



**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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## TABLE OF CONTENTS

	<b>PAGE</b>
INTRODUCTION .....	4
SECTION 1. POLICY .....	4
SECTION 2. DEFINITIONS.....	5
SECTION 3. DISTRIBUTION OF POLICY .....	7
SECTION 4. STATE AND LOCAL LAWS.....	8
SECTION 5. EDUCATION AND ADMINISTRATION.....	8
SECTION 6. BACKGROUND AND REFERENCE CHECKS .....	9
SECTION 7. OBLIGATION TO REPORT .....	10
SECTION 8. INVESTIGATION OF ALLEGATIONS INVOLVING CLERICS (PRIESTS AND DEACONS).....	11
SECTION 9. INVESTIGATION OF ALLEGATIONS INVOLVING NON-CLERICS .....	12
SECTION 10. ENFORCEMENT AND SANCTIONS .....	13
SECTION 11. MISCELLANEOUS PROVISIONS.....	14
 Attachment A: Summary of Reporting Requirements under State Law	
Attachment B: Report of Suspected Sexual Misconduct or Child Abuse by Diocesan Personnel while Performing the Work of the Diocese	
Attachment C: Guidelines for Diocesan Review Board	
Attachment D: Acknowledgement of Receipt	

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 the protection of all children and will strive to maintain a safe environment for children and young people, to prevent their physical abuse, sexual abuse and neglect, and to bring the healing ministry of the Diocese to bear wherever possible. This Policy builds on a policy issued by the Diocese in 1991 which has been updated from time to time. It is responsive to our concerns for children/young people and to the provisions of the *Charter for the Protection of Children and Young People* as initially approved by the United States Conference of Catholic Bishops at its June 2005 General Meeting and revised thereafter, the revised *Essential Norms for Diocesan/Eparchial Policies Dealing With Allegations of Sexual Abuse of Minors by Priests or Deacons* as approved at the June 2005 General Meeting, given the *recognitio* by the Apostolic See on January 1, 2006, and promulgated on May 5, 2006, the *Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing With Cases of Sexual Abuse of Minors Perpetrated by Clerics* issued by the Congregation for the Doctrine of the Faith on May 3, 2011, the apostolic letter *As a Loving Mother*, issued *motu proprio* by Pope Francis on June 4, 2016, the apostolic letter *Vos estis lux mundi*, issued *motu proprio* by Pope Francis on May 7, 2019, and other relevant Church documents.

**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 requirements of this Policy.

**This Policy does not address sexual misconduct, child neglect, and/or child abuse in general, but only in the specific 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. Allegations of inappropriate conduct not falling within the scope of this Policy shall be addressed pursuant to other applicable policies or norms of the Diocese.

Allegations of inappropriate conduct by a bishop that fall within the scope of the apostolic letter *Vos estis lux mundi* shall be addressed in accordance with the norms set forth in that letter and in the *Directives for the Implementation of the Provisions of Vos estis lux mundi Concerning Bishops and their Equivalents* adopted by the United States Conference of Catholic Bishops on June 13, 2019. This Policy shall not be applicable to such allegations, except that the provisions regarding the reporting of allegations to civil authorities and cooperation with civil authorities shall apply.

Allegations of inappropriate conduct by one child toward another (including but not limited to fighting, bullying and sexual misconduct) shall be addressed pursuant to the relevant policies of the Office of Catholic Schools, the school handbooks of the individual schools, or other applicable policies or norms.

Suspected incidents of child abuse or neglect by adults other than Diocesan personnel shall be addressed pursuant to Section 63.2-1509 *et seq.* of the Code of Virginia (1950) as amended (see Attachment A) and the additional reporting requirements set forth below.

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

- a. to reiterate and strengthen educational programs and screening procedures with 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 with a child 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 civil authorities, including complying with all applicable civil laws with respect to reporting of such allegations, cooperating in their investigation in accord with the law of the jurisdiction in question, and advising victims of their right to make a report to civil 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 is determined to have 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 determined to be unfounded, reasonable steps 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 involving the abuse or neglect of a child.

**Section 2.2** “Administrative leave” means relieving the accused of assigned duties pending further notice from the Vicar General.

**Section 2.3** “The Bishop” means the Diocesan Bishop of the Catholic Diocese of Arlington. If the office of Bishop is vacant or impeded as defined by the Code of Canon Law of the Roman Catholic Church, then “the Bishop” shall refer to the apostolic administrator or the diocesan administrator appointed for the Catholic Diocese of Arlington until a successor Diocesan Bishop is installed.

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

**Section 2.5** “Child abuse” means conduct toward or action to a child 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, whether physical injuries are sustained or not, including:
  - 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, or 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. Knowingly acquiring, possessing, or distributing such a depiction by way of graphic means including digital or photographic image.
  - f. 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.<sup>1</sup>
  
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.

**Note:** It is the policy of the Diocese that corporal punishment of a child is prohibited in all entities under the auspices of the Diocese. However, this prohibition of corporal punishment shall not be deemed to prohibit, and the definition of "child abuse" for purposes of this Policy shall not be deemed to include,

- (i) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control;
- (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property;
- (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself;
- (iv) the use of reasonable and necessary force for self-defense or the defense of others; or
- (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are upon the person of the student or within his control. In addition, the definition of "child abuse" shall not be deemed to include any physical or mental pain, injury or discomfort caused by the foregoing, or which may result from participation in practice or competition in an interscholastic or intramural sport, physical education, or an extracurricular activity.

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<sup>1</sup> See also *Charter for the Protection of Children and Young People*, note 5.

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 about which, based upon the information known at the time of determination, a prudent person would conclude that the incident is more likely than not to have occurred as alleged, or which has been acknowledged/admitted to by the accused. In making this determination, consideration should be given to the trustworthiness of the various sources of the available information.

**Note:** The role of the Diocesan Review Board process is to assist and advise the Bishop in his assessment of allegations and his determination of the suitability for ministry of an accused priest or deacon. A determination by the Diocesan Review Board that an allegation is “credible” is not a final determination or admission that an incident did or did not occur as alleged, but is instead an ecclesiastical determination of whether the definition of “credible accusation” in this Policy has been met for purposes of further canonical, pastoral or other action, if any, by the Bishop. The Diocesan Review Board does not have access to the investigative tools and resources available to civil authorities and does not follow civil law procedural or evidentiary rules. Its determinations are not the equivalent of a civil or criminal court finding of innocence or guilt.

**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 diocesan 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 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 by the analogous 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 or scope in either time or 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 whose duties for the Diocese include contact with minors, 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. A copy of this Policy shall also be posted on the diocesan website.

**Section 3.3** In addition to the foregoing, the Vicar General 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 AND ADMINISTRATION**

**Section 5.1** The Chancery shall cause to be developed or implemented educational programs on methods of preventing, recognizing, and reporting child abuse and sexual misconduct involving children and others. These educational programs 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 ongoing 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 and/or charitable 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 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 institutions and organizations which are subject under civil law to the administration, authority and/or governance of the Diocese.

**Section 5.3** 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 forty-five (45) calendar days of their assuming any of the positions or duties referenced in Section 5.2.

**Section 5.4** The Vicar General 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 refresh their prior training and/or 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 a Diocesan Director of Child Protection and Safety. These positions may, at the discretion of the Bishop, be held by the same individual.

**Section 5.7** The Diocesan Victim Assistance Coordinator will receive notification from the Vicar General of all allegations of abuse, promptly inform the alleged victim of his/her rights and obligations and organize and direct timely and responsive pastoral care provided by the Diocese.<sup>2</sup> 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, compassionate and timely pastoral care to victims of sexual misconduct and/or child abuse, the victims' immediate families and any affected faith communities. Assistance and pastoral care may be provided prior to or apart from any determination regarding the credibility of a given allegation.

**Section 5.8** To ensure a safe environment for children, the Diocesan Director of Child Protection and Safety will coordinate the safe environment education programs 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** New personnel serving in the following roles in the Diocese shall 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 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 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).
- (g) All other Diocesan personnel whose duties for the Diocese include substantial contact with minors as defined in Section 2.9.

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<sup>2</sup> In the event that an allegation initially is communicated to the Diocesan Victim Assistance Coordinator, the Diocesan Victim Assistance Coordinator shall promptly notify the Vicar General of the allegation.

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 other applicable law, or from other information sources or services acceptable to the Diocese, shall be released directly to the Bishop's designee(s) within the Chancery for such matters. The Diocese may request updated criminal history record information on a periodic basis.

**Section 6.2** The Diocesan 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 and related documentation.

**Section 6.3** 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 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 6.4** 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 6.5** 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 Vicar General, or in his absence, to the Chancellor, 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 Vicar General'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 Vicar General'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 Vicar General 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 Vicar General 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 Vicar General or his designee at the Chancery (703-841-2500) and shall file a written report as required by Section 7.2, above. The Vicar General 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 Vicar General shall cause the allegation of suspected child abuse to be reported to civil authorities in each and every instance.

## **SECTION 8. INVESTIGATION OF ALLEGATIONS INVOLVING CLERICS (PRIESTS & DEACONS)**

**Section 8.1** When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation will be initiated and conducted promptly and objectively in accordance with canon 1717 of the Code of Canon Law. All appropriate steps shall be taken to protect the reputation of the accused during the preliminary investigation.

**Note:** Because of the serious consequences of false allegations, when the source of an allegation (or of information related to an allegation) cannot be identified or contacted, the claim will not be considered. Likewise, when the person making an allegation or offering information will not identify himself or herself to the Diocese, the allegation or the information will not be considered. Any exceptions for special circumstances are made only by the Bishop and to the extent he directs.

**Section 8.2** A conference (either personal and/or telephonic) between the Bishop, the Vicar General, and such other Diocesan counselors as the Bishop may deem necessary shall be convened as soon as possible after an allegation is received to, *inter alia*, review the allegation and the results of the preliminary investigation and to determine whether the allegation is supported by sufficient evidence to merit further investigation. Diocesan legal counsel (civil law) shall 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 delay the conference unduly. A finding of “sufficient evidence to merit further investigation” means that the evidence is sufficient to establish a *prima facie* showing to support an incident report and has not been rebutted by the preliminary report of the investigator(s).

**Section 8.3** If the allegation is supported by sufficient evidence to merit further investigation, the Diocesan legal counsel will notify the civil authorities. At the discretion of the Bishop, the Diocesan legal counsel may also be directed to notify civil authorities even if an allegation has been determined not to be supported by sufficient evidence to merit further investigation.

**Section 8.4** 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.

**Section 8.5** The Diocese will, after consultation with civil authorities, confront the priest or deacon unless the civil authorities recommend otherwise. The alleged perpetrator (priest or deacon) will be provided with an explanation of the overall investigative process and specific procedures for dealing with allegations of child abuse and will be advised to obtain a civil attorney and a canonical advocate to represent him. Pending the outcome of the investigative process, 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. The accused also shall be encouraged to obtain an appropriate psychological evaluation and counseling at a facility acceptable to the Diocese of Arlington.

**Section 8.6** 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 preliminary investigation has been completed in accordance with canon 1717. The Diocesan Review Board will examine the allegation and may offer advice as to the conduct of the investigation.

**Section 8.7** The Diocese will conduct its investigation in accordance with the provisions of the Code of Canon Law. The investigation shall be conducted by the Vicar General or by the Bishop’s designee(s) within the Chancery with

the advice of Diocesan (civil law) legal counsel. In the discretion of the Vicar General, subject only to the review of the Bishop, experienced professional investigators may also be employed to assist in an investigation. If the investigation is not completed within two months from the date of the initial meeting of the Diocesan Review Board in relation to the allegation, the Vicar General or other designee shall present the Bishop with a report on the progress of the investigation. Such reports shall be provided at intervals of approximately two months thereafter, if necessary.

**Section 8.8** At the conclusion of the investigation, the Diocesan Review Board will receive from the Bishop or his designee 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. The Review Board may also permit presentations in person or in writing from such other witnesses that the Review Board deems helpful. 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.

**Section 8.9** 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. The Diocesan Review Board also may be asked to comment on the suitability of a priest or deacon for future ministry.

**Section 8.10** The Vicar General of the Diocese of Arlington will present the determination and recommendations of the Diocesan Review Board to the Bishop. 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.

## **SECTION 9. INVESTIGATION OF ALLEGATIONS INVOLVING NON-CLERICS**

**Section 9.1** Each allegation of an actual or suspected incident of child abuse or sexual misconduct by a non-cleric that is 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.

**Note:** Because of the serious consequences of false allegations, when the source of an allegation (or of information related to an allegation) cannot be identified or contacted, the claim will not be considered. Likewise, when the person making an allegation or offering information will not identify himself or herself to the Diocese, the allegation or the information will not be considered. Any exceptions for special circumstances are made only by the Bishop and to the extent he directs.

**Section 9.2** The investigation shall be conducted by the Vicar General or by the Bishop's designee(s) within the Chancery (for this purpose, "the investigator(s)") with the advice of Diocesan (civil law) legal counsel. At the discretion of the Vicar General, subject only to the review of the Bishop, experienced professional investigators outside of the Chancery may also be employed to assist in an investigation. 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.

**Section 9.3** If the allegation is supported by sufficient evidence to merit further investigation, the Diocesan legal counsel will notify the civil authorities if this has not previously been done. At the discretion of the Bishop, the Diocesan legal counsel may also be directed to notify civil authorities even if an allegation has been determined not to be supported by sufficient evidence to merit further investigation.

**Section 9.4** If an allegation is found to be supported by sufficient evidence to merit further investigation, the alleged perpetrator will be immediately relieved of responsibilities to and/or within the Diocese and/or any parish, mission or other 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 “sufficient evidence to merit further investigation ” means that the evidence is sufficient to establish a *prima facie* showing to support an allegation and has not been rebutted either by the preliminary report of the investigator(s) or by clear evidence produced by the alleged perpetrator.

**Section 9.5** 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 Vicar General) shall direct the Diocesan Victim Assistance Coordinator 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 9.6** 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 Vicar General, 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 9.7** 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 10. ENFORCEMENT AND SANCTIONS**

**Section 10.1** Any one 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 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 10.2** 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 10.3** 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 10.4** 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 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 11. MISCELLANEOUS PROVISIONS**

**Section 11.1** 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 11.2** 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.

SUMMARY OF REPORTING REQUIREMENTS  
UNDER VIRGINIA STATE LAW,  
CODE OF VIRGINIA (1950) AS AMENDED  
THROUGH JULY 1, 2019,  
AND STATE AND LOCAL AGENCY  
CONTACT INFORMATION

The Virginia Department of Social Services toll-free child abuse and neglect hotline number is **(800) 552-7096**.

**Section 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; 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 social services] of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the [Virginia] Department [of Social Services]'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 or family-services specialist;
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 mental health professional;
8. Any law-enforcement officer or animal control officer;
9. Any mediator eligible to receive court referrals pursuant to [Virginia Code] § 8.01-576.8;
10. 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;
11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children;
12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1 [of the Code of Virginia];
13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;
14. Any person employed by a local department [of social services] as defined in [Virginia Code] § 63.2-100 who determines eligibility for public assistance;
15. Any emergency medical services provider certified by the Board of Health pursuant to [Virginia Code] § 32.1-111.5, unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith;
16. Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a private sports organization or team;
17. Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs;
18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client; and
19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church, unless the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to

[Virginia Code] § 8.01-400 or 19.2-271.3 if offered as evidence in court.

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 social services] of the county or city where the abuse or neglect was discovered or to the [Virginia] Department [of Social Services]'s toll-free child abuse and neglect hotline.

If an employee of the local department [of social services] 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 [Virginia] Department [of Social Services] 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. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher, staff member, resident, intern or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

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 [of social services] on a form prescribed by the [State] Board [of Social Services]. 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. § 1232g). Provision of such information, records, and reports by a health care provider shall not be prohibited by [Virginia Code] § 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.

B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall, due to the special medical needs of infants affected by substance exposure, include (i) a finding made by a health care provider within six weeks of the birth of a child that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) a diagnosis made by a health care provider within four years following a child's birth that the child has an illness, disease or condition that, to a reasonable degree of medical certainty, is attributable to maternal abuse of a controlled substance during pregnancy; or (iii) a diagnosis made by a health care provider within four years following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report. Such reports shall not constitute a per se finding of child abuse or neglect. If a health care provider in a licensed hospital makes any finding or diagnosis set forth in clause (i), (ii), or (iii), the hospital shall require the development of a written discharge plan under protocols established by the hospital pursuant to subdivision B 6 of [Virginia Code] 32.1-127.

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 as soon as possible, but not longer than 24 hours after having reason to



suspect a reportable offense of child abuse or neglect, shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 [of the Code of Virginia], a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

E. No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department [of social services] or the [Virginia] Department [of Social Services]'s toll-free child abuse and neglect hotline.

### **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 social services] of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the [Virginia] Department [of Social Services]'s toll-free child abuse and neglect hotline. 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 63.2-1512. 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 63.2-1513. Knowingly making false reports; penalties.**

A. Any person fourteen years of age or older who makes or causes to be made a report of child abuse or neglect pursuant to this chapter that he knows to be false shall be guilty of a Class 1 misdemeanor. Any person fourteen years of age or older who has been previously convicted under this subsection and who is subsequently convicted under this subsection shall be guilty of a Class 6 felony.

B. The child-protective services records regarding the person who was alleged to have committed abuse or neglect that result from a report for which a conviction is obtained under this section shall be purged immediately by any custodian of such records upon presentation to the custodian of a certified copy of such conviction. After purging the records, the custodian shall notify the person in writing that such records have been purged.

### **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 63.2-1606. Protection of aged or incapacitated adults; mandated and voluntary reporting.**

A. Matters giving reason to suspect the abuse, neglect or exploitation of adults shall be reported immediately upon the reporting person's determination that there is such reason to suspect. Medical facilities inspectors of the Department of Health are exempt from reporting suspected abuse immediately while conducting federal inspection surveys in accordance with § 1864 of Title XVIII and Title XIX of the Social Security Act, as amended, of certified nursing facilities as defined in § 32.1-123. Reports shall be made to the local department or the adult protective services hotline in accordance with requirements of this section by the following persons acting in their professional capacity:

1. Any person licensed, certified, or registered by health regulatory boards listed in [Virginia Code]

- § 54.1-2503, with the exception of persons licensed by the Board of Veterinary Medicine;
2. Any mental health services provider as defined in § 54.1-2400.1;
  3. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the suspected abuse, neglect or exploitation directly to the attending physician at the hospital to which the adult is transported, who shall make such report forthwith;
  4. Any guardian or conservator of an adult;
  5. Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, supportive or direct care capacity;
  6. Any person providing full, intermittent or occasional care to an adult for compensation, including, but not limited to, companion, chore, homemaker, and personal care workers; and
  7. Any law-enforcement officer.

B. The report shall be made in accordance with subsection A to the local department [of social services] of the county or city wherein the adult resides or wherein the adult abuse, neglect or exploitation is believed to have occurred or to the adult protective services hotline. Nothing in this section shall be construed to eliminate or supersede any other obligation to report as required by law. If a person required to report under this section receives information regarding abuse, neglect or exploitation while providing professional services in a hospital, nursing facility or similar institution, then he may, in lieu of reporting, notify the person in charge of the institution or his designee, who shall report such information, in accordance with the institution's policies and procedures for reporting such matters, immediately upon his determination that there is reason to suspect abuse, neglect or exploitation. 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 that 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 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 state and

federal law. 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; such reports may, however, be disclosed to the Adult Fatality Review Team as provided in § 32.1-283.5 or to a local or regional adult fatality review team as provided in § 32.1-283.6 and, if reviewed by the Team or a local or regional adult fatality review team, shall be subject to applicable confidentiality requirements of the Team or a local or regional adult fatality review team.

C. Any financial institution staff who suspects that an adult has been exploited financially may report such suspected financial exploitation and provide supporting information and records to the local department of the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline. For purposes of this section:

"Financial exploitation" means the illegal, unauthorized, improper, or fraudulent use of the funds, property, benefits, resources, or other assets of an adult, as defined in § 63.2-1603, for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Financial exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services.

"Financial institution staff" means any employee, agent, qualified individual, or representative of a bank, trust company, savings institution, loan association, consumer finance company, credit union, investment company, investment advisor, securities firm, accounting firm, or insurance company.

D. 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 or to the adult protective services hotline.

E. Any person who makes a report or provides records or information pursuant to subsection A, C, or D, or who testifies in any judicial proceeding arising from such report, records or information, or who takes or causes to be taken with the adult's or the adult's legal representative's informed consent photographs, video recordings, or appropriate medical imaging of the adult who is subject of a report shall be immune from any civil or criminal liability on account of such report, records, information, photographs, video recordings, appropriate medical imaging or testimony, unless such person acted in bad faith or with a malicious purpose.

F. An employer of a mandated reporter shall not prohibit a mandated reporter from reporting directly to the local department or to the adult protective services hotline. Employers whose employees are mandated reporters shall notify employees upon hiring of the requirement to report.

G. Any person 14 years of age or older who makes or causes to be made a report of adult abuse, neglect, or exploitation that he knows to be false is guilty of a Class 4 misdemeanor. Any subsequent conviction of this provision is a Class 2 misdemeanor.

H. Any person who fails to make a required report or notification pursuant to subsection A shall be subject to a civil penalty of not more than \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures. Civil penalties under subdivision A 7 shall be determined by a court of competent jurisdiction, in its discretion. All other civil penalties under this section shall be determined by the Commissioner for Aging and Rehabilitative Services or his designee. The Commissioner for Aging and Rehabilitative Services shall establish by regulation a process for imposing and collecting civil penalties, and a process for appeal of the imposition of such penalty pursuant to § 2.2-4026 of the Administrative Process Act.

I. Any mandated reporter who has reasonable cause to suspect that an adult died as a result of abuse or neglect shall immediately report such suspicion to the appropriate medical examiner and to the appropriate law-enforcement agency, notwithstanding the existence of a death certificate signed by a licensed physician. The medical examiner and the law-enforcement agency shall receive the report and determine if an investigation is warranted. The

medical examiner may order an autopsy. If an autopsy is conducted, the medical examiner shall report the findings to law enforcement, as appropriate, and to the local department or to the adult protective services hotline.

J. No person or entity shall be obligated to report any matter if the person or entity has actual knowledge that the same matter has already been reported to the local department or to the adult protective services hotline.

K. 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, investigation and prevention of adult abuse, neglect and exploitation.

L. Financial institution staff may refuse to execute a transaction, may delay a transaction, or may refuse to disburse funds if the financial institution staff (i) believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult or (ii) makes, or has actual knowledge that another person has made, a report to the local department or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult. The financial institution staff may continue to refuse to execute a transaction, delay a transaction, or refuse to disburse funds for a period no longer than 30 business days after the date upon which such transaction or disbursement was initially requested based on a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult, unless otherwise ordered by a court of competent jurisdiction. Upon request, and to the extent permitted by state and federal law, financial institution staff making a report to the local department of social services may report any information or records relevant to the report or investigation. Absent gross negligence or willful misconduct, the financial institution and its staff shall be immune from civil or criminal liability for refusing to execute a transaction, delaying a transaction, or refusing to disburse funds pursuant to this subsection. The authority of a financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds pursuant to this subsection shall not be contingent upon whether financial institution staff has reported suspected financial exploitation of the adult pursuant to subsection C.

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

TO: Vicar General  
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 \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone (day) \_\_\_\_\_ Telephone (eve.) \_\_\_\_\_

Suspected victim(s) of misconduct Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone (day) \_\_\_\_\_ Telephone (eve.) \_\_\_\_\_

If this report involves a minor has this been reported to DSS Child Protective Services? ( ) Yes ( ) No

If yes, please provide the following information:

Date of report: \_\_\_\_\_ Jurisdiction (City/County): \_\_\_\_\_

Name of CPS Rep. and/or Case No. \_\_\_\_\_

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:

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

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Other information which may be helpful to the investigation:

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

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**FOR THE INVESTIGATOR**

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

## Guidelines for the Diocesan Review Board

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 following guidelines shall govern the work of the Diocesan Review Board:

1. To assist the Bishop, the Diocese of Arlington will have a Diocesan 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,
  - b. Offering advice on all aspects of the cases, whether retrospectively or prospectively, and
  - c. Reviewing Diocesan policies and procedures on a recurrent basis, as well as any proposed changes to those policies and procedures, and make recommendations to the Bishop regarding ways in which they can be strengthened or improved.
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. Other members may include professionals with experience in education, law (canon and civil), medicine, psychology, and other fields. The members will be appointed for a term of five years, which can be renewed. It is desirable, but not required, that the Promoter of Justice participate in the meetings of the Diocesan Review Board.
3. All deliberations 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 Vicar General. All documents given to the Diocesan Review Board will be collected at the conclusion of each meeting and returned to the Vicar General.

**ACKNOWLEDGEMENT OF RECEIPT**

I hereby acknowledge that I received a copy of the Catholic Diocese of Arlington Policy on the Protection of Children/Young People and Prevention of Sexual Misconduct and/or Child Abuse and I agree to conduct myself in accordance with said Policy.

Please check one or both, if appropriate:

( ) I am a volunteer working with children or seeking to be a volunteer working with children.

( ) I am an employee or seeking employment.

Please indicate the PARISH, SCHOOL, or DIOCESAN ORGANIZATION for which you are:

a Volunteer/Seeking to Volunteer: \_\_\_\_\_

an Employee/Seeking Employment: \_\_\_\_\_

Last Name, First Name, MI: \_\_\_\_\_

Social Security No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

If you are a Catholic priest or deacon, please indicate the following:

	Month	Day	Year	Country of birth (origin)
Date of birth:	_____	_____	_____	_____

Ordination:	_____	_____	_____	
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If you are a member of a religious order, initials of the order: \_\_\_\_\_

Religious name if appropriate: \_\_\_\_\_