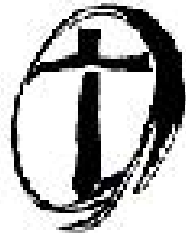


SAFE ENVIRONMENT PROGRAM PROTOCOL
FOR CHURCH ORGANIZATIONS IN THE
DIOCESE OF STOCKTON

(CHILD ABUSE PREVENTION AND REPORTING)

DIOCESE OF STOCKTON



Compiled by:
Office of the Training Coordinator
For Safe Environment
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PREFACE

The Catholic Church is called to respond in a pastoral manner to all whom she encounters. It is this goal for which we strive. As an employer, we are committed to treat all persons we encounter with Christian dignity and respect. A dedication to the continuous development of Christian community takes precedence over the personal goals and ambitions of individuals.

Children and young people are precious members of the human family. All children are to be cherished. Jesus extended his care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: “Let the children come to me” (Mt. 19:14). Our Holy Father, Pope John Paul II writes, “Children and young people are precious members of the human family, for they embody its hopes, its expectations, and its potential” (Message for the World Day of Peace 1996, No. 9).

Children deserve a future of peace. As adults it is not only our duty, but it is our delight to protect and promote the health, happiness and joy of our children and young people. To the best of our ability, we will ensure our Church organizations create a holy space that will foster a safe environment in which our children can grow and develop. We will create an atmosphere of esteem, respect, and safety; a space where children can experience the love of God. This is the desire and goal of the Safe Environment-Child Abuse Prevention Program established for the Diocese of Stockton.

TRAINING PROTOCOL FOR CLERGY, EMPLOYEES AND VOLUNTEERS WHO PROVIDE DIRECT SERVICES TO OR HAVE UNSUPERVISED CONTACT WITH CHILDREN

As mandated or ethical reporters of child abuse, all clergy, employees and volunteers, before working unsupervised with children, will be required to complete the following:

- Complete the Live Scan process which includes fingerprinting and background check and receive a clearance from the Safe Environment Training Coordinator's Office.
- Complete the online training course "Shield the Vulnerable" and present a certificate of completion to the parish Safe Environment Coordinator.
 - Included in the online training is a condensed version of the Diocese of Stockton Standards of Conduct for Those Working with Children and Young People, which needs to be reviewed before being able to complete the course
 - All policies, procedures and Codes of Conduct are outlined in detail on the Diocesan website
- All mandated and ethical reporters will be required to complete a "refresher" online training course every 3 years

TRAINING PROTOCOL FOR CHILDREN AND YOUTH WITHIN THE DIOCESE OF STOCKTON

All children and youth attending parochial schools within the Diocese of Stockton, ages K-8, and high school, and also all children and youth attending religious education classes within the Diocese of Stockton will be required to receive the safety curriculum. The curriculum used is entitled *Kids and Company*; it is age-appropriate and includes religious teachings.

PARENT EDUCATION- CHILD ABUSE PREVENTION

Why should church organizations offer parent training?

In the U.S. Conference of Catholic Bishops' *Charter for the Protection of Children and Young People*, Article 12 (To Protect the Faithful in the Future), specifies the provision of education and training for parents about ways to make and maintain a safe environment for children.

Research supports the effectiveness of parental involvement in personal safety education. Several studies have shown that parents, when provided with developmentally appropriate materials for their children and instruction and support from schools, can be very effective instructors of personal safety.¹ Furthermore, research found that children who had received child abuse prevention instruction from their parents (in addition to information they received at school) had substantially more knowledge about the topic, made more use of self-protection strategies, were better able to limit the seriousness of assaults, and were more likely to disclose abuse when it occurred.² These studies illustrate parents' vital role in educating children about personal safety.

A parent's first step in supporting a school-based child abuse prevention program is simply to allow his or her child's participation³. Unfortunately, parents who have concerns about these programs or believe that they are harmful may not allow their children to take part. Reassuringly, the research shows that children can learn personal safety skills without becoming anxious, acting out, or becoming confused about appropriate touch. Some parents believe that their children are at low risk for sexual exploitation⁴ or believe that children are too young to understand the topic.⁵ These parents are less likely to support personal safety education. Yet young children are especially vulnerable to this type of abuse. Their smaller size and dependent status, along with their difficulty in recognizing, resisting, and reporting abuse, put them at greater risk for sexual victimization.

What type of parent education should be offered?

Training programs should include:

- What constitutes child abuse
- What actions, procedures and policies are used to prevent child abuse

¹ Burgess, E.S. and Wurtele, S.K. (1998) "Enhancing Parent-Child Communication About Sexual Abuse: A Pilot Study." *Child Abuse & Neglect*, 22, 1167-1175

² Finkelhor, D. Asdigian, N. and Dziuba-Leatherman, J. (1995). "The Effectiveness of Victimization Prevention Instruction: An Evaluation of Childrens' Responses to Actual Threats and Assaults." *Child Abuse & Neglect*, 19, 141-153

³ www.cfchildren.org/article_wurtele.shtml

⁴ Collins, M.E. (1996). "Parents' Perceptions of the Risk of Child Sexual Abuse and the Protective Behaviors: Findings from a Qualitative Study." *Child Maltreatment*, 1, 53-64

⁵ Wurtele, S.K. Kvaternick, M., and Franklin, C.F. (1992). "Sexual Abuse Prevention for Preschoolers: A Survey of Parents' Behaviors, Attitudes, and Beliefs." *Journal of Child Sexual Abuse*, 1, 113-128.

- How an adult identifies instances of abuse of a child
- The signs an adult should look for in a child who may be abused
- The signs an adult should look for in a person who may be abusing a child
- What actions an adult should take when it is believed that child abuse may be occurring
- Laws and policies regarding the reporting of abuse of children

How are parent education programs deployed?

Training programs should be provided by multiple delivery methods such as:

- Formal training sessions
- Independent reading material (brochures, bulletin inserts)
- Videos (e.g. Boy Scouts of America Youth Protection Guidelines, Training for Volunteer Leaders and Parents)
- Information posted on the diocesan website

Frequency of training programs

- Formal training sessions should be offered annually
- Independent reading material should be distributed at various times during the year
- Parishes should consider providing special programs during the month of April, nationally known as Child Abuse Prevention month

Coordination of training programs

- Training programs will be coordinated by the Safe Environment Coordinator and the Parish Safe Environment Committee
- Consultation will be provided by the Diocesan Training Coordinator for Safe Environment

CHILDREN AND YOUTH- SAFETY TRAINING

Why offer safety training to children and youth?

In the U.S. Conference of Catholic Bishops' *Charter for the Protection of Children and Young People*, Article 12 specifies the provision of education and training for children and youth.

Safe environment (child safety) training for children and youth is currently provided on a national basis in public schools, private schools, and youth organizations such as the Boy Scouts of America and Girl Scouts. State agency proponents include the California Attorney General's office, local Child Abuse Prevention Councils, and county Child Protective Services, just to name a few. Safe environment training programs empower children, provide children and parents opportunities to dialogue about important safety issues, and offer children the tools they need to stay safe.

What should training programs for children and young people include?

- Age-appropriate materials pertaining to personal safety
- Information about improper touching and relationships
- Enough information about child abuse provided to children so they know when to seek assistance from a trusted adult

How will child safety programs be deployed?

- The Diocese will provide consultation for Church organizations through the Office of the Training Coordinator for Safe Environment
- An appropriate safety curriculum will be selected for Church organizations
- Safety curriculum will be presented to the parents of children receiving religious or Catholic school education
- Parents may opt their children out of the program
- Curriculum will be provided during school or religious education classes or in specially prepared classes outside of the school and religious education programs; the option is to be decided upon by the Church organizations

CHILD ABUSE REPORTING PROCEDURES

For Clergy, Employees, And Volunteers Who Provide Direct Services To Or Have Unsupervised Contact With Children

Reference: California Child Abuse and Neglect Reporting Law, Penal Code 11164-11174.3

Why report?

The primary intent of the California Reporting Law is to protect an abused child from further abuse. Protecting the identified child may also provide the opportunity to protect other children and be a catalyst for addressing problems that occur in the child's environment, which in turn may help to lower the risk of future abuse.

What do you have to report?

When a victim is a child (under age 18) and the perpetrator is any person, the following types of abuse must be reported by all legally mandated reporters:

- a. Physical injury inflicted by other than accidental means upon a child (P.C. 11165.6)
- b. Sexual abuse of a child (P.C.11165.6)
- c. Willful cruelty or unjustifiable punishment, including inflicting or permitting unjustifiable physical pain or mental suffering, or endangering the child's person or health (P.C. 11165.3)
- d. Willful infliction of cruel or inhuman corporal punishment or injury resulting in a traumatic condition (P.C. 11165.4)
- e. Neglect of a child, whether severe or general, by a person responsible for the child's welfare

Who must report?

P.C. 11165.7 defines "mandated reporters" including the following:

- 1) A teacher
- 2) An instructional aide
- 3) A teacher's aide or a teacher's assistant employed by any public or private school
- 4) A classified employee of any public school
- 5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school
- 6) An administrator of a public or private day camp
- 7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization
- 8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children
- 9) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- 10) A headstart teacher

- 11) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school
- 12) A psychiatrist, psychologist, licensed nurse, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- 13) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code
- 14) A marriage, family and child counselor trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code
- 15) An unlicensed marriage, family, and child counselor intern registered under Section 4980.44 of the Business and Professions Code
- 16) A clergy member, as specified in subdivision (c) of P.C. 11166. For purposes of the California Child Abuse Reporting Law, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization
- 17) Any custodian of records of a clergy member, as specified in this section and subdivision (c) of Section 11166

A volunteer should report child abuse if within the scope of his or her assignment has knowledge of or observes a child whom the volunteer knows or reasonably suspects has been the victim of child abuse or neglect. **NOTE: Volunteers are not mandated by law to report suspected child abuse but are strongly encouraged to make such reports.**

When do you have to report?

Child abuse must be reported when a mandated reporter ". . . in his or her professional capacity, or within the scope of his or her employment has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect." (P.C. 11166[a])

You must make a report immediately (or as soon as practically possible) by telephone and you must prepare and send a written report within 36 hours of receiving the information regarding the incident. (P.C. 11166[a].) Written reports must be submitted on Department of Justice form (SS8572), which may be requested from the Safe Environment Coordinator (located at your Church organization), Diocesan Training Coordinator for Safe Environments, or your local police or sheriff's department or county child protective services agency.

To whom must you report?

The report must be made to any police department or sheriff's department (when a perpetrator is not a family member) or County Child Protective Service agencies (when the perpetrator is a family member):

- Alpine County
 - Sheriff: 530-694-2231
 - Child Protective Services: 530-694-2235
- Calaveras County
 - Sheriff: 209-754-6500
 - Child Protective Services: 209-754-6452

- Mono County
 - Sheriff: 760-932-7549
 - Child Protective Services: 760-932-7755
- San Joaquin County
 - Sheriff: 209-468-4400
 - Child Protective Services: 209-468-3363
- Stanislaus County
 - Sheriff: 209-525-7217
 - Child Protective Services: 209-558-3663
- Tuolumne County
 - Sheriff: 209-533-5815
 - Child Protective Services: 209-533-4357

What do you include in the report?

Reports of suspected child abuse or neglect pursuant to Section 11166 shall include, if known, the name, business address, and telephone number of the mandated reporter, and the capacity that makes the person a mandated reporter; the child's name and address, present location, and, where applicable, school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

Information relevant to the incident of child abuse or neglect may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect.

Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.

Immunity

Mandated reporters have immunity from criminal or civil liability for any report required under the Child Abuse Reporting Law. (P.C. 11172 [a].)

Any person (volunteer) who makes a report of child abuse even though he or she is not a mandated reporter has immunity unless the report is proven to be false and it is proven that the person either knew the report was false or made it with reckless disregard of its truth or falsity. (P.C. 11172[a].)

FINGERPRINTING AND OTHER BACKGROUND CHECKS

The development and implementation of a fingerprinting policy and procedure is part of an overall commitment to promoting and maintaining safe, appropriate ministerial relationship; part of our commitment to promote and maintain professional ministerial boundaries.

POLICY: It is the policy of the Roman Catholic Bishop of Stockton that all those who work or volunteer in a parish, school, or agency will promote and maintain a safe, mutually respectful and appropriate ministerial relationship with all persons served.

Article 13 of the USCCB's Charter for the Protection of Children and Young People, commits "Dioceses...to evaluate the background of all diocesan...and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination."

The Diocese of Stockton therefore requires as a minimum standard, fingerprinting of all paid lay employees, clergy, and volunteers who have, as part of their ministry, unsupervised access to minors or vulnerable adults. (Note: For the purpose of this policy, vowed religious members of religious congregations will be considered as lay employees or volunteers unless otherwise noted).

SCOPE: Fingerprinting for Church organizations' clergy, lay employees, and volunteers who work with children, youth, or vulnerable adults. Additional background checks will be completed for all seminarians, diaconate candidates, non-incardinated deacons and priests, and any incardinated priest or deacon not yet checked. The Diocese of Stockton's School Office currently complies with a separate state-required policy and procedure for fingerprinting lay employees and clergy working within schools.

PROCEDURE:

A) (NON-SCHOOL) LAY EMPLOYEES, JOB APPLICANTS AND ALL VOLUNTEERS

- I. **Section 11105.3 of the California Penal Code:** "... notwithstanding any other law, a non-profit corporation MAY request from the Department of Justice records of all convictions or any arrest pending adjudication involving specified offenses of a person who applies for an employment or volunteer position in which he or she would have SUPERVISORY OR DISCIPLINARY POWER over any person under his/her care.

II. Employees and Volunteers covered under Section 11105.3:

Anyone who serves in the following job categories, whether paid or volunteer, will be fingerprinted, including but not limited to:

- A. Directors/Coordinators/assistants for Religious Education
- B. Directors/Coordinators/assistants for Sacramental Preparation programs including: baptism, confirmation, first Eucharist, penance
- C. Catechists and all teacher/classroom aids
- D. Directors/Coordinators of Youth Ministry
- E. Directors of Children's Choir
- F. Organists, musicians for Children's choir
- G. Altar server coordinator
- H. Sacristans
- I. Directors of Youth Athletics
- J. CYO or other athletic coaches
- K. Anyone who represents the parish, school or agency that is providing direct services to, or has unsupervised contact with, children or vulnerable adults

The Pastor, Principal, or Agency Director may determine that additional employees or volunteers will be fingerprinted in view of the fact that they have substantial supervisory/disciplinary power over, and/or unsupervised contact with, minors or vulnerable adults.

B) SCHOOL EMPLOYEES AND JOB APPLICANTS (IN ELEMENTARY SCHOOL, HIGH SCHOOL, PRE-SCHOOL, EXTENDED CARE or CHILD CARE AGENCY):

I. Section 44237 of the Education Code: "every...corporation...conducting private school instruction on the elementary or high school level shall require each applicant for employment in a position requiring contact with minor pupils who does not have a valid credential issued by the (State of California)... to submit two sets of fingerprints...to the (State) Department of Justice (DOJ) for...obtaining criminal record summary information from the DOJ and the FBI.

II. Any paid employee in the following categories will be fingerprinted:

- a. Pastors in parishes with an elementary school
- b. Non-credentialed teachers
- c. Teachers without a valid California credential
- d. Teacher aides
- e. Janitors/maintenance staff
- f. Any other paid employee hired by the school who has unsupervised contact with children

C. PRIESTS

I. All priests are to have criminal information background checks.

- A. Education Code 44237 (cf above) requires all priests who operate a Catholic School, a licensed Pre School and/or licensed Child Care Center must be fingerprinted.
- B. The Bishops of California have determined that additional criminal information background checks will be completed for all priests in all our (Arch) Dioceses. This is because all priests, directly or indirectly, have contact in ministry with youth and/or vulnerable adults. This will be an added assurance that no priest with a criminal background will minister to children and vulnerable adults. This applies to Diocesan priests, both active and retired, non-incardinated priests, visiting priests, and all Religious Order priests serving or seeking to serve in the Diocese of Stockton.
- C. In addition to fingerprinting, all priests desiring to minister in this Diocese must give permission for the Diocese of Stockton to complete a background check. Results of the background check will be known prior to assignment of faculties or receiving an appointment.
- D. A criminal record or case pending final adjudication deemed to be of a nature that endangers the public safety or protection of minors will be sufficient to prevent being given or retaining faculties to minister within the Diocese of Stockton.

D. PERMANENT DEACONS AND SEMINARIANS

- 1) All permanent deacons serving within the Diocese of Stockton or applying for faculties or incardination into the Diocese of Stockton must give permission for a background check, including fingerprinting.
- 2) All aspirants seeking Candidacy to the Order of Deacon or Candidates currently in formation must give their permission for a background check, including fingerprinting, before being accepted into the Discernment Period or being accepted into ordination by the Bishop.
- 3) A criminal record or case pending final adjudication deemed to be of a nature that endangers the public safety or protection of minors will be sufficient to prevent entry into the formation program or being accepted for ordination or incardination in the Diocese of Stockton.

- 4) All seminarians seeking ordination to the priesthood within the Diocese of Stockton must give permission for a background information check, including fingerprinting.

ACCESS TO FINGERPRINT AND BACKGROUND CHECK RESULTS

Access to live scan and fingerprint card results is a shared responsibility by three offices within the Diocese of Stockton. Live scan results are reported by the State of California Department of Justice on a secure web site server accessed by code. Rolled fingerprint results are sent by mail.

The three positions appointed by the Bishop to receive and review results for designated job applicants, employees, clergy, seminarians, and volunteers listed above are:

1. Vicar General (and as appropriate, the Director of Diaconate Formation and Director of Vocations).
2. Safe Environment Training Coordinator
3. Director of Human Resources

Any criminal history information obtained pursuant to Penal Code Section 11105.3, Education Code 44237, or any other background checking methodology will be confidential; no disclosure of the information will be made except for the purpose for which it was acquired.

The information provided by the State of California Department of Justice for persons covered under Penal Code 11105.3 confirms whether the applicant has a conviction, or an arrest pending final adjudication within the state of California, for any sex offenses, or other serious or violent felonies; felony drug or non-narcotic offenses, within the preceding 10 year period; or three or more misdemeanor convictions.

The information provided by the State of California DOJ for persons covered under Education Code 44237 includes all the information listed above, plus out-of-state convictions or arrests pending adjudication for any sex offense, controlled substance offense, crime of violence of serious or violent felony. There is no “washout” for misdemeanors.

If a criminal record or pending criminal case is revealed that the reviewer believes is of a nature that might endanger the public safety and the protection of minors or youth, it is brought to the Bishop. The Bishop will act in the interest of public safety.

Reports received under Penal Code Section 11105.3 and Education Code 44237 will be destroyed immediately after the reviewer makes the determination that there is no danger for the public safety or protection of minors or youth or vulnerable adults.

GUIDELINES FOR COMPLETING THE FINGERPRINT (LIVE SCAN) PROCESS FOR EMPLOYEES AND VOLUNTEERS (NON-SCHOOL PERSONNEL)

NOTE:

- ALL SAFE ENVIRONMENT COORDINATORS WILL BE FINGERPRINTED
- DO NOT HAVE CLERGY COMPLETE THESE FORMS (THEY WILL RECEIVE LIVE SCAN FORMS FROM THE BISHOP'S OFFICE.) THESE INSTRUCTIONS ARE FOR FINGERPRINTING EMPLOYEES AND VOLUNTEERS

1. Provide employee/volunteer the form entitled, "Request for Live Scan Service, Applicant Submission" Form BCII 8016 (See Appendix B)

2. Instructions to complete BCII 8016

a. First section

- i. ORI code: will already be entered on your form by the Diocesan Training Coordinator.
- ii. Type of application: enter, "volunteer" or "employee."
- iii. Job Title: enter, "Director of Religious Education," "Catechist," "Youth Minister," "Children's Choir Director, " (or whatever is applicable).

b. Second section:

- i. Agency address set contributing agency: this section will be completed by the Diocesan Training Coordinator.
- ii. You do not have to complete this section.

c. Third section

- i. Have the employee/volunteer complete this section in full, except leave the "Misc.No.BIL" and the "Misc. No." lines blank.
- ii. "Alias" means any other name a person has used, including maiden names, if married.
- iii. "SOC" means social security number.

d. Fourth section

- i. Your number: Write in the name of the Parish and city where parish is located.
- ii. Level of service: Mark the "DOJ" box.
- iii. If resubmission: Leave blank.

e. Fifth section

- i. Employer: Leave this section blank

f. Sixth section

- i. Live Scan Transaction Completed by: Leave this section blank

3. Distribution of copies of BCII 8016

- a. Have employee/volunteer complete form in your presence
- b. Make a photocopy of the form for the Safe Environment Coordinator records.
- c. Give the original forms to the employee/volunteer to take to the Live Scan Operator (see Appendix A, LiveScan Fingerprint Services, Location & Hours).
- d. After the employee/volunteer gets fingerprinted, he or she should return the completed 2nd copy of the form to you (it will have the Live Scan operator's name in Section 6 & will be your verification that he/she was fingerprinted).
- e. The employee/volunteer retains the 3rd copy of the form

4. Live Scan appointment for employee/volunteer
 - a. Have the employee/volunteer contact the Live-Scan agency to set up an appointment to be fingerprinted. (see Appendix A, LiveScan Fingerprint Services, Location & Hours).
 - b. Live-Scan fees: applicant should confirm the current fee and acceptable form of payment (cash, personal check, money order, or parish check), with the agency.
 - c. Materials to bring to the Live Scan appointment:
 - i. Photo identification (e.g. driver's license, passport).
 - ii. the, "Request for Live Scan Service, Applicant Submission" form.
 - iii. Payment for the Live Scan procedure (cf 5b.)
5. Live Scan Results
 - a. The Dept. of Justice, usually within 3 days, will notify the Training Coordinator for Safe Environments, of the status of the applicant's fingerprints.
 - b. If the results are "clear", the Diocesan Training Coordinator will notify the Safe Environment Coordinator. If there is a criminal offender record, information will be provided to the Pastor, School Principal, Executive Director or their designated representative.
 - c. Please enter the date of these results into the Excel spreadsheet.
6. Confidentiality:
 - a. All records and reports received by Training Coordinator for Safe Environments from the Dept. of Justice are for official use only and shall be maintained as required by law, by the Diocese of Stockton.
 - b. Information from the Dept. of Justice, for employees/volunteers outside of the school system, is restricted to arrests resulting in conviction or arrests which are pending adjudication involving specified sex, narcotic, serious or violent crimes.