address child sexual abuse. The programs will specifically address the obligations for reporting suspected child sexual abuse to civil and church authorities and the consequences of the failure to report. Whenever possible, experts in the field of child sexual abuse should be consulted in the preparation and implementation of the training material, which will include information concerning: signs and symptoms, dynamics of child sexual abuse, impact of child sexual abuse, intervention strategies, reporting requirements and community resources.

1.1.4 Child sexual abuse is to be addressed regularly in the usual in-service programs for employees.

1.1.5 a. Catholic schools and religious education programs are to include age-appropriate child sexual abuse prevention education within the curriculum at each grade level from pre-K through 12. The current best practices will be used.

b. Other youth programs in the diocese and diocesan parishes, institutions and organizations$_{(8.14)}$ are to include a discussion on this topic. Those who develop, sponsor and/or supervise such programs are responsible for the implementation of this policy.

1.1.6 Only those persons who have been given child sexual abuse prevention and recognition training are to implement child sexual abuse prevention curricula. The diocese, through its offices and agencies, utilizing local experts, will either conduct in-house child sexual abuse prevention and recognition programs for employees and volunteers who need training, or identify and approve outside curricula, programs, or in-service opportunities that can be attended to obtain equivalent training. If such an outside curriculum, program, or in-service opportunity is approved by the diocese, written verification that an employee or volunteer completed the training shall be required.

1.1.7 A child sexual abuse prevention and recognition program will be offered annually to parents and the community at locations throughout the diocese.

1.1.8 The Secretariat for Catechetical Formation and Education will re-examine child sexual abuse prevention and recognition material used in the curricula at least every three years.

1.1.9 Those responsible for the development and implementation of youth service programs must adopt policies and procedures that guard against actual or potential situations in which harm can be inflicted, or which give rise to suspicions of potential sexual abuse.

1.1.10 The diocese will maintain and staff an office for protection of children and youth with a coordinator of child sexual abuse prevention programs to assure compliance with Part I of this Policy. This office will coordinate child sexual abuse prevention programs, provide resources and be the focus for inquiries concerning programs, training materials, and training opportunities concerning child sexual abuse recognition and prevention. Resource services may include:

Developing or identifying programs that can be used in the sexual abuse awareness and prevention programs for parents, employees, volunteers and seminarians.
Maintaining a list of local child sexual abuse and rape prevention experts.
Maintaining a collection of current child sexual abuse training materials,
Maintaining and providing example employee and volunteer applications, and interviewing or screening materials and resources, which utilize current best practices.

1.2 SCREENING[3]

Persons who serve our children as priest, deacon, seminarian, religious sister or brother, certified pastoral minister, parish life coordinator, member of a pastoral team, employee or Volunteer$_{(8.6)}$ of the diocese or a diocesan parish, institution or organization, or in any office appointed by the Bishop, are among the faith community's most valuable assets. They contribute to the spiritual, emotional, intellectual and physical well-being of our children. Hiring agents must take due precautions to assure that insofar as possible only qualified persons who are suitable to work with children are chosen. Reasonable efforts should be undertaken to ensure that both applicants for employment and Volunteers$_{(8.6)}$ (regardless of whether they are expected to have unsupervised access to children as defined in ORC 109.574) are screened appropriately and thus deemed suitable for such work.

1.2.1 No person with a criminal conviction for an offense listed in Appendix 5 will knowingly be kept in service or considered for placement or hire in a position that involves regular contact with children, by the diocese or any diocesan parish, institution, or organization$_{(8.14).}$

1.2.2 The diocesan Legal Office will make reasonable efforts, based upon the information reported to it under this Policy, to maintain a register of all clerics, former clerics, lay employees, and volunteers in the diocese who have abused a minor in connection with employment or volunteer involvement for the diocese or a diocesan parish, institution or organization.

1.2.3 Each applicant for employment will complete a written application with the names of three references, and will sign a release authorizing the communication of information received as part of the screening process to the diocese.

[3] *Charter*, Article 13

1.2.4 With respect to employment applications, hiring agents will:

- Submit names of applicants to the diocesan Legal Office for a check of the register prior to offering a position.
- Make reasonable efforts to speak with all references provided and keep a record of such efforts.
- Make reasonable efforts to verify the employment history submitted by applicants for employment and keep a record of such efforts.
- Consult the civil registry on the internet, established by the attorney general of Ohio (Ohio Revised Code sec. 3797.08(c)).
- Request the Ohio Bureau of Criminal Investigation & Identification (BCI&I), or other contract agency, to conduct a criminal records check of each applicant for employment who is offered a position.
- Conduct a screening interview.

Any applicant who has not lived continuously in the State of Ohio for the five years preceding his or her application must also provide an FBI identification record or a waiver allowing the hiring agent to obtain it. All information gathered in connection with employment decisions will be retained in a confidential file at the location of employment for as long as legally advisable.

1.2.5 Any person or group hired through a third party contract, and who will have access to children in the performance of the contract, must provide proof of a BCI&I or FBI criminal record check.

1.2.6 Prospective Volunteers$_{(8.6)}$ will be required to submit a written application with three references, and to sign a release authorizing the communication of information received as part of the screening process to the diocese.

1.2.7 With respect to Volunteer$_{(8.6)}$ applications, hiring agents or other personnel who engage Volunteers$_{(8.6)}$ will:

- Submit names of prospective Volunteers to the diocesan Legal Office to consult the register prior to offering a position;
- Make reasonable efforts to contact at least two references;
- Conduct a screening interview;
- Obtain a criminal record check and consult the civil registry as described in section 1.2.4 above.

All information gathered in connection with utilization of volunteer services will be retained in a confidential file at the location of employment for as long as legally advisable.

Hiring agents responsible for the selection of employees and Volunteers(8.6) will:

1) be trained in appropriate interviewing and screening techniques;
2) present each applicant and prospective Volunteer(8.6) who is offered a position with a copy of this Policy, or with instructions on how to access the Policy on the diocesan web site, and require written acknowledgement that he has read the Policy.

1.2.9 With regard to employees and volunteers, the responsibility falls upon their superior, coordinator, or supervisor to report to the diocesan Legal Office (a) adverse personnel action which results from known or suspected sexually oriented behavior with a minor, and (b) determinations through civil or canonical or similar processes that an offense of sexual abuse of a minor occurred.

1.2.10 Supervisors, coordinators or superiors shall require employees and Volunteers(8.1) under their control to submit to a criminal records check as described in section 1.2.4 and 1.2.7 at intervals as provided in guidelines developed by the diocese. The diocese shall develop and publicize guidelines for the repetition of criminal record checks based upon a recommended frequency of every five years, which guidelines may vary, however, with respect to particular organizations and particular employment or volunteer positions. (See explanation for this addition in Appendix 1.)

1.3 COMPLIANCE

1.3.1 The diocese and diocesan parishes, institutions, and organizations will respond to periodic requests from the coordinator of child sexual abuse prevention programs for information which will verify compliance with Parts I and II of this Policy.

1.3.2 Adverse personnel action by whomever taken with regard to a non-cleric which results from suspected sexually-oriented activity with a minor shall be provided to the Review Board by the Legal Office so that it can perform its function of monitoring compliance with this Policy.

Part II: REPORTING[4]

All information, however received, that suggests sexual abuse(8.1) of a minor(8.2) was committed by church personnel(8.8), must be reported immediately to civil authorities and to the Victim Assistance Coordinator. The Victim Assistance Coordinator can be contacted at (216) 334-2958 or through the diocesan response line (216) 334-2999 and on the Internet at: response_services@dioceseofcleveland.org.[5]

[4] *Charter*, Article 4; *Essential Norms*, Norm 11

[5] Definitions of terms used in this document are contained in Part VIII. The first time those terms are used in each Part, a subscript indicates the subsection in which the definition appears, such as "Cleric or

2.1 ALL CHURCH PERSONNEL ARE TO MAKE REPORTS

All church personnel or others working for the diocese in an official or professional capacity, who know or have information that suggests that a child has been sexually abused by church personnel, are required to report the knowledge or suspicion to civil authorities. Unless a legal privilege of confidentiality exists, this requirement applies to all priests, deacons, employees and volunteers of the diocese and of diocesan parishes, institutions and organizations(8.14), regardless of whether they are mandated to report under civil law, if they receive information that suggests sexual abuse(8.1) was committed by church personnel. The seal of the confessional is a legal privilege of confidentiality is excepted from these reporting requirements; however information that suggests sexual abuse of a minor was committed by church personnel, when received outside the strict context of a sacramental confession, must be reported when required by law or by this Policy.

2.1.1 All church personnel will comply with section 2151.421 of the Ohio Revised Code. (Appendix 2 – Ohio Revised Code §2151.421).

2.1.2 A report of information that suggests sexual abuse, or of known or suspected sexual abuse, must be made to civil authorities without preliminary screening, investigation, or judgment by the diocese.

2.1.3 The duty to report applies regardless of when the suspected sexual abuse is said to have occurred.

2.1.4 Failure to make a report when required by this Policy will result in disciplinary action by the hiring authority and, under Ohio law, may also constitute a misdemeanor of the fourth degree or, in the case of a cleric or other religious leader, the first degree.

2.1.5 The State of Ohio grants immunity from civil or criminal liability to any person, organization or institution if the report is made in good faith. ORC 2151.421(G).

2.2. REPORTS ARE TO BE MADE TO CIVIL AUTHORITIES

Reports of suspected child sexual abuse required to be made under Section 2.1 must be made to the public children services agency (PCSA) or a municipal police department or county sheriff where the child resides or where the sexual abuse is believed to have occurred. (Appendix 3 – Agencies To Which Reports Are Made.)

2.2.1 The following information, to the extent known, should be recorded when making a report to civil authorities and to the diocese. A lack of this information will not excuse a failure to immediately report information that suggests sexual abuse was committed by

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Clergy"(8.5). In addition, the term "Volunteer" is capitalized when the defined meaning is specifically intended in this document.

church personnel, or of known or suspected sexual abuse required to be reported under state law or this Policy.

a) Name, address, and telephone number of reporting party
b) Name, address, and age of minor child
c) Name, address and age of accused
d) Child's relationship to the person making the report
e) Name, address, and telephone number of the child's parents or guardians
f) Whereabouts of the child
g) Whether the family is aware of the alleged sexual abuse
h) Nature and extent of the alleged sexual abuse
i) Where the alleged sexual abuse occurred
j) Whereabouts of the accused
k) Whether the accused is aware of the report of sexual abuse
l) Whether the accused has current access to the child or other children
m) Steps the diocese has taken (interviews, notification, etc.)
n) Any information that supports or questions the credibility of the report
o) If an electronic communication or media device is involved, where it is located, whether it is mobile, whether it has been secured, and the user names and passwords of all users
p) Any other helpful information

2.2.2 Anonymous reports are discouraged. Reporting parties should provide their name, address, and telephone number to assist in an investigation.

2.2.3 If a child's safety or life is threatened, the local police department or 911 will immediately be contacted.

2.2.4 If an adult alleges that he or she was the victim of sexual abuse as a child, but requests confidentiality, a report must still be made to civil authorities.

2.3 REPORTS TO THE DIOCESE

2.3.1 The information that suggests sexual abuse of a minor was committed by a Cleric$_{(8.5)}$ knowledge or suspicion of child sexual abuse by church personnel will also be immediately reported to the Victim Assistance Coordinator (see Part III). In the case of a Cleric$_{(8.5)}$, notice will also be given by the Victim Assistance Coordinator to the Bishop, the chair of the Review Board, and the Secretary or Vicar for Clergy and Religious.

Notification to any diocesan official will not be a reason to delay notification to civil authorities.

2.3.2 Notification to a diocesan official does not satisfy the duty of all church personnel to notify civil authorities themselves. The reporting responsibility in Section 2.3.1 is in addition to the responsibility described in Section 2.2.

2.4 KNOWLEDGE WHICH IS PROTECTED BY CONFIDENTIALITY

Nothing in this Policy is intended to require or call for the violation of any legal privilege for confidentiality, including the seal of the confessional. However, a knowledge or suspicion of sexual abuse of a minor received in situations outside the strict context of a sacramental confession must be reported when required by law or this Policy.

2.5 NOTIFICATION TO AN ACCUSED PERSON

The Bishop or his representative will provide notice of a report suggesting sexual abuse to an accused priest, deacon, seminarian, or a religious or other person with a canonical appointment by the Bishop. In all other instances, personnel and volunteers will be notified pursuant to the personnel policy of the diocese or diocesan parish, institution or organization for which they work.

Part III. DIOCESAN RESPONSE[6] TO REPORTS[7] SUGGESTING SEXUAL ABUSE OF A MINOR BY CHURCH PERSONNEL(8.8)

3.0 SEXUAL ABUSE RESULTS IN PERMANENT REMOVAL FROM MINISTRY OR SERVICE

When sexual abuse(8.1) by church personnel(8.8) or volunteers occurs it has devastating effects for the victim and his or her family, as well as for the parish community. When it has been established that an act of sexual abuse of a minor(8.2) has been committed by any church personnel(8.8) or volunteer, that person will be permanently removed from ministry or service.

3.1 RESPONSE(8.9) TO REPORTS SUGGESTING SEXUAL ABUSE OF A MINOR BY CHURCH PERSONNEL(8.8)

[6] *Charter,* Article 1; *Essential Norms*, Norm 3

[7] Definitions of terms used in this document are contained in Part VIII. The first time those terms are used in each Part, a subscript indicates the subsection in which the definition appears, such as "Cleric or Clergy(8.5)." In addition, the term "Volunteer" is capitalized when the defined meaning is intended in this document.

To report suspected sexual abuse can itself be emotionally difficult for the reporting party and the person who receives it. Such a report can be equally devastating for a person who is inaccurately accused of sexual abuse. For these reasons, reports which describe or suggest sexual abuse will be managed with great sensitivity.

3.1.1 The healing of victims, their families, and their community from the effects of sexual abuse by church personnel(8.8) or Volunteers begins with the way in which the reports of such sexual abuse are received. Frequently, victims have difficulty trusting others, fearful that they will be blamed for the sexual abuse. Therefore, when alleged victims decide to disclose sexual abuse, it is important that the response(8.9) they receive is compassionate and non-judgmental.

3.1.2 Anyone receiving a report of sexual abuse of a minor will respond in a supportive manner, leaving investigative concerns to those who serve in that role.

3.1.3 A report suggesting sexual abuse of a minor will be received without initial judgment as to the truth of the complaint. No intimation of blame for the alleged victim or the alleged offender will be made by the initial recipient of this information.

3.1.4 Individuals making reports suggesting sexual abuse will be supported positively in their decision to disclose without regard to the accuracy of the report.

3.1.5 If the suspected offender has access to children who are in the care, custody, and control of the diocese, or a diocesan parish, institution or organization(8.14), that body will make immediate temporary provisions for the children's supervision and protection.

3.1.6 Within a reasonable time, a written report of the alleged sexual abuse will be submitted to the Bishop, who will ensure that information has been forwarded to civil authorities. (See Appendix IV – suggested Report for Child Protection)

3.1.7 The information received in a report suggesting sexual abuse occurred will be handled within the diocese according to this Policy, with confidentiality to the extent possible. Information or reports suggesting sexual abuse will not be retained by persons not authorized to do so.

3.2 RESPONSE TEAM

The diocese has created and will maintain a response team whose function is to assess and respond to the immediate and long-term needs of the alleged victim, the alleged offender, parish communities, church personnel and volunteers, as well as others who are affected by the disclosure of sexual abuse. The team will include at least one certified pastoral minister or a person with the equivalent education and training, and at least one licensed mental health professional. Each of them will have received special training in sexual abuse and will have demonstrated sensitivity to issues related to sexual abuse. The response team will report

regularly to the Review Board regarding all contacts made concerning alleged sexual abuse cases.

3.2.1 The members of this team will work collaboratively to serve the needs of individuals and parishes of the diocese by establishing procedures for responding to reports of sexual abuse and managing specific cases. They will also serve as consultants to the Bishop and to the Review Board. The response team will be compensated by the diocese and will be provided by the diocese with ongoing support and training.

3.2.2 Victim Support: The support of victims will be coordinated by a victim assistance coordinator, who will be a representative of the diocese proven in compassionate understanding, responsibility, and good judgment. The victim assistance coordinator will be notified of all reports of alleged sexual abuse and assist in assessing the needs of the alleged victim and family. The licensed mental health professional will be available to work with the victim assistance coordinator. As appropriate, the victim assistance coordinator will make referrals for independent advocacy services, psychotherapy, and/or pastoral counseling. Alleged victims will determine from which source they wish to receive such services, and will be reimbursed for their reasonable expenses.

3.2.3 Support for Accused: All church personnel accused of sexual abuse will be encouraged to obtain counseling and will be offered spiritual support during an investigation.

3.2.4 Community Pastoral Support: A community visitation team will be led by the certified pastoral minister or person with equivalent education and training, and will have the responsibility to respond to the needs of the parish community that has been affected by a report of sexual abuse by church personnel or Volunteer. This team will develop and implement a planned response to community needs.

The leader of the community response team will also offer support to alleged offenders and refer them for other services as needed.

3.2.5. Support to Clerics and other Church Personnel: Members of the response team will also be available to priests, deacons and other church personnel who faithfully serve while protecting the welfare of children and the larger parish community. Consultation, as requested, will be provided to those who are helping parishioners manage the crisis of sexual abuse. The team will also provide referrals for counseling and/or spiritual direction for clerics and other church personnel who are affected by such a crisis.

3.3 COMMUNITY OUTREACH[8]

The diocese has created and will maintain a method by which people may conveniently contact the diocese to report suspected incidents of sexual abuse. The reporting party will be offered information regarding this Policy and its execution.

[8] *Charter*, Article 1

3.3.1 In those situations in which restorative justice(8.10) is applicable according to its own principles, the diocese will promote restorative justice in all its aspects. Where reasonably practicable, the diocese will develop the means by which offenders, as well as anyone who intentionally makes a false report, can make restitution to victims and/or to the community.

3.3.2 It is desirable that the diocese will provide seminars and workshops that address the need for healing. Included would be education for the broader Catholic/secular community in the dynamics of sexual abuse and the role the community plays in preventing and promoting recovery from such sexual abuse. These opportunities should include principles of restorative justice as well as a response to criminal behavior that emphasizes healing the wounds of victims, offenders, and communities.

3.4 INVESTIGATIVE RESPONSE[9]

Whenever a report is made that a priest, deacon, seminarian, religious, certified pastoral minister, parish life coordinator, member of a pastoral team, employee or Volunteer of the diocese or diocesan parish, institution or organization,(8.14) or any person appointed by the Bishop, has sexually abused a minor, an administrative investigation will commence as soon as reasonably practicable. This administrative investigation will not replace, nor is it intended to discourage, any investigation by civil authorities.

3.4.1 The purpose of the administrative investigation is to ensure that complete, thorough and accurate information pertaining to any report is available, upon which to base decisions regarding personnel, treatment of victim, treatment of offender and other issues concerning the implementation of this Policy.

3.4.2 In the case of a non-cleric[10], the diocesan parish, institution, or organization will contact the diocesan Legal Office when a report suggesting sexual abuse of a minor is received. The investigation is to proceed in coordination with that office. The Legal Office may require in certain instances that the investigator must be a professional with training and demonstrated experience in the investigation of sex crimes, child sexual abuse and/or other specialized training.

The investigator will be provided the information which was received by the diocese and told the circumstances of its receipt as soon as reasonably practicable.

3.4.3 The investigator will conduct an administrative investigation and submit his or her report including the findings and supporting information to an appropriate superior of the accused. Church personnel(8.8) will give the investigator full cooperation.

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[9] *Charter*, Article 5

[10] In the case of a cleric accused of sexual misconduct, see Part V

3.4.4 The investigation is to proceed regardless of whether civil or criminal action is pending, provided that the administrative investigation shall not interfere with an investigation by civil authorities.

3.4.5 All investigations will be handled with due regard for confidentiality and privacy. The investigation must always be conducted with professional discretion and handled with due care, in order that the investigation does not endanger anyone's good name.[11]

3.4.6 If the victim is a minor as defined in this Policy, and if the minor is questioned, the interview will be conducted by an appropriate professional, as may be advised by the Legal Office. Every effort will be made to limit the number of interviews of child victims.

3.4.7 It is desirable that, whenever possible, the investigation includes interviews with the alleged victim, the victim's parents or guardian, the person making the initial report, the accused person,[12] and any other person who may have knowledge of the incident.

3.4.8 Anonymous reports of known or suspected sexual abuse of minors will be carefully evaluated and will be investigated to the extent and in a manner reasonable and practicable. Reporting parties should, however, provide their contact information to assist the investigation. Anonymous reports are discouraged.

3.4.9 If, after the closing of an administrative investigation, new information that has some significance is received which supports a report that previously was considered not supported, it shall be treated as a new report, and shall be assigned for investigation. The Review Board will determine whether the information has significance. The procedure as set forth in this Section 3.4 through Part V will then be followed, as applicable.

Part IV: THE REVIEW BOARD[13]

4.1 THE REVIEW BOARD

The diocese will maintain a Review Board, which is a predominantly lay board composed of a variety of people appointed by the Bishop to serve in a consultative and advisory capacity. It will have no final decision-making authority; as such authority resides exclusively with the Bishop.

4.2 BOARD FUNCTIONS

[11] CIC c. 1717 §2; *Essential Norms*, Norm 13; *Charter*, Article 5

[12] With regard to the interview of a priest or deacon, see sections 5.2 to 5.2.2.

[13] *Essential Norms*, Norm 5.

4.2.1 The functions of the Review Board are:

a. To assess reports that suggest sexual abuse of minors by clerics (8.5), and to advise the Bishop of its conclusions.

b. To monitor, in each particular case, reports and investigations of sexual abuse of minors in order to ensure that this Policy has been followed.

c. To review this Policy and its procedures and to provide the Bishop with its recommendations for any modifications to this Policy.

d. To make recommendations concerning the suitability for ministry or service of priests or deacons against whom a report of sexual abuse of a minor has been made.

e. To give advice on all aspects of cases in which sexual abuse of a minor is alleged, and to respond to any specific requests for advice as may be made by the Bishop.

4.2.2 In regard to non-clerics, the Review Board does not make a recommendation as to whether a violation of this Policy has occurred, unless requested by the Bishop. In such cases an administrative decision is to be made regarding the removal of the individual in accord with existing personnel policies within the diocese and diocesan parishes, institutions and organizations(8.14).

4.2.3 A report of adverse personnel action taken with regard to a non-cleric, which results from suspected sexually-oriented activity with a minor, shall be provided to the Review Board so that it can perform its function of monitoring compliance with this Policy.

4.3 MEMBERSHIP[14]

4.3.1 The Review Board will be composed of 11 members. The Secretary or Vicar for Clergy and Religious(8.12) and the Promoter of Justice(8.13) may attend meetings of the Review Board as observers.[15] Whenever reasonably practicable, the membership of the Review Board will include persons from the following categories:

- A clinician with experience in the detection and or treatment of child sexual abuse victims;
- A clinician with experience in the detection and/or treatment of child sexual abuse offenders;
- A survivor of child sexual abuse who has completed a course of treatment;
- A parent;
- An experienced and respected pastor of the diocese;[16]

[14] *Charter*, Article 2; *Essential Norms*, Norm 5

[15] *Essential Norms*, Norm 5

[16] *Essential Norms*, Norm 5

- An accomplished educator;
- An attorney;
- An individual with experience in investigations;
- An individual with experience in human resources;
- An individual trained in dispute resolution.

4.3.2 Members of the Review Board will be Catholics in full communion with the Church.[17]

4.3.3 Members of the Review Board will not be employees of the Cleveland diocese. The pastor will be a priest assigned in the Diocese of Cleveland.

4.3.4 Members of the Review Board shall not serve concurrently on the Response Team.

4.4 APPOINTMENT[18]

4.4.1 Members of the Review Board will be appointed by the Bishop and will not receive compensation; they will be reimbursed for necessary expenses.

4.4.2 Members will serve a five-year term[19] or until a successor is appointed.

4.4.3 Terms will be staggered with no more than three persons' terms expiring in any given year.

4.4.4 Ordinarily, no member will be appointed for more than two consecutive terms.

4.4.5 As needed when vacancies occur, the Review Board will publicize openings, receive applications, interview applicants and nominate persons for appointment by the Bishop. Applicants shall submit a letter of intent to the Review Board, stating the reason they want to serve and listing their qualifications and competencies. Prior to presentation to the Bishop, nominated persons must be screened as outlined in Sections 1.2.6 and 1.2.7.

4.5 CONDUCTING BUSINESS

4.5.1 Officers: The Review Board will elect from its membership a chair, a vice-chair and a secretary, who will serve one-year terms. There is no limit on the number of terms a person may serve in these positions.

4.5.2 The chair will convene and preside at the meetings of the Review Board in accord with the provisions of this Policy. The vice-chair will perform these functions when the chair

[17] *Essential Norms*, Norm 5

[18] *Charter*, Article 2

[19] *Essential Norms*, Norm 5

is unable to do so. The secretary will receive and disseminate notices, reports and other communications.

4.5.3. Quorum & Majority for Doing Business: Seven members will constitute a quorum, and a majority of the quorum will prevail for all regular business. A concurrence of not less than seven members will be necessary for the Review Board to report its initial and preliminary assessment of a report as required in section 5.4.1(b)(i), to recommend whether an act of sexual abuse of a minor has occurred as provided in section 5.5.3, and to make recommendations related to ministry under section 5.7.

4.5.4. By-Laws: The Review Board may adopt by-laws to govern details of its procedures, such as the frequency of meetings, confidential maintenance of records, and the nature and quality of evidence it will accept. Such rules will provide, however, that the deliberations of the Review Board will be kept confidential. The Review Board rules may also determine the attendance of non-members for purposes of presenting information or addressing the Review Board and provide conditions and reasonable limitations for such appearances.

4.6 AUTHORITY OF THE REVIEW BOARD[20]

4.6.1 The Review Board is authorized by the Bishop to:

- Identify qualified investigators;
- Receive and review the reports of the administrative investigation of the suspected sexual abuse, supporting documents and other evidence;
- Monitor administrative investigations;
- Direct the investigator to obtain additional information and/or to conduct further investigation;
- Request persons to appear before it, such as:
  - experts and/or consultants,
  - the person making the report,
  - the accused;
- Receive and review reports from the Response Team;
- Report to the Bishop after the Initial Assessment and Full Review following the Administrative Investigation;
- Assess whether the Policy is being followed;
- Conduct a review of the Policy at least every two years and submit a report to the Bishop.[21]

[20] *Essential Norms*, Norm 4

[21] *Essential Norms*, Norm 4B

4.6.2 The Review Board will make such other recommendations to the Bishop that, in its sole discretion, it determines to be appropriate to protect children.

4.7 CONFIDENTIALITY, DISCLOSURE OF INFORMATION & RECORD KEEPING

4.7.1 All Review Board members will adhere to rules of strict confidentiality with regard to all deliberations and information received.

4.7.2 Records will be maintained in such manner as to facilitate any process under canon law.

Part V: PROCEEDINGS REGARDING CLERICS, AND THE REVIEW PROCESS

Because the relationship which exists between a cleric and the diocesan bishop is distinct from the common law relationship of employee and employer, particular procedures are required for the alteration of that relationship under the law of the church. Whereas an employee exchanges services for current or future remuneration, but is not bound to his employment, a cleric becomes engaged in a threefold relationship to the church. By the fact of his ordination to the priesthood or diaconate, a cleric is bound to his calling in three ways: sacramentally, canonically through the covenant formed of the mutual obligations between the cleric and his bishop, and in ministry. The sacramental character of ordination remains *in perpetuum*. The canonical or legal relationship is terminated only when the cleric is reduced to the lay state, that is, dispensed of all obligations of being a cleric including that of celibacy. The ministerial status of a Latin Rite cleric is dependent upon the grant to the cleric of faculties and/or the conferral of an office by the diocesan bishop. The procedures given in this section address the specific steps to be followed when a cleric is accused of sexual abuse of a minor.

5.1 REFERRAL TO THE REVIEW BOARD

In the case of an accused priest or deacon, the chair of the Review Board or his designee will receive notice of the existence of a report and notify members of the Review Board that a report has been received. The case will be assigned to an investigator.

5.2 NOTIFICATION OF AN ACCUSED CLERIC

When notice of a report of sexual abuse is provided to an accused priest or deacon, that notice will be given by a representative of the Bishop. At that point the cleric will not be questioned about an alleged incident. He may respond if he wishes, but he has the right to remain silent when informed of the report. Silence does not signify a failure to cooperate with the process.

5.2.1 The cleric will be given a written statement that informs him that he is not bound to admit to the alleged offense, and that anything he says might be used against him in a secular criminal proceeding, in a civil lawsuit, or in a canonical penal process.[22] The accused priest or deacon is encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese will supply canonical counsel for a priest or deacon.

5.2.2 An accused individual may be requested to seek and be urged to comply voluntarily with an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and to the accused.[23]

5.3 INVESTIGATION OF AN ACCUSED CLERIC

The investigation is administrative in nature. The purpose of the investigation is to ensure that complete, thorough and accurate information pertaining to any report is available, upon which to base decisions regarding clerical assignments, treatment of victim, and treatment of an offender. In the case of a cleric, the investigation will obtain information concerning the facts and circumstances that gave rise to the report suggesting sexual abuse of a minor by a priest or deacon, and concerning imputability, in view of a possible canonical penal process.[24]

5.3.1 In the case of an accused cleric, the investigation described in section 3.4 will be conducted by an investigator recommended by the Review Board and approved by the Bishop,[25] who is under contract with the diocese to investigate reports of this nature. The investigator will be compensated by the diocese.

5.3.2 A report of the status of the investigation will be submitted by the investigator to the Bishop and the Review Board, which will monitor the investigation, within 48 hours of its commencement.

5.3.3 The investigator is to coordinate the gathering of information and its evaluation with the Promoter of Justice$_{(8.13)}$.

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[22] CIC c. 221. If an accused priest or deacon denies a report which has at least the semblance of truth, his rights to due process must be fully respected. He will be given an opportunity to be heard during the "preliminary investigation$_{(8.7)}$" referred to in CIC c. 1717, so that his right of defense is respected. The administrative investigation serves as the preliminary investigation required under canon law in CIC c. 1717. See Section 5.4.3 of this *Policy*. The term "administrative investigation" encompasses all phases of any investigation.

[23] *Essential Norms*, Norm 7

[24] CIC c. 1717, §1

[25] CIC c. 1717 §§1,3. When appointed by decree (sec. 5.4.3 of this Policy), the investigator shall serve as the delegate of the Bishop within the meaning of c. 1717 §1. The investigator has the same powers as an auditor (c. 1717, §3) and should observe the procedural norms of canons 1558-1571 insofar as applicable.

5.3.4 The investigator and the Review Board are to review every document, regardless of location, pertaining to the accused priest or deacon to determine whether there were ever any previous accusations against him.

5.4 INITIAL ASSESSMENT

When a report is received suggesting sexual abuse of a minor by a priest or deacon, or in any instance upon request of the Bishop, a period of Initial Assessment by the Review Board will commence immediately. An Initial Assessment is a period of time during which details of the report are gathered and evaluated by the Review Board together with basic information pertinent to the advice required in the following two sections. The Initial Assessment will be completed carefully but expeditiously.

5.4.1 a. As soon as practicable during the Initial Assessment period, the Review Board will provide its recommendation to the Bishop as to what actions concerning the ministry of the accused are prudent to control contact with minors, to protect the freedom of witnesses, to facilitate the investigation, to prevent scandal, to restore public trust, and to safeguard the course of justice while the investigation proceeds.

b. In addition to recommending interim actions as stated in a. above, the purposes of the Initial Assessment are:

i. to analyze the information available in order to provide an initial and preliminary assessment of the report which suggested sexual abuse, particularly as to whether it has at least some basis; and

ii. direct the course and scope of further investigation.

c. The Review Board will communicate its recommendations to the Bishop during the Initial Assessment as soon as it has sufficient information to form its advice on the items in a. and b. above.

5.4.2 With regard to the Review Board's assessment of the report which suggested sexual abuse, the Review Board will advise the Bishop of its opinion based upon the report itself and objective factual bases, whether or not an act that constitutes sexual abuse of a minor has been described, which has at least the appearance of being real or genuine.[26] The Review Board will include with that advice any other concerns related to the ministry of the accused. The Review Board will provide notice of its assessment to the alleged victim and to the accused, if he has been informed of the report.[27]

5.4.3 If the Bishop concludes that sufficient information has been gathered after considering the report, the investigation to that point, the evidence, and the advice of the Review Board, but that a report and evidence do not describe an act of sexual abuse of a minor, or

[26] "*saltem veri similem de delicto"* CIC c. 1717, *Essential Norms*, Norm 4A

[27] *Essential Norms*, Norm 6

if the alleged violation does not at least have the appearance of being real or genuine, the investigation may be closed. The acts of the investigation and all those matters which preceded the investigation will be deposited in the diocesan archives as required in canon 1719 of the Code of Canon Law.

5.4.4 a. If, after considering the report, the investigation to that point, the evidence, and the advice of the Review Board, the Bishop concludes that a report describes an act of sexual abuse of a minor, and if it at least appears to be real or genuine,[28] the alleged offender will be withdrawn from the exercise of sacred ministry, and any ecclesiastical office, or function, and a "preliminary investigation"$_{(8.7)}$ in accord with canon law will be opened.[29] This withdrawal from the exercise of ministry, office, or function is a temporary administrative measure, pending the completion of a full investigation and resolution of the case.[30]

b. Varying amounts of time are required to complete investigations. The investigator will maintain communication with the Review Board and will promptly provide a progress report at any point during the investigation upon request of the Bishop or of the Review Board.

c. Upon completion of the full investigation, the investigator will submit a comprehensive report along with all supporting documents and any other evidence to the Bishop and to the Review Board at the same time.

5.5 REVIEW FOLLOWING THE FULL INVESTIGATION

Following a completed investigation[31] of a report concerning a cleric the Review Board will complete its Review of the case, unless a Review has been rendered unnecessary by the decision of an accused voluntarily to seek laicization. An investigation and Review will also be conducted at any time upon the request of the Bishop, or when requested by a priest or deacon who was temporarily withdrawn from the exercise of sacred ministry or from any ecclesiastical office or function prior to the promulgation of this Policy.

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[28] "*saltem veri similem de delicto*" CIC c. 1717, *Essential Norms*, Norm 4A

[29] *Essential Norms*, Norm 6. The administrative investigation will continue, but it serves as the preliminary investigation$_{(8.7)}$ required in canon law, CIC c.1717. The phrase "preliminary investigation" is not used here in its common sense. That phrase relates this Policy to the procedures required by the Code of Canon Law.

[30] CIC c. 1722 Upon collection of sufficient evidence that sexual abuse of a minor by a priest or deacon has occurred, the Bishop shall then apply the precautionary measures mentioned in canon 1722—i.e., remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.

[31] The administrative investigation serves as the preliminary investigation under CIC c. 1717. See fn. 29

5.5.1 The purpose of the Review is to permit the Review Board to prepare a recommendation which will be considered by the Bishop in forming his opinion on the case. The recommendation will address the issue of whether sexual abuse of a minor occurred.[32]

5.5.2 The Review Board will determine the relevant evidence it will accept in conducting its reviews according to its own bylaws.

5.5.3 A recommendation that sexual abuse of a minor by a Cleric$_{(8.13)}$ occurred will be made if:

1) The alleged offender admits to conduct defined by this Policy as sexual abuse; or
2) A civil court of criminal law finds the accused guilty of a crime that consists of conduct defined by this Policy as sexual abuse; or
3) A conclusion is reached by the Review Board, and accepted by the Bishop, that a preponderance of the information available shows that it is more likely than not that an act of sexual abuse occurred.

5.5.4 A recommendation may be made under this section regardless of whether the alleged offender has been convicted of a sexually oriented offense in a criminal court by civil authorities.

5.5.5 When there is sufficient evidence that sexual abuse of a minor by a priest or deacon has occurred, the Congregation for the Doctrine of the Faith is to be notified in accord with the requirements of law.[33]

5.5.6 The acts of the investigation, decrees initiating and closing the investigation, and all those matters which preceded the investigation, will be deposited in the diocesan archives as required in canon 1719 of the Code of Canon Law.[34]

5.6 CONTROLLING PRINCIPLES

5.6.1 An alleged offender will be considered innocent of an offense during the investigation.

5.6.2 Because sexual abuse of a minor is a grave offense, if the case would otherwise be barred by prescription the Bishop may apply to the Congregation for the Doctrine of the Faith for a derogation from prescription, indicating relevant grave reasons.[35] If a canonical

[32] Charter, Article 5; *Essential Norms*, Norm 6. The accused priest or deacon will be promptly notified of the results of the investigation by the Bishop after he has considered the report of the investigation, the recommendation of the Review Board, and all of the evidence.

[33] Letter from the Congregation for the Doctrine of the Faith, *Gravior delictis*, May 18, 2001, and the *motu proprio Sacramentorum Sanctitatis Tutela*, April 30, 2001. The *motu proprio* was amended in May 2010.

[34] CIC c. 1719

[35] *Essential Norms*, Norm 8A

penal trial, laicization, or dismissal from the clerical state becomes advisable or required, these processes will be conducted following current canonical legislation.

5.6.3 Applicable civil and canonical procedural rights will be accorded.[36] In addition to proceedings under this Policy the diocese must observe all the various provisions of canon law.[37] These provisions may include a request by the priest or deacon for dispensation from the obligations of Holy Orders and the loss of the clerical state, or a request by the Bishop for dismissal from the clerical state even without the consent of the priest or the deacon.

5.6.4 No priest or deacon who has been temporarily withdrawn from the exercise of his or her ministry, office, or function, will be permitted to return to ministry or service before the report against him which suggests sexual abuse has been made subject to a full Review pursuant to section 5.5.

5.6.5 For even a single act of sexual abuse of a minor as established after an appropriate process under canon law the offending priest or deacon will be removed permanently from ecclesiastical ministry and, if the case so warrants, dismissed from the clerical state.[38]

5.7 RETURN TO MINISTRY

The Bishop will be assisted by the Review Board in his determination of the suitability of an accused priest or deacon for ministry. In the case where sexual abuse of a minor has not been established after an appropriate process in accord with canon law, and a priest or deacon has been withdrawn from the exercise of his ministry or an ecclesiastic office or function, the Review Board will examine the relevant facts and circumstances and advise the Bishop of its opinions. Such advice will also be given at any time upon request of the Bishop. The safety of children is the paramount consideration governing the formation of a recommendation regarding the return of a cleric to unrestricted ministry.

5.7.1 A priest, deacon, seminarian, or religious or other person who has canonical appointment by the Bishop against whom a violation of this Policy has not been established in a canonical process will be presumed to be eligible to return to ministry with children, but this presumption is not conclusive. All relevant factors should be considered including, but not limited to:

- Any psychological evaluation;
- Any treatment or re-training outcomes, if such were designated by the diocese;

[36] *Essential Norms*, Norm 6

[37] Canonical process is separate from the procedure for formation of advice by the diocesan Review Board.

[38] *Essential Norms*, Norm 8

- The relative weakness or strength of the evidence against him;
- Whether violations of the diocesan *Standards of Conduct for Ministry* occurred;
- Whether the priest or deacon will submit to a monitoring or probationary arrangement deemed appropriate by the Bishop;
- Whether any additional or subsequent reports suggesting sexual abuse of a minor have been made against the priest or deacon; and
- Whether the Secretary or Vicar for Clergy and Religious can identify an appropriate and available ministerial assignment.

5.7.2 If, after consideration of all information and circumstances, the Review Board finds no reason has been shown for the exercise of caution, and if the Review Board is satisfied that no factors should prevent the return of the person to a ministry which includes regular contact with children, the Review Board will so advise the Bishop.

5.7.3 If, after consideration of all information and circumstances, the Review Board finds that there is reason for the exercise of caution, the Review Board will so advise the Bishop. In its report the Review Board will clearly state the basis for its reservations and its specific recommendations with regard to the future ministry of the individual.

5.8 OFFERING ASSISTANCE TO OFFENDERS

5.8.1 An offending priest, deacon, or religious or other person who has canonical appointment by the Bishop will be offered professional assistance for his or her own healing and well-being, as well as for the purpose of prevention.[39] In such a case, an offender support person will maintain contact with the offender to assess the need for ongoing services, which in some cases may include career retraining.

5.8.2 Upon an admission of guilt, substantiation by internal investigation or successful prosecution of the offense, a mental health professional will be made available to the offending priest, deacon or person with a canonical appointment by the bishop. After a preliminary medical or mental health assessment, the diocese will make a referral for treatment, monitor the progress of treatment services, and, if requested, refer the individual for pastoral support and spiritual direction.

Part VI: COMMUNICATIONS[40]

6.1 GENERAL

[39] *Charter*, Article 5

[40] *Charter*, Article 7

6.1.1 The diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.[41] This restriction does not extend to economic terms and conditions of any settlement agreement.

6.1.2 Care will always be taken to protect the rights of all parties involved, particularly those of the person alleged to have been sexually abused and the person against whom the charge has been made. In the case where sexual abuse has not been found by the Bishop to have at least a semblance of truth under section 5.4.4 or established after an appropriate process in accord with canon law, every reasonable and effective step practicable will be taken to restore the good name of the accused.[42]

6.1.3 The diocese will provide convenient access to the final approved Policy for all affected and interested parties, and will similarly provide easy means of communication for persons wishing to obtain information about this Policy and its execution.

6.1.4 When needed to fill vacancies which occur on the Review Board, the diocese will solicit applicants by generating publicity and otherwise communicating the openings throughout the diocese.

6.2 DISCLOSURES[43]

6.2.1 If, after the Initial Assessment, an accused has been removed from his position, the diocese will notify those parishioners, parents or others involved in the parish, school and/or other institution or service of the removal. Care will be taken in all instances to protect the identities of victims. This policy on communications will in no way be construed to contradict the provisions regarding reporting in Part II or in any other part of this Policy.

6.2.2. If a violation of this Policy has been established after an appropriate process in accord with canon law, the diocese will notify the parents and members of the parish, school or other institution or agency in which the accused provided service or ministry that the individual has been removed pursuant to this Policy on sexual abuse of minors.

6.2.3 The need for restoration of the reputation of an accused who is the subject of a report suggesting sexual abuse of a minor that was not shown under section 5.4 or 5.5 or established after an appropriate process in accord with canon law will be carefully analyzed. The accused will be consulted regarding his perceptions of any damage to his reputation. The diocesan office for communications will have the opportunity to consult with the response team, the investigator, and the Review Board. It will then formulate and carry out a plan tailored to each particular case in which there is a need, so that every

[41] Charter, Article 3

[42] *Essential Norms*, Norm 13

[43] *Essential Norms*, Norm 13

reasonable and effective step practicable will be taken to restore the good name of the accused.[44]

Part VII: POLICY REVIEW[45]

7.1 The Review Board will meet every two years for the sole purpose of reviewing the Policy on sexual abuse of minors. The Review Board will forward a report to the Bishop on completion of this review and include recommended amendments and revisions as needed for the Bishop's final approval and promulgation.

7.2 In the interim, this mandated review will not preclude the Review Board from making recommendations to the Bishop to correct any deficiencies that become apparent.

Part VIII: DEFINITIONS

8.1 **Sexual Abuse**[46] is an offense against the sixth commandment: (a) committed with a minor, or (b) of which a minor is the object of sexual interest. This offense requires an external act that constitutes an objective violation of the sixth commandment. As used in this Policy, "sexual abuse" means sexual abuse of a minor.

Sexual Abuse includes, but is not limited to, all of the following behaviors.

A. Sexual contact, or (2) sexual conduct with a minor, or attempted sexual conduct with a minor, as those terms are defined below;

B. Engaging in the following conduct with a minor: to solicit, request, or demand sexual contact or sexual conduct; intentionally to expose one's genitals, or engage in sexual conduct, or masturbate under circumstances in which the offender's conduct is likely to be viewed by a minor; and to make lewd or indecent proposals;

C. To view, photograph, film or video record (in any medium) a minor in a state of nudity, for the purpose of sexual gratification or profit; or to view, acquire, possess or distribute pornographic images of minors for the sexual gratification of any person, by any means, in any medium, or using any technology; and

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[44] *Essential Norms*, Norm 13

[45] *Essential Norms*, Norm 4B

[46] Also defined in the Preamble to *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, eff. May 15, 2006. "For purposes of these *Norms,* sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor, as understood in CIC, canon 1395 §2… "Following the 2010 amendment of the *motu proprio Sacramentorum Sanctitatis Tutela* ("*SST*"), the USCCB added in 2011 a note to the *Charter* referring to the fact that the use of child pornography was added to the list in *SST* of offenses reserved to the Congregation for the Doctrine of the Faith, and punishable by dismissal from the clerical state.

D. Pay, coerce or otherwise cause a minor to engage in sexual contact or sexual conduct for hire, or permit (whether actively or passively), encourage, assist, or aid a minor to participate in acts mentioned heretofore.

Any of these acts constitute a violation of this Policy regardless of whether force or coercion are used, physical contact occurs, or a harmful outcome is discernable.[47]

8.2 **Minor** and **Child** mean all of the following persons: any person who is under eighteen years of age; physically or mentally handicapped persons under twenty-one years of age; and a person of any age who habitually lacks the use of reason(8.15)

8.3 **Sexual Conduct** means vaginal intercourse between a male and female, anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

8.4 **Sexual Contact** means any touching of an erogenous zone of another inside or outside of clothing, including, but not limited to, the thigh, genitals, buttock, pubic region, breast, or nipple for the purpose of sexually arousing or gratifying either person.

8.5 **Cleric or Clergy** means ordained priests and ordained deacons (including both transitional and permanent deacons) who are incardinated in the diocese. When they are engaged in ministry under the control or auspices of the Diocese of Cleveland, it also includes priests and deacons incardinated in other dioceses or religious orders. Prior to January 1, 1973, a seminarian became a cleric upon completion of the rite of tonsure.[48]

8.6 **Volunteer** is anyone who works with children, without any express or implied promise of remuneration, more than (4) hours a month or who works with children more frequently than once a month. Examples include, but are not limited to, a catechist, coach, choir director, altar server coordinator, youth leader, interns, student teacher and others in similar capacities. It does not include the occasional volunteer, such as a driver or chaperone for individual activities.

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[47] As to interpreting specific definitions of sexual behavior, the following statement appears in the Note to the 2011 *Charter*:

> "If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State,* 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act."

The notes to the 2011 Charter also advise bishops that federal and state laws in the United States must be taken into account in their determinations.

[48] *Motu Proprio* of Paul VI, *Ministeria quaedam* of 15 August 1972

8.7 **Preliminary Investigation** under the Code of Canon Law[49] (c. 1717) is a formal investigation required prior to or as part of a canonical penal process with respect to a cleric. It is opened by decree if a report of sexual abuse of a minor by a cleric has at least a semblance of truth. In this Policy, the term "administrative investigation" encompasses all investigation of reports of sexual abuse, including that which serves as the preliminary investigation.

8.8 **Church Personnel** are priests, permanent deacons, transitional deacons, religious sisters and brothers, seminarians, certified pastoral ministers, parish life coordinators, members of pastoral teams, employees and volunteers of the diocese and diocesan parishes, institutions and organizations$_{(8.14)}$, and any person appointed by the Bishop to an office.

8.9 **Response** is the initial and continuing responsibility of the diocese to aid in the healing of all who are impacted by reports suggesting sexual abuse (victims, families, local community, alleged offender).

8.10 **Restorative Justice** is a systematic response to criminal acts that emphasizes healing the wounds of victims, offenders, and the affected community. It is a process whereby parties with a stake in a specific offense resolve collectively how to deal with the aftermath of that offense and its implications for the future. Reparation, restitution and healing are critical elements in this process.

8.11 **Seminarian** includes any student sponsored by the Diocese of Cleveland and participating in any of the various programs of priestly formation.

8.12 **Vicar for Clergy and Religious** is a priest appointed by the Bishop to act as his representative in dealing with clergy and religious communities in his diocese.

8.13 **Promoter of Justice** is a person appointed by the Bishop in all penal cases and in those contentious cases in which the public welfare is involved. The promoter of justice is to be of unimpaired reputation, a doctor or licensee in canon law, proven in prudence and zeal for justice. In cases concerning clerics, the promoter of justice is to be a priest according to canon law.[50]

8.14 **Diocesan parishes, institutions, and organizations** mean all parishes, offices, agencies, institutions, services, and programs under the authority of the Bishop in his governance of the diocese.

8.15 **"Person of any age who habitually lacks the use of reason"** refers to CIC can. 99, which states: "Whoever habitually lacks the use of reason is considered as incapable of personal responsibility and is regarded as an infant." Under the Code of Canon Law, an "infant" is a person below the age of seven years (can. 97,2). This indicates that to "lack

[49] CIC c. 1717.

[50] Part Two, Title I, Article 9 of the *motu proprio Sacramentorum Sanctitatis Tutela*, April 30, 2001, amended May, 2010

the use of reason" is a very serious impairment, not a slight or moderate emotional or cognitive disorder. "Habitual" indicates that the condition is permanent, or at least chronic in duration. Thus, a person impaired as described in can. 99 is considered to be equivalent to a young child; sexual abuse of such a person is equivalent to sexual abuse of a minor and is included among the grave offenses that are reserved to the Congregation for the Doctrine of the Faith.

June, 2016

Part VIII: DEFINITIONS

APPENDICES

page

1. Summary of 2016 changes to the 2007 *Policy* 31

2. Ohio Revised Code sec. 2151.421 35

3. Agencies to Which Reports are Made 47

4. Suggested Report for Child Protection 51

5. Criminal Offenses Under the Ohio Revised Code that are Listed in Ohio Rev. Code sec. 109.572(A)(1) 55

6. Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse 59

7. Sample Forms Acknowledging Receipt and Reading of this Policy 65

APPENDICES

APPENDIX 1

SUMMARY OF CHANGES

BRIEF SUMMARY OF CHANGES IN THE DIOCESE OF CLEVELAND'S *POLICY FOR THE SAFETY OF CHILDREN IN MATTERS OF SEXUAL ABUSE, REVISED 2016* TO THE 2007 *POLICY*

The commitment of the Diocese of Cleveland to protecting children, restoring trust in the Church, and improving its responses to reports of sexual abuse by church personnel and clergy has remained steady. The underlying prayerful approach to the protection of children from the failings of adults, and to addressing the adults whose failings injure the young, has continued. The fundamental guidelines remain as follows:

1. No person who is known to have sexually abused(8.1)* a minor(8.2) will be permitted in service or ministry.

2. All persons affiliated with the diocese (clergy(8.5), employees and Volunteers (8.6)) and with diocesan parishes, institutions, and organizations(8.14) will be educated in the prevention of sexual abuse of minors.

3. Existing and prospective employees, volunteers, and clerics will be screened as to their suitability to work with children.

4. All persons affiliated with the diocese and diocesan parishes, institutions, and organizations are required to report known or suspected sexual abuse of minors by church personnel(8.8) or clergy to (1) civil authorities, and (2) the diocese.

5. Persons who report sexual abuse will receive a non-judgmental response(8.9) with genuine concern for their physical and spiritual well-being; outreach will be extended to the communities who suffer.

6. Reports of known or suspected sexual abuse of minors will be investigated objectively, with due regard for the reputations of the reporting party and of the accused, with no favor or prejudice.

7. The diocese will engage in open communication for the benefit of the church community.

8. Applicable procedural provisions of civil and canon law will be followed.

Sections 1.1.8; 1.1.10; and 3.3:

The changes in these sections update the *Policy*, either by using the current name for an office or by changing the tense of the requirement to indicate that the Diocese should maintain an action or an office that has already been established.

Section 1.2.10:

This section was added to the *Policy* to provide a recommended frequency for criminal record updates. A study by the Review Board concluded that in dioceses across the United States 5 years is the most commonly used guideline, however, the Diocese should have the flexibility to utilize the practices best suited to particular situations.

Part II introductory paragraph and Sections 2.1; 2.1.2; and 2.2.1:

A slight rewording of these sections will provide more specific instructions to persons who find themselves in a position to report suspected sexual abuse. The emphasis in the reporting requirement is that a **suspicion** or **information** must be reported, regardless of whether the reporting party has definite knowledge. The reporting party need not reach a definite conclusion of guilt before communicating with civil authorities. The phrase "information that suggests sexual abuse of a minor was committed" was introduced in the 2007 Revised *Policy*, but was not integrated throughout the document. This change further integrates that phrase.

Section 2.2.1:

Subsection "o" was added because of the growing use of cell phones, tablets, computers, electronic notebooks, readers, etc. An effective investigation of an incident involving improper solicitation, importuning, sexually suggestive messages, photos, or any other improper transmission by electronic means requires that the device be secured.

Sections 2.3.1 and 2.3.2:

The Victim Assistance Coordinator should receive initial reports that come through the diocesan response line. Diocesan personnel who receive information that raises at least a suspicion of sexual abuse of minors should also contact the response line. The Victim Assistance Coordinator will respond or contact the appropriate offices.

A separate section (2.3.2) was created to emphasize to diocesan personnel that each individual who receives information that suggests sexual abuse of a minor was committed by church personnel is personally responsible to report that information directly to civil authorities (i.e. children's services or law enforcement), in addition to reporting that information to the Diocese. Passing the information to a superior diocesan official is not an acceptable alternative to directly reporting to civil authorities.

Section 6.1.2:

The amended section uses the accepted English translation of canon law, which obliges a bishop to make inquiries whenever information is received that a cleric has committed an offense, if it has "at least a semblance of truth."

Section 8.1: Definition of "Sexual Abuse":

In this proposed change to the *Policy*, the use of child pornography is added to the definition of Sexual Abuse, and the definition of Sexual Abuse was reorganized for clarity. In 2010 under canon law, the use of child pornography was added to the offenses by clerics, that are "reserved" to the Vatican Congregation for the Doctrine of the Faith (CDF), which will instruct a bishop as to the canonical process to be used. For this purpose, the acquisition, possession or distribution of pornographic images of children below the age of fourteen must be referred to the CDF for instructions.

It is important to note that under this *Policy* the use of pornography involving a minor of any age is a violation, however only cases in which the pornographic image is of a child below the age of fourteen must be referred to the CDF. In cases involving a matter that is not reserved to the CDF, the *Essential Norms* instruct that a bishop should use his powers of governance to impose sanctions on a cleric through an administrative (rather than judicial) act.

Section 8.2 Definition of "minor" and "child":

This definition was changed to agree with clarifications in canon law that were adopted in 2010. Specifically, CIC can. 99, states: "Whoever habitually lacks the use of reason is considered as incapable of personal responsibility and is regarded as an infant." Under the Code of Canon Law, an "infant" is a person below the age of seven years (can. 97,2), which indicates that to "lack the use of reason" is a very serious impairment, not a slight or moderate emotional or cognitive disorder. "Habitual" indicates that the condition is permanent, or at least chronic in duration. Thus, the sexual abuse of a person impaired as described in can. 99 is considered to be

equivalent to sexual abuse of a minor; such a case must be referred to the Congregation for the Doctrine of the Faith for instructions as to the canonical process to be used.

Section 8.3 and 8.4: Definitions of "sexual contact" and "sexual conduct":

The references to the Ohio Revised Code were deleted because the Essential Norms and the Charter both require that "If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained." Whether an act constitutes a violation of the "sixth commandment of the Decalogue" with a minor is not a matter of state law but of moral theology. The *Policy* is not restricted to dealing with acts that constitute crimes under state law, nor is it desirable to incorporate sometimes varying and inconsistent judicial interpretations of state statutes into the *Policy*. The specific reference to the Ohio Revised Code might have created the mistaken impression that decisions of Ohio courts are controlling on the diocese in its interpretation of what constitutes a violation of the sixth commandment. Rather, it should be recognized that violations of the *Policy* might include behavior that is not criminal under state law.

Patricia M. Ritzert
Chair, Review Board for the Diocese of Cleveland
June, 2016

APPENDIX 2

Ohio Revised Code Section §2151.421 – Reporting child abuse or neglect

OHIO REVISED CODE

2151.421§

(A)

(1)

(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; registered nurse; licensed practical nurse; visiting nurse; other health care professional; licensed psychologist; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides

respite care in accordance with section 5123.171 of the Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(2)
Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3)
The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

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

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

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

(4)
(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age or a

mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

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

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to

have an abortion performed upon a child under eighteen years of age or upon a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B)

Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a municipal or county peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C)

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

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

(2)
The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3)
Any other information that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have

occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

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

(D)

As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

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

(2)
When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(E)

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

(F)

(1)

Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (J) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (H)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2)

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

(G)

(1)

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

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

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

(H)
(1)
Except as provided in divisions (H)(4) and (N) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

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

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

(4)
If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board or the director of health pursuant to guidelines

established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death or to the director. On the request of the review board or director, the agency or peace officer may, at its discretion, make the report available to the review board or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5)
A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(I)

Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

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

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

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

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

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

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

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

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

(4)
If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code

establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(5)
The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (J)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(K)
(1)
Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

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

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

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

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

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

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

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

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

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

(4)
If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(L)

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

(M)

Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)
(1)
As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2)
No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect,

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

(3)
No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(O)

As used in this section, "investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

History. Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

APPENDIX 3

Children's Services Agencies to Which Reports May be Made.

This appendix provides the names and telephone numbers of the county public children services agencies (PSCAs) to which reports of suspected child abuse are made. A person who is uncertain about whether he or she has a reportable suspicion should contact the PCSA for consultation.

Reports of suspected abuse can also be made to the municipal police department or county sheriff where the abuse is believed to have occurred. Early contact with law enforcement will allow for a more coordinated investigation with the PCSA. **The law enforcement agency can be contacted directly or through 911.**

ASHLAND COUNTY

Ashland County Department of Job and Family Services
15 W. 4th Street
Ashland, Ohio 44805
(419) 282-5001

- Report suspected child abuse or neglect by calling **(419) 282-5001** from 8:30 AM to 4:00 PM, Monday through Friday and Tuesdays until 6:00 PM. After business hours, report to the Ashland Police Department at **(419) 289-3639** or the Ashland Sheriff's Department at **(419) 289-6552.**
- An Intake Worker, will take the initial report and a lead investigator will be assigned to gather additional information. If further services are needed, case is transferred to an Ongoing Worker.
- There is a plan of cooperation and mutual sharing of information between ACDJFS and law enforcement. Law enforcement determines the extent of their involvement on a case-by-case basis.

CUYAHOGA COUNTY

Cuyahoga County Department of Children and Family Services
3955 Euclid Avenue
Cleveland, Ohio 44146
(216) 696-5437 (KIDS)

- Report suspected child abuse or neglect by calling the 24 hour Hotline at **(216) 696-5437 (KIDS**) If there are special concerns about confidentiality, ask to talk to a supervisor.
- A Hotline worker will take the initial report. A caseworker will be assigned from the Special Investigations Unit, which investigates allegations involving agencies or organizations. If further services are needed, case is transferred to the Ongoing Services Unit.

There is a plan of cooperation and mutual sharing of information between Cuyahoga County Department of Children and Family Services and law enforcement. Law enforcement determines the extent of their involvement on a case-by-case basis.

GEAUGA COUNTY

Geauga County Department of Job and Family Services
P0 Box 309
Chardon, Ohio 44024
(440) 285-9141

Report suspected child abuse or neglect by calling **(440) 285-9141** from 8:00 AM - 4:30 PM Monday through Friday. After business hours, call the COPE line at **(440) 285-5665** or **888-285-5665**.

A Hotline Worker will take the initial report and an Intake Social Worker will be assigned to an investigation. If further services are needed, the case is transferred to an Ongoing Worker.

There is a plan of cooperation and mutual sharing of information between GCJFS and enforcement. Law enforcement determines the extent of their involvement on a case-by-case basis.

LAKE COUNTY

Lake County Department of Job and Family Services
177 Main Street
Painesville, Ohio 44077
(440) 350-4000

Report suspected child abuse or neglect by calling the 24-hour Hotline at **(440) 350-4000**. (To connect to the Hotline, **press 1**).

A Hotline Worker will take the initial report and an Intake Worker will be assigned to do the investigation. If further services are needed, the case is transferred to the Ongoing Unit.

There is a plan of cooperation and mutual sharing of information between LCDJFS and law enforcement. Law enforcement determines the extent of their involvement on a case-by-case basis.

LORAIN COUNTY

Lorain County Children Services Board
226 Middle Avenue
Elyria, Ohio 44035
(440) 329-5340

Report suspected child abuse or neglect by calling **(440) 329-5340** between the hours of 8:00 AM and 4:30 PM, Monday through Friday. After business hours, call **(440) 329-2121**.

A Referral Specialist will take the initial report and an Intake worker will be assigned complete the investigation. If further services are needed, case is transferred to an ongoing worker.

There is a plan of cooperation and mutual sharing of information between LCCSB and law enforcement. Law enforcement determines the extent of their involvement on a case-by-case basis.

MEDINA COUNTY

Medina County Job and Family Services
232 Northland Drive
Medina, Ohio 44256
1-800-783-5070

Report suspected child abuse or neglect by calling **1-800-783-5070** from 8:00 AM - 4:30 PM, Monday through Friday. After business hours, report to the Sheriff's Department at **(330) 725-6631.**

A Screener will take the initial report and an Investigator will be assigned to gather additional information. If further services are needed, the case is transferred to an Ongoing Worker.

There is a plan of cooperation and mutual sharing between MCJFS MEDINA COUNTY and law enforcement. Law enforcement determines the extent of their involvement on a case-by-case basis.

SUMMIT COUNTY

Summit County Children Services Board
264 S. Arlington Street
Akron, Ohio 44306-1399
(330) 379-1880

Report suspected child abuse or neglect by calling the 24-hour Hotline at **(330) 379-1880**.

An Information Referral Specialist will take the initial report and an Intake Social Worker will be assigned to do an investigation. If further services are needed, case is transferred to the Protective Services unit.

There is a plan of cooperation and mutual sharing of information between SCCSB and law enforcement. Law enforcement determines the extent of their involvement on a case-by-case basis.

WAYNE COUNTY

Wayne County Children's Service Board
2534 Burbank Road
Wooster, Ohio 44691
(330) 345-5340

Report suspected child abuse or neglect by calling the 24-hour Hotline at **(330) 345-5340**.

A Hotline Worker will take the initial report and an Intake Worker is assigned to do an investigation. If further services are needed, case is transferred to an Ongoing Worker. "High profile" cases and cases of suspected sexual abuse will be assigned to a sex abuse/high risk specialist.

There is a plan of cooperation and mutual sharing of information between WCCSB and law enforcement. Law enforcement determines the extent of their involvement on a case-by-case basis.

APPENDIX 4
REPORT FOR CHILD PROTECTION
Catholic Diocese of Cleveland

Date of report _____ Person making report _____

Address of person making report _____

Relationship of Reporting Party to Child _____ Telephone number _____

CHILD

Name _____ Date of birth _____ Male _____ Female _____

Address _____

Child's Parents/Guardian: _____ Telephone: _____

Address: _____

Is (are) the parents or guardian aware of the allegation? _____

Where is the child now? _____

SUSPECTED PERPETRATOR

Name _____ Age (or approximate) _____

Address: _____

Relationship to child: _____ Where is the alleged perpetrator now? _____

Is the alleged perpetrator aware of the allegation(s)? _____

Does the accused have current access to the child or other children? _____

PUBLIC CHILDREN'S SERVICE AGENCY TO WHICH REPORT WAS MADE

_____ Ashland County Dept. of Job and Family Services
419-282-5001
419-282-5002

_____ Cuyahoga County Dept. of Children and Family Services
216-696- 5437 (KIDS)

_____ Geauga County Dept. of Job and Family Services
440-285-9141
440-285-9142

_____ Lake County Dept. of Job and Family Services
440-350-4000
440-350-4001

_____ Lorain County Children Services
440-329-5340

_____ Medina County Job & Family Serv.
800-783-5070

_____ Summit County Children Services
440-379-1880

_____ Wayne County Children Services
330-345-5340

Was report made to law enforcement (police or sheriff)? _____ yes _____ no

If yes, name person or department to whom reported: _____

REASON FOR REPORT Describe the alleged sexual abuse, when and where the alleged sexual abuse occurred, and the circumstances surrounding the abuse.

_____

_____

_____

_____

_____

Was any electronic communication or media device involved? _____ If so, what? _____

Is the device mobile? _____ Has it been secured? _____ Where? _____

User Name: _____ Password: _____

User Name: _____ Password: _____

Please provide the name, address and telephone number of any other individuals who have knowledge of the alleged incident

_____

_____

_____

_____

_____

THIS REPORT FORM WAS COMPLETED BY

Diocesan office, parish, agency or institution: _____

Original: PCSA
Copy: Diocesan Records
Source: Diocesan Policy for the Safety of Children in Sexual Abuse Sec. 2.2.1 and App.4

APPENDIX 5

OHIO REVISED CODE SECTIONS LISTED IN R.C. Sec. 109.572(A)(1)

The Ohio Revised Code imposes particular requirements upon religious and charitable organizations which use volunteers who have unsupervised access to children on a regular basis. Specifically, a requirement for parental notification exists in the event a volunteer has been convicted of one of the offenses listed in Ohio Revised Code sec. 109.572(A)(1). This Appendix 5 describes the offenses listed in that section as of December, 2015.

2903.01 – **Aggravated Murder**
2903.02 – **Murder**
2903.03 – **Voluntary Manslaughter**
2903.04 – **Involuntary Manslaughter**
2903.11 – **Felonious Assault**
2903.12 – **Aggravated Assault**
2903.13 – **Assault**
2903.16 – **Failing to Provide for a Functionally Impaired Person**
2903.21 – **Aggravated Menacing**
2903.34 – **Patient Abuse; Neglect**

2905.01 – **Kidnapping**
2905.02 – **Abduction**
2905.04 – (as it existed prior to July 1, 1996) **Child Stealing**
2905.05 – **Criminal Child Enticement**
No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice, or lure any child under the age of fourteen to accompany the person in any manner, including entering into a vehicle. Whether or not the person knows the age of the child.

2907.02 – **Rape**
Rape includes sexual conduct with a person less than 13 years of age, regardless of whether the offender is aware of the victim's age.

2907.03 – **Sexual Battery**
No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

- Coercion
- Person is impaired
- Person does not know the act is being committed
- Mistaken as the person's spouse
- Other person's natural or adoptive parent, guardian, or custodian
- Offender is the person's teacher, administrator, coach or person in authority in school setting
- Offender is the person's mental health professional

2907.04 – **Unlawful Sexual Conduct With Minor**

No person 18 years or older shall engage in sexual conduct when the offender knows the person is 13 years of age or older but less than 16, or the person is reckless in that regard.

2907.05 – **Gross Sexual Imposition**
Cause another to have sexual contact with the offender or cause two or more persons to have sexual contact when any of the following applies

- Force or threat of force
- For the purpose of preventing resistance, the offender substantially impairs the victim's judgment.
- The offender knows the judgment or control is substantially impaired from drug or alcohol with the person's consent for medical or dental treatment.
- Less than 13 years old regardless of whether the offender knows the age.
- Person's ability to resist is impaired due to mental, physical, condition or advanced age.

2907.06 – **Sexual Imposition**
Cause another to have sexual contact with another or cause two or more persons to have sexual contact when any of the following applies

- Knows contact is offensive to the other person
- Ability of victim to appraise the nature of or control the touching offender's conduct is substantially impaired.
- The offender knows the other person is unaware of sexual contact.
- Less than 13 years old regardless of whether the offender knows the age.
- Person's ability to resist is impaired due to mental, physical, or advanced age.

2907.07 – **Importuning**
No person shall solicit a person who is less than 13 years of age to engage in sexual activity whether or not the person knows the age of such person.
No person shall solicit a person when the offender is 18 years of age or older and four or more years older than the other person, and the other person is 13 years of age or older but less than age 16.

2907.08 – **Voyeurism**
No person, for the purpose of sexually gratifying or arousing the person's self, shall commit trespass or otherwise invade the surreptitiously invade the privacy of another, to spy or eavesdrop, or to photograph the other person in a state of nudity.

2907.09 – **Public Indecency**
No person shall expose private parts, engage in masturbation, engage in sexual conduct, or engage in an activity that would appear to be sexual conduct or masturbation, when likely to be viewed by others

2907.21 – **Compelling Prostitution**
No person shall compel another to engage in a sexual activity for hire; induce, encourage, solicit, request, or facilitate a minor to engage in sexual activity for hire; pay or agree to pay a minor whether or not the age of the minor is known;

2907.22 – **Promoting Prostitution**
No person shall knowingly establish, maintain, operate, manage, control, or have an interest in a brothel.
Supervise, manage, or control the activities of a prostitute in engaging in sexual activity for hire.
Transport another across state boundary in order to facilitate the other person engaging in sexual activity for hire.
Induce or procure another to engage in sexual activity for hire.

2907.23 – **Procuring**
Entice or solicit another to patronize a prostitute or brothel.

2907.25 – **Prostitution After Positive HIV Test**
2907.31 – **Disseminating Matter Harmful to Juveniles**
Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present a juvenile, a group of juveniles, a law enforcement officer posing as juveniles any material or performance that is obscene or harmful to juveniles.

2907.32 – **Pandering Obscenity**
Create, reproduce, or publish any obscene material, when the offender knows that the material is to be used in commercial exploitation or will be publicly disseminated or displayed, or when the offender is reckless in that regard.

2907.321 – **Pandering Obscenity Involving a Minor**
Create, reproduce, or publish any obscene material that has a minor as one of its participants or one of its portrayed observers.

2907.322 – **Pandering Sexually Oriented Matter Involving a Minor**
Create, record, photograph, advertise, sell distribute, disseminate, exhibit, or display any material that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.

2907.323 – **Illegal Use of Minor in Nudity-Oriented Material or Performance**
Photograph any minor, who is not the person's child or ward in the state of nudity, or create, direct, produce, or transfer any material or performance that shows the minor in a state of nudity.

2911.01 – **Aggravated Robbery**
2911.02 – **Robbery**
2911.11 – **Aggravated Burglary**
2911.12 – **Burglary**
Former 2907.12 – **Defined Felonious Sexual Penetration**
2919.12 – **Unlawful Abortion**
2919.22 – **Endangering Children**
A parent or person *in loco parentis* may not create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support

2919.24 – **Contributing to Unruliness or Delinquency of a Child**
2919.23 – **Interference with Custody**

2919.25 – **Domestic Violence**
2923.12 – **Carrying Concealed Weapons**
2923.13 – **Having Weapons While Under Disability**
2923.161 – **Improperly Discharging Firearm at or into Habitation; School-Related Offenses**
2925.02 – **Corrupting Another with Drugs**
2925.03 – **Trafficking in Drugs**
2925.04 – **Illegal Manufacture of Drugs or Cultivation of Marijuana**
2925.05 – **Funding of Drug or Marijuana Trafficking**
2925.06 – **Illegal Administration or Distribution of Anabolic Steroids**
2925.11 – **Possession of Drugs**
3716.11 – **Placing Harmful Objects in Food or Confection**

APPENDIX 6

ESSENTIAL NORMS FOR DIOCESAN/EPARCHIAL POLICIES DEALING WITH ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY PRIESTS OR DEACONS

First Approved by the Congregation for Bishops, December 8, 2002

PREAMBLE

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

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

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

For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 §2, and CCEO, canon 1453 § 1 (*Sacramentorum sanctitatis tutela*, article 4 § 1).[(2)]

NORMS

1. These Essential Norms have been granted *recognitio* by the Holy See. Having been legitimately promulgated in accordance with the practice of the United States Conference of Catholic Bishops on May 5, 2006, they constitute particular law for all the dioceses/eparchies of the United States of America.[3]

2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.

3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.

4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include

   A. advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;

   B. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and

   C. offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the

precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473-- i.e., withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.

8. When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (CIC, c. 1395 §2; CCEO, c. 1453 §1).[4]

   A. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch how to proceed (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum Sanctitatis Tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.

   B. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

9. At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.[5] Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.[6]

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the

dismissal of the priest or deacon from the clerical state ex officio, even without the consent of the priest or deacon.

11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the diocese/eparchy will advise and support a person's right to make a report to public authorities.[7]

12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese/eparchy. Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any 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 so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children or young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678, (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

13. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Notes

1. These Norms constitute particular law for the dioceses, eparchies, clerical religious institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. When a major superior of a clerical religious institute or society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.

2. If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p. 6). Ultimately,

it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

3. Due regard must be given to the proper legislative authority of each Eastern Catholic Church.

4, Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment. With regard to the use of the phrase "ecclesiastical ministry," by clerical members of institutes of consecrated life and societies of apostolic life, the provisions of canons 678 and 738 also apply, with due regard for canons 586 and 732.

5. Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1° -2°, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 ,191 ,2§ 193 ,3-1§§and 1389-1396.

6. The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff.; CCEO, cc. 178, 979ff.):
   a) He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).
   b) Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 § 1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).
   c) For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992§1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).
   d) The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
   e) Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1-1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees CIC, cc. 47-58; CCEO, cc. 1510 §2, 1°-2°,1511,1513 §§2-3 and 5,1514,1517 §1, 1518, 1519 §2, and 1520) so that the cleric affected is afforded the opportunity of recourse against them in accordance with canon law (CIC, cc. 1734ff.; CCEO, cc. 999ff.).

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

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APPENDIX 7

FORMS ACKNOWLEDGING RECEIPT
AND READING OF THIS POLICY

Policy for the Safety of Children in Matters of Sexual Abuse, Revised 2016

Diocese of Cleveland

Acknowledgement Form

I have received and carefully read a copy of this Diocesan Policy.

I understand that I am responsible for complying with the policy as stated.

I further understand that any questions regarding this Policy should be referred to the Diocesan Legal Office.

I also understand that the Diocese of Cleveland reserves the right to change, modify and/or revise any part of this policy at any time.

I participated in the mandatory in-service on the 2016 Revised Policy for the Safety of Children in Matters of Sexual Abuse and the Standards of Conduct on (date) _____

Signature _____

Name (Please print clearly) _____

Parish/Assignment _____

Position (or volunteer activity) _____

Date _____

Please return this acknowledgment form to the parish/agency/organization in which you are working or volunteering.

Appendix 7: Sample Forms Acknowledging Receipt and Reading of this Policy

Policy for the Safety of Children in Matters of Sexual Abuse, Revised 2016

Diocese of Cleveland

Acknowledgement Form

I have received and carefully read a copy of this Diocesan Policy.

I understand that I am responsible for complying with the policy as stated.

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I participated in the mandatory in-service on the 2016 Revised Policy for the Safety of Children in Matters of Sexual Abuse and the Standards of Conduct on (date) _____

Signature _____

Name (Please print clearly) _____

Priest

Diocesan

Extern

Religious _____ Congregation

Deacon

Diocesan

Extern

Religious _____ Congregation

Parish/Assignment _____

Date _____

All clerics are to return this acknowledgment form to:

Office of the Chancellor
Diocese of Cleveland
1404 East Ninth Street
Cleveland, Ohio 44114-1722