

CATHOLIC DIOCESE OF ARLINGTON



**POLICY ON THE PROTECTION OF
CHILDREN/YOUNG PEOPLE AND PREVENTION OF
SEXUAL MISCONDUCT AND/OR CHILD ABUSE**

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THE CATHOLIC DIOCESE OF ARLINGTON
POLICY ON THE PROTECTION OF CHILDREN/YOUNG PEOPLE
AND PREVENTION OF SEXUAL MISCONDUCT
AND/OR CHILD ABUSE

INTRODUCTION

This Policy on the Protection of Children/Young People and Prevention of Sexual Misconduct and/or Child Abuse (hereinafter referred to as “the Policy”) of the Catholic Diocese of Arlington (hereinafter, “the Diocese”) is intended:

(a) to summarize the Diocese’s current policy that:

- (1) children have the right to be safe and protected from harm in any and all environments; and
- (2) sexual misconduct and/or child abuse by any Diocesan personnel while performing the work of, or any activities under the auspices of, the Diocese is outside any scope of any authority, duties and/or employment of such personnel; and

(b) to augment and/or clarify that current policy.

The Diocese embraces the rights of children and adults to be safe from sexual misconduct and/or abuse. The Diocese is dedicated to promoting and ensuring the protection of all children and will do all in its power to create a safe environment for children and young people, to prevent their physical abuse, sexual abuse and neglect and to bring the healing effect ministry of the Diocese to bear wherever possible. This Policy builds on a policy issued by the Diocese in 1991 and which has been updated from time to time. It is responsive to our concerns for children/young people and to the provisions of the revised *Charter for the Protection of Children and Young People* and *The Essential Norms for Diocesan/Eparchial Policies Dealing With Allegations of Sexual Abuse of Minors by Priests or Deacons* as approved by the United States Conference of Catholic Bishops at its November 2002 General Meeting and given the *recognitio* by the Apostolic See on December 8, 2002.

SECTION 1. POLICY

It is the policy of the Diocese that sexual misconduct and/or child abuse by Diocesan personnel, while

- (i) performing the work of the Diocese; or
- (ii) performing any activities under the auspices of the Diocese,

is contrary to Christian principles and is outside the scope of any authority, duties and/or employment of Diocesan personnel. In addition, all Diocesan personnel must and shall comply with applicable state and local laws with regard to reporting incidents of actual or suspected sexual misconduct and/or child abuse, and with the following requirements.

This Policy does not address sexual misconduct, child neglect, and/or child abuse in general, but only in the special circumstances described herein. It is intended to establish requirements and procedures in an effort to prevent possible sexual misconduct and/or child abuse by personnel and volunteers of the Diocese and the resulting harm to others, while the work of the Diocese is being performed, and to provide guidance to Diocesan personnel on how to respond to actual and/or suspected incidents of sexual misconduct and/or child abuse by personnel or volunteers of the Diocese.

With renewed faith, we recommit ourselves to the original goals of this Policy:

- a. to reiterate and strengthen educational programs and screening procedures toward the goal of preventing sexual misconduct and/or child abuse by Diocesan personnel and volunteers;
- b. to identify and follow reporting requirements to civil and Diocesan authorities;
- c. to address the spiritual, physical and emotional care of the abused child and the family as well as the affected Catholic community;
- d. to address the spiritual, physical and emotional care of the individual against whom the charge was made; and
- e. to address other actions to be taken when sexual misconduct and/or child abuse is alleged.

The Diocese reaffirms its commitment to report an allegation of sexual abuse of a person who is a minor to the public authorities, including to comply with all applicable civil laws with respect to reporting of such allegations, to cooperate in their investigation in accord with the law of the jurisdiction in question, and to advise victims of their right to make a report to public authorities. A copy of this Policy, and any eventual revisions hereof, will be filed with the United States Conference of Catholic Bishops. Any priest or deacon who has committed even one act of sexual abuse of a minor as described herein shall not continue in active ministry nor be transferred for ministerial assignment to another diocese/eparchy or religious province. Care will be taken to protect the rights of all parties involved in allegations of sexual misconduct and/or child abuse, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When a charge has been proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

SECTION 2. DEFINITIONS

For the purposes of this Policy only, the following terms shall be defined as set forth herein:

Section 2.1 “Accused” means a person alleged to have committed an act of abuse, a serious violation of this Policy, or a crime.

Section 2.2 “Administrative leave” means relieving the accused of assigned duties pending further notice from the Moderator of the Curia.

Section 2.3 “The Bishop” means the Diocesan Bishop of the Catholic Diocese of Arlington, Virginia.

Section 2.4 “Child” or “children” means any natural person(s) less than eighteen (18) years of age.

Section 2.5 “Child abuse” means any conduct toward or actions to a child:¹

- (a) which creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions; or
- (b) whereby any act of sexual exploitation or any sexual act is committed, or allowed to be committed, upon a child; or
- (c) which is unlawful, as defined by criminal statutes of the Commonwealth of Virginia for conduct within the Commonwealth of Virginia, and the criminal statutes of the applicable jurisdiction for conduct outside the Commonwealth of Virginia.

¹ See also *Charter for the Protection of Children and Young People*, note (p.20).

(d) which consists of any of the following:

1. Any act or interaction, whether it involves genital or physical contact, with or without consent, even if initiated by the child, which involves sexual contact, molestation or sexual exploitation of a child by a parent or any other person who has permanent or temporary care of, custody or responsibility for supervision of a child, whether physical injuries are sustained or not, to include:
 - a. The intentional touching of the genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks of a child or of a perpetrator by a child for purposes of sexual arousal or gratification.
 - b. Rape, sexual intercourse (vaginal or anal), oral/genital, oral/anal contact.
 - c. The intentional touching and/or displaying of one's own genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks in the presence and view of a child for purposes of sexual arousal or gratification.
 - d. Permitting, causing, encouraging or assisting in the depiction of or posing for viewing by any person, either in person or by way of graphic means including digital or photographic image of the partially or fully unclothed body of a child, displaying intimate parts, in motion or not in motion, alone or with other persons, or the depiction of a child in apparent observation of sex acts by others in the child's presence.
 - e. Displaying or distributing to a child any picture, photograph, book, pamphlet, digital image, movie or magazine the cover or content of which is principally made of descriptions or depictions of sexual acts or contact, or which consists of pictures of nude or partially denuded figures posed or presented in a manner which the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest.
2. Physical abuse, including any act which:
 - a. Willfully causes or inflicts physical injury to a child, or
 - b. Willfully causes mental injury or psychological injury to a child by intentionally engendering fear of physical injury to that child.

It is the policy of the Diocese that corporal punishment of a child is prohibited in all entities under the auspices of the Diocese. Physical abuse does not include the appropriate physical restraint of a child who is attempting to injure another person or his/herself, or the appropriate physical direction of a child away from danger or the minimum restraint necessary to place a child in "time out" or other appropriate limitation of movement to promote the child's regaining of safety and emotional control.

3. Neglect, including:
 - a. Abandonment of a child by a parent, custodian or guardian.
 - b. Lack of care by not providing appropriate and necessary food, shelter, clothing and education.
 - c. Not providing care or control in respect to physical or emotional health; the refusal or inability to discharge parental or custodial obligations; and expressions of intention by parent, guardian or institution to discontinue care.

Section 2.6. "Credible accusation" means an allegation that, based upon the facts of the case, meets one or more of the following thresholds: (a) believable and plausible; (b) natural, reasonable and probable; (c) corroborated with other evidence or another source; and/or (d) acknowledged/admitted to by the accused.

Section 2.7 “Diocesan personnel” and “personnel of the Diocese” mean:

- (a) all clerics, whether Diocesan or members of religious communities, who are subject under civil law to the administration, authority and/or governance of the Diocese (hereinafter sometimes referred to as “religious personnel”);
- (b) all natural persons directly employed by the Diocese, or by any parish, mission or other Catholic institutions and organizations which are subject under civil law to the administration, authority and/or governance of the Diocese (hereinafter referred to as “Diocesan employees”);
- (c) all natural persons who provide any volunteer services to/for the Diocese, or to/for any parish, mission or other Catholic institutions and organizations which are subject under civil law to the administration, authority and/or governance of the Diocese (hereinafter sometimes referred to as “Diocesan volunteers”);
- (d) contract workers who have substantial contact with children which are subject to oversight by the Diocese.

For purposes of this Section 2.7, the foregoing subparagraphs shall be read in the disjunctive and not in the conjunctive.

Section 2.8 “Sexual misconduct” means any sexual conduct which is unlawful, as defined by criminal statutes of the Commonwealth of Virginia for conduct inside the Commonwealth of Virginia, and the criminal statutes of the applicable jurisdiction for conduct outside the Commonwealth of Virginia, and/or by canons 277 and 1395 § 2 of the Code of Canon Law.

Section 2.9. “Substantial contact” means contact with children in which the duration and scope in both time and exposure to children is neither trivial nor limited and may occur on a routine and/or ongoing basis.

SECTION 3. DISTRIBUTION OF POLICY

Section 3.1 A copy of this Policy shall be distributed as soon as reasonably possible to the directors, superintendents, and agency heads of all Diocesan offices and/or organizations within the Chancery. The copies of this Policy so distributed shall become part of the permanent files for each office and/or organization.

Section 3.2 The Chancery for the Diocese of Arlington (hereinafter referred to as “the Chancery”) shall cause copies of this Policy to be prepared for distribution to all religious personnel, all Diocesan employees, and those Diocesan volunteers having substantial contact with children as a direct result of their services to/for the Diocese as soon as reasonably practical. Thereafter, a copy of this Policy shall be distributed to all such new Diocesan personnel prior to or concurrently with such new personnel assuming their positions and/or duties.

Section 3.3 In addition to the foregoing, the Moderator of the Curia shall have the authority, subject only to the review of the Bishop, to distribute informational copies of this Policy to other persons, clubs, organizations, or societies within the Diocese as he may deem appropriate.

Section 3.4 Any Diocesan personnel who know or who have reason to believe that a copy of this Policy has not been distributed in accordance with the above-referenced provisions shall immediately notify the Chancery Office and identify (either by name or by class of Diocesan personnel) those Diocesan personnel who have not received a copy of this Policy.

SECTION 4. STATE AND LOCAL LAWS

A summary of reporting requirements and related provisions of state laws of the Commonwealth of Virginia relating to incidents of sexual misconduct and child abuse, as set forth in the Code of Virginia (1950), as amended, together with a listing of state and local agency contact information, is attached as Attachment A. Local civil jurisdictions may have enacted ordinances which supplement state law; however, due to the number of local civil jurisdictions within the Diocese, no effort has been made to compile a summary of such ordinances. Although compliance with Virginia state law should be adequate to initiate required reporting of sexual misconduct and/or child abuse, recipients of this Policy are hereby put on notice of such possible supplemental local ordinances, and are encouraged to make appropriate inquiry on this subject.

SECTION 5. EDUCATION

Section 5.1 The Chancery shall cause to be developed an educational program(s) on methods of preventing, recognizing, and reporting child abuse and sexual misconduct involving children and others. This educational program shall be held regularly during the course of every calendar year so as to provide reasonable opportunity for Diocesan personnel to attend. In addition, Diocesan personnel shall participate in annual safe environment programs to provide education on child abuse specifically designed to address areas of service, including students in parochial schools and religious education programs, religious personnel, school personnel, youth ministers and coaches, and Diocesan personnel providing child care services.

Section 5.2 The following personnel of the Diocese must attend the educational program(s) referenced in Section 5.1 on methods of recognizing and preventing child abuse and sexual misconduct involving children and others:

- (a) All religious personnel as defined in Section 2.7(a).
- (b) All principals, assistant principals, teachers, guidance counselors, librarians, and staff of all Catholic elementary, middle, and high schools operated by the Diocese and/or any parish(es).
- (c) All ministers, directors and/or coordinators of religious education, and all teachers of religious education.
- (d) All Diocesan personnel providing child care services under the auspices of the Diocese, or any parish, mission or other Catholic institutions and organizations which are subject under civil law to the administration, authority and/or governance of the Diocese.
- (e) All youth ministers, directors/coaches of children's activities (e.g., athletics, choir, etc.), and similar Diocesan personnel having substantial contact with children, who provide such services under the auspices of the Diocese, or any parish, mission, or other Catholic institutions and organizations which are subject under civil law to the administration, authority and/or governance of the Diocese.

Section 5.3 Thereafter, any persons not currently Diocesan personnel as identified in Section 5.2 must attend the educational program(s) as soon as reasonably practical, but in no event later than one hundred and eighty (180) calendar days of their assuming any of the positions or duties referenced in Section 5.2.

Section 5.4 The Moderator of the Curia shall have the authority, subject only to the review of the Bishop, to designate additional personnel of the Diocese (other than those specified in Sections 5.2 and 5.3) who must attend the above-referenced educational program(s). Other Diocesan personnel are encouraged to attend the educational programs.

Section 5.5 In order to assist its priests, who as pastoral ministers must help the Church and the people of God to identify and to care for victims of sexual misconduct and child abuse within the Church, the Diocese will provide regular opportunities for its priests to be advised of new developments in the fields of scientific knowledge, church policy and canon law, moral theology, professional ethics, the theology of sexuality, and the pastoral care of victims.

Section 5.6 The Bishop shall designate a Diocesan Victim Assistance Coordinator and Director of Child Protection and Safety who will receive notification from the Moderator of the Curia of all allegations of abuse, promptly inform the alleged victim of his/her rights and obligations, and who will organize and direct timely and responsive pastoral care provided by the Diocese. The Diocese recognizes the Church's pastoral responsibility to reach out to victims of sexual misconduct and/or child abuse, including every person who has been the victim of abuse as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred in the more distant past. In order to repair harm and promote healing, the Diocese will offer, through the Diocesan Victim Assistance Coordinator and Director of Child Protection and Safety, compassionate and timely pastoral care to victims of sexual misconduct and/or child abuse, the victims' immediate families and any affected faith communities.

Section 5.7. To ensure a safe environment for children, the Diocesan Victim Assistance Coordinator and Director of Child Protection and Safety will coordinate the annual safe environment education program referenced in Section 5.1, to include (a) appropriate boundaries and established prohibitions in ministry; (b) the dynamic of child abuse or neglect, including child sexual abuse; (c) signs and symptoms of abuse in children and youth; (d) laws, policies and procedures to report abuse allegations; (e) policies and procedures to prevent child abuse by religious personnel or other Church personnel who come into contact with children or to prevent child abuse on Church-owned property or at Church-sponsored events and activities; (f) types of disclosures and how to respond appropriately; and, (g) as appropriate, ministering to victims and to adults and children about abuse and exploitation.

SECTION 6. BACKGROUND AND REFERENCE CHECKS

Section 6.1 The following personnel of the Diocese shall, if they have not already done so, complete and return to the Bishop's designee(s) within the Chancery Office as soon as reasonably practical an informational questionnaire provided by the Diocese:

- (a) All religious personnel as defined in Section 2.7(a);
- (b) All principals, assistant principals, teachers, guidance counselors, librarians, and staff of all Catholic elementary, middle, and high schools operated by the Diocese and/or any parish;
- (c) All ministers, directors, and coordinators of religious education and teachers of religious education;
- (d) All persons providing child care services under the auspices of the Diocese and/or any parish, mission, and/or other Catholic institutions and organizations which are subject under civil law to the administration, authority and/or governance of the Diocese.
- (e) All youth ministers, directors/coaches of children's activities (e.g., athletics, choir, etc.), and similar Diocesan personnel having substantial contact with children, who provide such services under the auspices of the Diocese, or any parish, mission or other Catholic institutions and organizations which are subject under civil law to the administration, authority and/or governance of the Diocese.
- (f) All Diocesan employees (except those who have previously done so pursuant to other provisions of this Policy).

The above-referenced personnel may be required, as part of or supplemental to completing the informational questionnaire, to fully execute under oath a criminal history record request directing that a copy of their criminal history record from the applicable state central criminal record exchange(s) as permitted by Section 19.2-389, Code of Virginia (1950), as amended, or such other applicable law, shall be released directly to the Bishop's designee(s) within the Chancery for such matters.

Section 6.2 Henceforth, any and all applicants for any position as identified in Section 6.1 shall complete and return to the Diocesan Victim Assistance Coordinator and Director of Child Protection and Safety or the Bishop's designee(s) within the Chancery an informational questionnaire provided by the Diocese prior to their assuming any of the positions or duties described in Section 6.1, which may also require a fully executed criminal history record request for the applicant's criminal history record from the applicable state central criminal record exchange(s) as permitted by Section 19.2-389, Code of Virginia (1950), as amended, or such other applicable law, for release directly to the Bishop's designee within the Chancery for such matters.

Section 6.3 The Diocesan Victim Assistance Coordinator and Director of Child Protection and Safety shall have the authority, subject only to the review of the Bishop, to designate other Diocesan personnel who shall be required to complete and return the informational questionnaire.

Section 6.4 Completed questionnaires shall be reviewed and, as appropriate, investigated by the Bishop's designee(s) within the Chancery for that purpose, and shall be appropriately maintained in secured and safeguarded files of the Diocese, with access limited to the Bishop, the Diocesan Victim Assistance Coordinator and Director of Child Protection and Safety, and (with approval of the Bishop) Diocesan General Counsel (civil law) and such Chancery officials as may be required to implement the provisions of this Policy and/or applicable canon law.

Section 6.5 Diocesan personnel may be required to periodically complete and return to the Bishop's designee(s) within the Chancery a supplemental questionnaire notifying the Diocese of any information which would render inaccurate any previous questionnaire completed by such Diocesan personnel as required under this Policy.

Section 6.6 The foregoing provisions and/or practices shall be in addition to the application and screening practices of the parish, mission, or other Catholic institution and organization of the Diocese within which the prospective employee or volunteer is to serve.

SECTION 7. OBLIGATION TO REPORT

Section 7.1 Any personnel of the Diocese as defined in Section 2.7, above, including religious personnel, lay employees and lay volunteers, who have actual knowledge of, or who have reasonable cause to suspect that, an incident of child abuse or illegal sexual misconduct has been perpetrated by any personnel of the Diocese while performing the work of, or any activities under the auspices of, the Diocese shall comply with any applicable reporting or other requirements of state and local laws (See Section 4), unless to do so would violate the priest/penitent relationship. Any individual who discloses abuse shall be advised to share the information with civil authorities and will be provided with the necessary support and assistance to do so.

Section 7.2 Besides any obligation of civil law to report an incident of child abuse or illegal sexual misconduct, a verbal report of the incident shall be made immediately to the Moderator of the Curia, or in his absence, to the Vicar General, or in his absence, to the Judicial Vicar for the Diocese (unless to do so would violate the priest-penitent relationship). A written report shall also be prepared and submitted directly to the Moderator of the Curia's Office within 48 hours of the oral report. [A sample reporting form is attached as Attachment B; additional forms may be obtained from the Moderator of the Curia's Office.] Any such reports are hereinafter referred to as "incident reports."

Section 7.3. In addition to reporting to civil and Diocesan officials as set forth in Sections 7.1 and 7.2 above, the reporting procedures specified below shall be followed regardless of the nature of the offense, the current age of the alleged victim, the position/role of the accused, when the offense allegedly occurred, or any other factors that may be deemed exceptions to these reporting requirements:

(a) In the case of any parochial/Diocesan school situations where abuse is suspected, any individual who suspects abuse shall immediately notify the Principal of the school in person or by telephone, or, when the accused individual is a Diocesan priest, deacon, employee or volunteer, the Moderator of the Curia or his designee at the Chancery (703-841-2500). The Principal shall immediately notify in person or by telephone the Superintendent of Schools, the Pastor or parochial administrator, and the Moderator of the Curia or his designee. In addition, the person who suspects abuse shall file a written incident report as required by Section 7.2, above.

(b) In cases other than Parochial/Diocesan school situations where abuse is suspected, any individual who suspects abuse shall immediately notify the Moderator of the Curia or his designee at the Chancery (703-841-2500) and shall file a written report as required by Section 7.2, above. The Moderator of the Curia will provide a report of the suspected child abuse to the provincial of a priest or deacon or to the bishop of a diocesan priest who is not a priest of the Diocese of Arlington. The Moderator of the Curia shall cause the allegation of suspected child abuse to be reported to civil authorities in each and every instance.

SECTION 8. INVESTIGATION OF INCIDENT REPORTS

Section 8.1 Each actual or suspected incident of child abuse or sexual misconduct reported to the Diocese will be immediately investigated, with care taken not to interfere with any criminal investigation, and with a high level of Christian care, concern, and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator.

Section 8.2 The investigation shall be conducted by the Moderator of the Curia or by the Bishop's designee(s) within the Chancery (for this purpose, "the investigator(s)") with the advice of Diocesan (civil law) General Counsel. Investigation of clerics or members of religious communities (priests or deacons) shall be made in accordance with applicable Canon Law (see canons 1717 and following). In all cases, the investigator(s) should attempt to obtain a response from the alleged perpetrator only if this will not interfere with any criminal investigation or pose any risk of harm to the alleged victim, the family of the alleged victim, and/or the person making the report. In conducting the investigation of all reported incidents of child sexual abuse by a priest or deacon, the Bishop shall be assisted by a Diocesan Review Board, as set forth in Attachment C to this Policy, to include professionals who may approach the situation from the pastoral, educational, legal (canon and civil), medical, psychological, and sociological dimensions (hereinafter "the Diocesan Review Board"). The Diocesan Review Board shall assist the Bishop in examining and assessing allegations of sexual abuse of minors by priests or deacons and in determining fitness for ministry of an alleged offending priest or deacon.

Section 8.3 A conference (either personal and/or telephonic) between the Bishop, the Moderator of the Curia, and such other Diocesan counselors as the Bishop may deem necessary shall be convened as soon as possible after an incident report is received to, *inter alia*, review the incident report and any preliminary report by the investigator(s) and to determine whether the incident report is supported by any credible evidence. Diocesan General Counsel (civil law) shall also be a party to the conference to provide civil legal advice. The inability to notify any of the above-referenced parties after reasonable efforts to do so, or the inability of any of the above-referenced parties to participate in the conference, shall not be cause to unduly delay the conference.

Section 8.4 If an incident report is found to be supported by some credible evidence, the alleged perpetrator will be immediately relieved of responsibilities to and/or within the Diocese and/or any parish, mission or other Catholic institutions which are subject under civil law to the administration, authority or governance of the Diocese, pending the outcome of the internal and any outside investigation. If the alleged perpetrator is a Diocesan employee, said employee shall be placed on administrative leave, and such leave may be with or without pay or benefits as the Bishop may decide. A finding of some credible evidence means that the evidence is sufficient to establish a *prima facie* showing to support an incident report, which the alleged perpetrator may rebut by producing additional evidence.

Section 8.5 If accusations are made of sexual misconduct or child abuse involving personnel of the Diocese, the Bishop (or, in his absence or inability to serve, the Moderator of the Curia) shall direct the Diocesan Victim Assistance Coordinator and Director of Child Protection and Safety to initiate contact with the alleged victim and/or the alleged victim's family for the purpose of offering whatever concern or solace may be needed, with no comment as to the truth of any accusation or as to the circumstances surrounding the alleged incident. Medical, psychological, and spiritual assistance and, in appropriate instances, economic assistance may be offered in the spirit of Christian justice and charity.

Section 8.6 Appropriate records will be kept by the Chancery of each incident reported and of actions taken, including the investigation and the results thereof. Such records shall be marked confidential and be securely kept at the Chancery under lock, with access thereto limited to the Bishop and the Moderator of the Curia, and (with the approval of the Bishop) Diocesan General Counsel (civil law) and such Chancery officials as may be designated by the Bishop and/or required to implement this Policy and/or applicable canon law.

Section 8.7 Any media contact or inquiries regarding an alleged incident of sexual misconduct or child abuse by personnel of the Diocese must be directed to the Diocesan Director of Communications, or (in the absence of such person) to an appropriate spokesperson for the Diocese designated by the Bishop. The communications policy of the Diocese will reflect a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individual involved, the Diocese will deal as openly as possible with members of the community. 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 an agreement subject to approval by the Bishop.

SECTION 9. ENFORCEMENT AND SANCTIONS

Section 9.1 Anyone of the lay personnel of the Diocese who admits to, does not contest (after reasonable opportunity to do so), or is found guilty of an incident of illegal sexual misconduct or child abuse shall be immediately terminated from employment and/or any position of responsibility with the Diocese or any parish, mission, or other Catholic institutions and organizations which are subject under civil law to the administration, authority and/or governance of the Diocese. The offender remains liable to further actions, whether administrative, legal or penal, as judged appropriate by competent authority.

Section 9.2 Any cleric, diocesan or religious, who admits to, does not contest (after reasonable opportunity to do so), or is found guilty of an incident of child abuse or illegal sexual misconduct shall be required to relinquish diocesan faculties and forbidden to function as a cleric pending the outcome of any civil/criminal actions, if any. The offender remains liable to further canonical actions, whether administrative or judicial, as judged appropriate by the competent ecclesiastical authority. An offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese will supply canonical counsel to a priest or deacon.

Section 9.3. In recognition of the significant trauma experienced by abuse victims as well as by those falsely accused, the Diocese will strive to minimize any personal or professional adverse consequences of unsupported allegations and to preserve future ministry opportunities of persons falsely accused of child abuse, in accord with canon law. The Diocese will provide necessary mental health services to assist individuals wrongfully accused and will work with such individuals to restore his or her good name and reputation.

Section 9.4 Diocesan personnel who fail to comply with the provisions of this Policy (e.g., failure to complete informational questionnaire, etc.) shall be subject to such appropriate civil disciplinary action(s) by the Diocese as may be deemed necessary and/or appropriate by the Diocese, up to and including their termination from any positions with the Diocese and/or with any parish, mission or other Catholic institutions and organizations which are subject under civil law to the administration, authority or governance of the Diocese. Applicants for any positions with the Diocese who similarly fail to comply with provisions of this Policy (as applicable) may be denied such positions. Any such disciplinary and/or enforcement actions will be implemented through normal procedures of review and decision. In implementing this section, the Diocese will consider, *inter alia*, the potential for harm to persons resulting from an act of sexual misconduct and/or child abuse, and adverse effects on the Diocese and its ability to maintain or foster relationships with the Community of the Faithful.

SECTION 10. MISCELLANEOUS PROVISIONS

Section 10.1 This Policy shall be construed and interpreted so as to be in addition to, and not in lieu of, any other policies of the Diocese and/or any agreement between the Diocese and any persons, except for prior versions of this Policy, which are hereby revoked and which this document expressly supersedes.

Section 10.2 The Bishop shall have the authority to exempt from Section 3 (Distribution of Policy), Section 5 (Education), and Section 6 (Background and Reference Checks) of this Policy any clerics and/or members of religious communities referenced in Section 2.7(a) who, by reason of physical or mental impairment, are deemed to pose minimal foreseeable risks of child abuse and/or illegal sexual misconduct. Any such exemptions shall be made on a case-by-case basis and subject to subsequent review and/or modification by the Bishop.

Section 10.3 Except as may be otherwise expressly provided herein, this Policy may only be modified by written instrument executed by the Bishop. In order to assist the Bishop in implementing the safe environment program required under Section 5.1, above, and in reviewing the efficiency and effectiveness of the Policy, a Diocesan Advisory Board consisting of clergy, religious, and laity from the various ministries within the Diocese, and professionals in the fields of identifying and counseling victims of sexual misconduct and child abuse, will be appointed by the Bishop to periodically evaluate the Policy and to propose revisions, as set forth in Attachment D hereto. The Diocesan Advisory Board will consult with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators and others about ways to make and maintain a safe environment for children, including by making clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to child abuse. The foregoing shall not apply to any revisions to Attachment A (i.e., the Summary of Reporting Requirements of Virginia State Law) necessitated by subsequent amendments or additions to said state laws, and Attachment A shall be deemed to be modified upon the effective date of any such amendments or additions; provided, however, that the Bishop shall be timely notified of any such amendments or additions to said state laws.

Section 10.4 Any section headings or captions contained in this Policy shall be for convenience of reference only and shall not affect the construction or interpretation of any provision of this Policy.

Section 10.5 In matters of civil law, this Policy shall be governed by and construed according to the laws of the Commonwealth of Virginia unless expressly provided otherwise.

Section 10.6 This Policy does not and shall not be construed or interpreted to create an employment relationship, partnership, joint venture or any other relationship between the Diocese and any parties named herein.

Section 10.7 In the event any one or more of the provisions contained in this Policy are held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Policy shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.

Section 10.8 The “Acknowledgement of Receipt” form attached as Attachment E shall be executed by the named addressee/recipient acknowledging he or she has received a copy of the Policy, has read the Policy, and agrees to abide by the Policy, and shall be promptly returned by the named addressee/recipient directly to the Moderator of the Curia.

Section 10.9 This Policy, including Attachments A-E, hereto, shall be posted and maintained by the Diocese for access via computer network at the Diocesan world wide web site (www.arlingtondiocese.org) and related sites as determined by the Bishop in consultation with the Diocesan Advisory Board. This Policy shall also be readily available in printed form.

SUMMARY OF REPORTING REQUIREMENTS
UNDER VIRGINIA STATE LAW,
CODE OF VIRGINIA (1950) AS AMENDED,
AND STATE AND LOCAL AGENCY
CONTACT INFORMATION

Section 63.2-1509. Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts;
2. Any hospital resident or intern, and any person employed in the nursing profession;
3. Any person employed as a social worker;
4. Any probation officer;
5. Any teacher or other person employed in a public or private school, kindergarten or nursery school;
6. Any person providing full-time or part-time child care for pay on a regularly planned basis;
7. Any duly accredited Christian Science practitioner;
8. Any mental health professional;
9. Any law-enforcement officer;
10. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
11. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;
12. Any person associated with or employed by any private organization responsible for the care, custody, or control of children; and
13. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.

If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hot line.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232(g)). Provisions of such information, records and reports by a health care provider shall not be prohibited by § 8.01-399. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.

C. Any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information or testimony, unless such person acted in bad faith or with malicious purpose.

D. Any person required to file a report pursuant to this section who fails to do so within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.

Section 63.2-1510. Complaints by others of certain injuries to children.

Any person who suspects that a child is an abused or neglected child may make a complaint concerning such child, except as hereinafter provided, to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred, or to the Department's toll-free child abuse and neglect hot line. If an employee of the local department is suspected of abusing or neglecting a child, the complaint shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment; or, if the judge believes that no local department in a reasonable geographic distance can be impartial in responding to the reported case, the judge shall assign the report to the court service unit of his court for evaluation. The judge may consult with the Department in selecting a local department to respond to the report or complaint. Such a complaint may be oral or in writing and shall disclose all information which is the basis for the suspicion of abuse or neglect of the child.

Section 63.2-1518. Authority to talk to child or sibling.

Any person required to make a report or conduct an investigation or family assessment pursuant to this chapter may talk to any child suspected of being abused or neglected or to any of his siblings without consent of and outside the presence of his parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel.

Section 63.2-1512. Immunity of person making report, etc., from liability.

Any person making a report pursuant to § 63.2-1509, a complaint pursuant to § 63.2-1510, or who takes a child into custody pursuant to § 63.2-1517, or who participates in a judicial proceeding resulting therefrom shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such person acted in bad faith or with malicious intent.

Section 63.2-1606. Protection of aged or incapacitated adults; physicians, nurses, etc., to report abuse, neglect, or exploitation of adults; complaint by other; penalty for failure to report.

A. Matters giving reason to suspect the abuse, neglect or exploitation of adults shall be reported by any person licensed to practice medicine or any of the healing arts, any hospital resident or intern, any person employed in the nursing profession, any person employed by a public or private agency or facility and working with adults, any person providing full-time or part-time care to adults for pay on a regularly scheduled basis, any person employed as a social worker, any mental health professional and any law-enforcement officer, in his professional or official capacity, who has reason to suspect that an adult is an abused, neglected, or exploited adult. The report shall be made immediately to the local department of the county or city wherein the adult resides or wherein the abuse, neglect or exploitation is believed to have occurred. If neither locality is known, then the report shall be made to the local department of the county or city where the abuse, neglect, or exploitation was discovered. If the information is received by a staff member, resident, intern, or nurse in the course of professional services in a hospital or similar institution, such person may, in place of the report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith. Any person required to make the report or notification required by this subsection shall do so either orally or in writing and shall disclose all information which is the basis for the suspicion of adult abuse, neglect, or exploitation. Upon request, any person required to make the report shall make available to the adult protective services worker and the local department investigating the reported case of adult abuse, neglect or exploitation, any information, records or reports which document the basis for the

report. All persons required to report suspected adult abuse, neglect or exploitation who maintain a record of a person who is the subject of such a report shall cooperate with the investigating adult protective services worker of a local department and shall make information, records and reports which are relevant to the investigation available to such worker to the extent permitted by federal law.

- B. The report required by subsection A shall be reduced to writing within seventy-two hours by the director of the local department on a form prescribed by the Board.
- C. Any person required to make a report pursuant to subsection A who has reason to suspect that an adult has been sexually abused as that term is defined in Section 18.2-67.10, and any person in charge of a hospital or similar institution, or a department thereof, who receives such information from a staff member, resident, intern or nurse, also shall immediately report the matter, either orally or in writing, to the local law-enforcement agency where the adult resides or the sexual abuse is believed to have occurred, or if neither locality is known, then where the abuse was discovered. The person making the report shall disclose and, upon request, make available to the law-enforcement agency all information forming the basis of the report.
- D. Any financial institution that suspects that an adult customer has been exploited financially may report such suspected exploitation to the local department of the county or city wherein the adult resides or wherein the exploitation is believed to have occurred. Such a complaint may be oral or

in writing. For purposes of this section, a financial institution means any bank, savings institution, credit union, securities firm, or insurance company.

- E. Any person other than those specified in subsection A who suspects that an adult is an abused, neglected or exploited adult may report the matter to the local department of the county or city wherein the adult resides or wherein the abuse, neglect or exploitation is believed to have occurred. Such a complaint may be oral or in writing.
- F. Any person who makes a report or provides records or information pursuant to subsection A, D or E or who testifies in any judicial proceeding arising from such report, records or information shall be immune from any civil or criminal liability on account of such report, records, information or testimony, unless such person acted in bad faith or with a malicious purpose.
- G. All law-enforcement departments and other state and local departments, agencies, authorities and institutions shall cooperate with each adult protective services worker of a local department in the detection and prevention of adult abuse, neglect or exploitation.
- H. Any person who is found guilty of failing to make a required report or notification pursuant to subsection A or C, within twenty-four hours of having the reason to suspect the abuse, shall be fined not more than \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures.

State and Local Agency Contact Information

Suspected incidents of sexual abuse of children must be reported to police authorities and to the appropriate protective service agencies:

Where to Report

Virginia Protective Services:

Toll Free - 24 hour
statewide hotline 800 552-7096

Listed below is contact information for local Departments of Social Services in Virginia, and contact numbers for Washington, D.C. and military bases:

Alexandria Department of Social Services
Suzanne Chis, Director
2525 Mt. Vernon Avenue
Alexandria, VA 22301
(703) 838-0700
(703) 836-2355 (FAX)

Arlington County Department of Human Services
Valerie Cuffee, Director
3033 Wilson Blvd., Suite 600A
Arlington, VA 22201
(703) 228-1665
(703) 228-1122 (FAX)

Clarke County Department of Social Services
Angie Jones, Director
311 East Main Street
Berryville, VA 22611
(540) 955-3700
(540) 955-3958 (FAX)

Culpeper County Department of Social Services
Calvin 'Chip' Coleman, Director
219 East Davis Street, Suite 10
Culpeper, VA 22701
(540) 727-0372
(540) 727-7584 (FAX)

Fairfax County Department of Family Services
Dana Paige, Director
12011 Government Center Parkway
Suite 200 B-3
Fairfax, VA 22035
(703) 324-7500
(703) 324-7332 (FAX)

Falls Church (See Fairfax County)

Fauquier County Department of Social Services
Janis Selbo, Director
320 Hospital Drive, Suite 11
P.O. Box 300
Warrenton, VA 20188-0300
(540) 347-2316
(540) 341-2788 (FAX)

Frederick County Department of Social Services
Gwen Monroe, Director
107 N. Kent Street, Third Floor
Winchester, VA 22601
(540) 665-5688
(540) 535-2146 (FAX for Services & Director)
(540) 665-5664 (FAX for Clerical & Eligibility)

Fredericksburg
Janie M. Sewell, Director
608 Jackson Street
P.O. Box 510
Fredericksburg, VA 22404-0510
(540) 372-1032
(540) 372-1157 (FAX)

King George Department of Social Services
David L. Coman, Director
P.O. Box 130
King George, VA 22484-0130
(540) 775-3544
(540) 775-3098 (FAX)

Lancaster Department of Social Services
Edna Davenport, Director
P.O. Box 185
Lancaster, VA 22503
(804) 462-5141
(804) 462-0330 (FAX)

Loudoun County Department of Social Services
Robert Chirles, Director
102 Heritage Way, NE, Suite 200
Leesburg, VA 20176
(703) 777-0353
(703) 771-5214 (FAX)

Madison County Department of Social Services
Nancy Coppedge, Director
101 S. Main Street
P.O. Box 176
Madison, VA 22727-0176
(540) 948-5521
(540) 948-3762 (FAX)

Manassas City Department of Social Services
Jim Oliver, Director
8955 Center Street
Manassas, VA 20110
(703) 361-8277
(703) 361-6933 (FAX)

Manassas Park Department of Social Services
Glenn D. Radcliffe, Director
City Hall
1 Park Center Court
Manassas Park, VA 20111
(703) 335-8898
(703) 335-8899 (FAX)

Northumberland County Department of
Social Services
Sharon C. Fisher, Director
Health and Social Services Building
P.O. Box 399
Heathsville, Virginia 22473-0399
(804) 580-3477
(804) 580-5815 (FAX)

Orange County Department of Social Services
Robert Lingo, Director
146 Madison Road, Suite 201
Orange, VA 22960
(540) 672-1155
(540) 672-9118 (FAX)

Page County Department of Social Services
Pete Creaturo, Director
2 Mechanic Street, Suite A
Post Office Box 747
Luray, VA 22835
(540) 743-6568

Prince William County
Department of Social Services
A. Keith Sykes, Director
7987 Ashton Ave., Suite 200
Manassas, VA 20109
(703) 792-7500
(703) 792-7591 (FAX)

Rappahannock County Department of Social Services
Beverly Leathers, Director
P.O. Box 87
Washington, VA 22747-0087
(540) 675-3313
(540) 675-3315 (FAX)

Richmond County Department of Social Services
Martha Hall, Director
5579 Richmond Road
P.O. Box 35
Warsaw, VA 22572-0035
(804) 333-4088
(804) 333-0156 (FAX)

Shenandoah County Department of Social Services
John Ayers, Director
600 North Main Street
Woodstock, VA 22664
(540) 459-6226
(540) 459-8959 (FAX)

Spotsylvania Department of Social Services
Loraine V. Lemoine, Director
Route #208 Holbert Bldg.
9104 Courthouse Road
P.O. Box 249
Spotsylvania, VA 22553-0249
(540) 582-7070
(540) 582-7068 (FAX)

Stafford County Department of Social Services
William C. Tignor, Director
Stafford County Government Center
1300 Courthouse Road
P.O. Box 7
Stafford, VA 22555-0007
(540) 658-8720
(540) 658-8798 (FAX)

Warren County Department of Social Services
Ronald L. King, Director
912 Warren Avenue
P.O. Box 506
Front Royal, VA 22630-0506
(540) 635-3430
(540) 635-8451 (FAX)

Westmoreland Department of Social Services
Helen B. Wilkins, Director
Peach Grove Lane
P.O. Box 302
Montross, VA 22520-0302
(804) 493-9305
(804) 493-9309 (FAX)

Winchester Department of Social Services
Kathleen McDonald, Director
33 East Boscawen Street
Winchester, VA 22601
(540) 662-3807
(540) 662-3279 (FAX)

Washington, D.C.

Child and Family Services Child Abuse Hotline

24 Hours

400 6th Street, SW

Washington, D.C. 20024

Neglect (202) 671-7233

Physical Abuse (202) 671-7233

Sexual Abuse (202) 671-7233

Child and Family Advocacy Offices (CFAOs)

Andrews AFB FAO (duty hours)

1050 W. Perimeter Road

Andrews AFB, MD 20762

(240) 857-9680 (duty hours)

(240) 857-2333 (after hours)

Bolling AFB CFAO

260 Brookley Avenue

Bolling AFB, MD 20032

Captain Carla Miera (202) 767-0611 (duty hours)

After hours, call Andrews AFB (240) 857-2333

Ft. Belvoir CFAO

Glenn Braden

9501 Farrell Road, Bldg. 815

Ft. Belvoir, VA 22060

(703) 805-0487 (duty hours)

(703) 805-0414 (after hours)

Ft. Myer CFAO

201 Custer Road

Ft. Myer, VA 22211

(703) 696-3512 (will refer to Rader Clinic)

Rader Clinic

401 Carpenter Street, Bldg. 525

Ft. Myer, VA 22211

(703) 696-3456

Quantico Marine Base CFAO

2034 Barnett Avenue,

Quantico, VA 22134

(703) 784-2570

Reports may be oral or in writing and must disclose all information which is the basis for suspicion of child abuse or neglect.

REPORT OF SUSPECTED SEXUAL MISCONDUCT OR CHILD ABUSE BY DIOCESAN PERSONNEL WHILE PERFORMING THE WORK OF THE DIOCESE

TO: Moderator of the Curia
Diocese of Arlington
200 N. Glebe Road #914
Arlington, VA 22203-3728
Mark envelope "CONFIDENTIAL"

CONFIDENTIAL
(FOR INTERNAL USE ONLY)

NOTE: Please do not delay submitting this report even if you cannot fully answer all questions; additional information can be subsequently provided.

PLEASE PRINT (OR TYPE) AND, IF POSSIBLE, USE BLACK INK. THANK YOU.

Reported by: Name Title
Address
City State Zip
Telephone (day) Telephone (eve.)

Date of report:

Person suspected of misconduct: Name Title
Age Sex
Address
City State Zip
Telephone (day) Telephone (eve.)

Suspected victim(s) of misconduct: Name
Age Sex
Address
City State Zip
Telephone (day) Telephone (eve.)

Any other person(s)
involved:

Name _____ *Title* _____
Age _____ *Sex* _____
Address _____
City _____ *State* _____ *Zip* _____
Telephone (day) _____ *Telephone (eve.)* _____

Describe incident of suspected misconduct, including date, time, and location:

Identify eyewitnesses to the incident, including names, addresses, and telephone numbers, where available:

Other information which may be helpful to the investigation:

PLEASE DO NOT WRITE BELOW THIS LINE: FOR CDA OFFICE USE ONLY

FOR THE INVESTIGATOR

The foregoing report was investigated by _____
on _____ with the results in attached investigative report.

Guidelines for the Diocesan Review Board

Preamble

The Diocesan Review Board is established in accordance with the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* as approved by the United States Conference of Catholic Bishops in November 2002 and given the *recognitio* by the Apostolic See on December 8, 2002.

The applicable provisions are set forth in Norms 4, 5 and 6 in the official document. The provisions are as follows:

1. To assist the Bishop, the Diocese of Arlington will have a Review Board that will function as a confidential consultative body to the Bishop in discharging his responsibilities. The functions of this Review Board may include:
 - a. Advising the Bishop in his assessment of allegations of sexual abuse of minors by priests or deacons of the Diocese of Arlington and in his determination of suitability for ministry, and
 - b. Offering advice on all aspects of the cases, whether retrospectively or prospectively.
2. The Diocesan Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the Review Board members will be lay persons who are not in the employ of the Diocese, but at least one member should be a priest who is an experienced and respected pastor of the Diocese, and at least one member should have particular expertise in the treatment of 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 Diocesan Review Board.
3. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (canon 1717). All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Bishop shall 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. In addition, the Congregation for the Doctrine of the Faith shall be notified.

Guidelines

1. The Bishop will convene the Diocesan Review Board after an allegation of sexual abuse of a minor by a priest or deacon of the Diocese of Arlington has been received and the Bishop has completed a preliminary investigation in accordance with canon 1717. The Bishop will convene the Diocesan Review Board to examine the allegation.
2. The Review Board will receive from the Bishop or his delegate a complete written record of the allegations made against a priest or deacon; a detailed description of the interviews of alleged victims and the response of the priest or deacon in question to the allegations made; and will review any information pertinent to the allegation from the priest's or deacon's personnel file. The priest or deacon and his advocate will be informed of the material that will be presented to the Review Board. The priest or deacon and/or the alleged victim(s) may choose to make a presentation in person or in writing to the Review Board.
3. The Review Board will be required to assess the credibility of the allegations and whether the allegations conform to the definition of sexual abuse of a minor as outlined in the policy on the Protection of Children/Young People and Prevention of Sexual Misconduct and/or Child Abuse adopted by the Diocese of Arlington.

4. The Diocesan Review Board may be asked to comment on the suitability of a priest or deacon for future ministry.
5. The Diocesan Review Board is authorized to further investigate allegations and interview alleged victims or witnesses as it deems necessary and appropriate in each particular case.
6. The Moderator of the Curia of the Diocese of Arlington will present the recommendations of the Diocesan Review Board to the Bishop.
7. The deliberation of the Diocesan Review Board will be strictly confidential, and no detailed minutes will be taken or maintained. Summary notes indicating the purpose of the meeting, the individuals in attendance, the decisions made and the next steps will be recorded and retained in the office of the Moderator of the Curia. All documents given to the Diocesan Review Board will be collected at the conclusion of each meeting and returned to the Moderator of the Curia.

Steps to be Followed in an Investigation

1. When an allegation of sexual abuse of a minor by a priest or deacon is received, an expeditious determination will be made as to whether the allegation made is credible. The Diocesan legal counsel will be immediately informed and in turn will notify the civil authorities.
2. Civil authorities will be offered first contact with the accused except when such procedure would put the alleged victim and/or others at risk of harm. The Diocese will, after consultation with civil authorities, confront the priest or deacon unless such authorities deem otherwise. The alleged perpetrator (priest or deacon) will be advised to obtain a civil attorney and a canonical advocate to represent him.
3. The Diocese will provide the person against whom an allegation has been made an explanation of the overall investigative process and specific procedures for dealing with allegations of child abuse.
4. The Diocese will initiate an investigation in accordance with canon 1717 of the *Code of Canon Law* (1983).
5. The alleged perpetrator will be relieved of his assignment and required to leave the parish and be encouraged to obtain the appropriate psychological evaluation at a facility acceptable to the Diocese of Arlington.
6. The Diocesan Review Board will be convened in accordance with the Guidelines.
7. If an act of child abuse by a priest or a deacon is admitted or is established at the conclusion of this process, the Bishop will take the appropriate canonical action.

Guidelines For The Diocesan Advisory Board

The Diocese of Arlington established a Diocesan Advisory Board¹ to demonstrate its commitment to the safety of all children and to respond to the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* that were approved by the U.S. Conference of Catholic Bishops at its November 2002 General Meeting.

The Diocesan Advisory Board, comprised of eight members who serve for five year terms, reports directly to the Bishop in carrying out its broad mandate to:

- a. Review Diocesan policies and procedures at least every year and recommend ways in which they can be strengthened, improved or modified.
- b. Oversee the implementation of the policies throughout the Diocese and its ministries.
- c. Assist in developing appropriate mechanisms to ensure compliance with the policies.
- d. Assess the effectiveness of victim assistance efforts by the Diocese and make recommendations for improvement.
- e. Review and advise on standards of conduct for those in positions of trust and on education, training and outreach programs for clergy, staff, educators and others, as well as safe environment programs for children.

Both the Moderator of the Curia and the Diocesan Review Board shall meet with the Diocesan Advisory Board at least annually to report on and summarize their activities and findings of the previous year and recommendations for the future.

The Diocesan Advisory Board shall present a public report of the status of the Diocesan child protection activities in the Diocesan Newspaper and share the information with the parishes.

¹ The Diocesan Advisory Board and the Diocesan Review Board of the Diocese of Arlington, collectively, are responsive to Norm 4 of the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. The former board will review diocesan/eparchial policies for dealing with sexual abuse of minors; the latter board will advise the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry and offer advice on all aspects of these cases, whether retrospectively or prospectively. In addition to their consultative functions regarding sexual abuse cases and policy, each Board may advise the Bishop on matters of non-sexual abuse and/or neglect.

