



DIOCESE OF VENICE IN FLORIDA

Policy and Procedural Guidelines for Diocese of Venice in Florida relating to the Protection of Children and Vulnerable Adults

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I INTRODUCTION

The Diocese of Venice in Florida is committed to the well being of those who are served by the Church. The People of God have a right to be able to trust those who serve them in God's name. The violation of this trust through any sexual abuse of minors by priests, deacons and other diocesan personnel is a source of great pain for those involved and for the entire Church community.

The Diocese of Venice will make every reasonable effort to prevent sexual abuse and to respond promptly to allegations of abuse where there is a reasonable belief that abuse has occurred. The diocese will comply with the obligations of civil and canon law. The diocese will promote healing where it is needed, provide education, training and guidance when it is appropriate, and implement procedures to minimize the risk of sexual abuse of minors and vulnerable adults with firm justice and mercy toward all. No person, including clergy, who has been determined to have sexually abused a minor, will be allowed to remain in active ministry. Such actions violate Christian principles and are outside the scope of duties and employment of all diocesan personnel. The diocese will not tolerate such behavior. This policy applies to all diocesan agencies including religious communities and all parishes and parish activities within the diocese.

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

II DEFINITIONS

For the purpose of this policy:

- A Allegation:** A statement of accusation of sexual abuse.
- B Child or minor:** A person less than eighteen (18) years of age.
- C Clergy:** Shall mean all priests and deacons who have faculties of the diocese.
- D Vulnerable adult:** Such persons as so defined in Chapter 415, Florida Statutes. A copy of the statutory definitions is attached. For purposes of this policy only, vulnerable adults are considered to be included whenever the term "child(ren)" or "minor(s)" is used.
- E DCF:** The Florida Department of Children and Families.
- F Diocesan personnel:** For purposes of this policy only, diocesan personnel shall include any person who is employed by, or engaged in ministry, or providing service, either directly or indirectly, for the Diocese of Venice; an agency of the Diocese of Venice; or a parish of the Diocese of Venice. Diocesan personnel shall include, but not be limited to priests, deacons, religious, employees and any volunteer involved in any diocesan or parish activity. "Personnel," as defined herein, has reference only to the applicability of this policy and is not indicative of any agency or employment relationship between the diocese and the party whose compliance with this policy is sought.
- G Sexual abuse:** Sexual abuse means any act constituting sexual abuse as defined in Chapter 39 and Chapter 415, Florida Statutes, whether perpetrated against a child or vulnerable adult as defined herein. A copy of the applicable provisions of the statutes is attached.

H Diocese of Venice Contact Person – Victim Assistance Coordinator: Person named by the bishop to be contacted: **Susan Benton, 941-416-6114.**

I Promoter of Justice: The prosecuting attorney in Church courts (Tribunals).

III DISCLOSURE AND REPORTING

A Summary and Purpose

This policy is intended to establish requirements and procedures in an effort to minimize the risk of sexual abuse by diocesan personnel and the resulting harm to the victims and the Church community, and to provide guidance on how to respond to allegations of sexual abuse. All diocesan personnel must comply with applicable laws regarding incidents of actual or suspected sexual abuse of minors or vulnerable adults and with these procedural guidelines.

B Distribution of Policy

A copy of this policy shall be distributed to all diocesan personnel who must acknowledge in writing receipt of same. The proof of acknowledgement must be kept in the individual's file.

C Obligation to Report Abuse

1 Duty to Report

All Diocesan personnel, who know or have reasonable cause to believe that a child or vulnerable adult has been a victim of sexual abuse, shall immediately make any report required by law directly to the Department of Children and Families (DCF). Any mandatory report may be made by calling the toll free statewide abuse or neglect registry at 1-800-962-2873, or by calling the local DCF office responsible for receiving such reports. Any verbal report to the DCF, which is required by law to be confirmed in writing, shall be confirmed in writing to the local DCF office within forty-eight (48) hours of making the verbal report. The statutory clergy confidentiality privilege, as provided in Section 39.204, F.S. and as described in Section 90.505, shall apply to all reporting required under this paragraph.

2 Obligation of Clergy to Disclose Any Past Allegations

Past behavior can have consequences far into the future. Quite often, state laws governing statutes of limitations for civil and criminal suits for sexual abuse are difficult to determine. Lawsuits or criminal charges can be filed decades after an incident allegedly occurred.

Thus, it is imperative for a priest or deacon to inform his Bishop of past allegations against the cleric alleging sexual abuse, as well as any past incident which potentially may give rise to a civil claim or a criminal charge. Such information is also important to the Bishop in making future assignments and personnel decisions and in determining if preventive or remedial measures are necessary.

Moreover, any priest or deacon who has knowledge or a reasonable belief that a fellow priest or deacon is guilty of sexual abuse involving a minor is to follow the reporting requirements of the State of Florida and also notify the Bishop or his delegate.

3 Notice to Diocese of Accusations Against Any Diocesan Personnel

All allegations of sexual abuse by diocesan personnel shall be reported promptly to the Diocesan Contact Person – Victim Assistance Coordinator, at 941-416-6114.

4 Victim Assistance Coordinator

The Diocese has designated a competent Victim Assistance Coordinator to aid in the immediate pastoral care of persons who claim to have been sexually abused by Diocesan personnel when they were minors or vulnerable adults. This Victim Assistance Coordinator also will serve as the Diocesan contact person in cases of sexual abuse, the Victim Assistance Coordinator and may be contacted at 941-416-6114. The Victim Assistance Coordinator shall, on behalf of the Diocese of Venice and as appropriate, develop an outreach program to each victim of sexual abuse and his/her family. This outreach will include provision of counseling, spiritual assistance and other social services as may be agreed upon by the victim and the Diocese.

5 Information in Report

Any report made to DCF should contain, when possible, the name and address of the child or vulnerable adult and of the child or vulnerable adult's parent(s), guardian(s), or other adult(s) having custody and control of the child or vulnerable adult; the child or vulnerable adult's age; the nature and possible extent of the child or vulnerable adult's injuries; any other information that the person reporting believes may be helpful with respect to the investigation of the alleged abuse; and the identity of the alleged perpetrator.

6 Notice to Parent or Guardian

If the complaint does not involve the parent or guardian of the child or vulnerable adult, arrangements should be made immediately to notify the parent or guardian. Notice should not be given to the parent or guardian if he or she is the person against whom the complaint is made. Appropriate pastoral concern and support shall also be shown to all parties involved, including the family. All information relating to a child or vulnerable adult incident, in which a complaint is made against diocesan personnel, shall be assembled and retained in a written form in a confidential manner.

7 Cooperation with Public Authorities

The Diocese will cooperate with public authorities about reporting cases when the person alleged to have been abused is no longer a minor. In every instance the Diocese will advise and support a person's right to make a report to public authorities.

8 Confidentiality Agreements

In cases of child sexual abuse, the Diocese will not enter into confidentiality agreements except for grave or substantial reasons brought forward by the victim-survivor and noted in the text of the agreement.

D Diocesan Investigation

1 Preliminary Investigation

When an allegation which at least seems to be true is made of sexual abuse of a minor by Diocesan personnel, the Bishop shall initiate a preliminary investigation in harmony with canon law. When the preliminary investigation so indicates, the Bishop will temporarily relieve the alleged diocesan personnel from ministry.

2 Outside Investigators

The Bishop, or his designee when necessary, may use outside investigators for the preliminary investigation and the fact finding investigation to assist him in a determination of whether the accused has committed the acts alleged. Such investigation will include the use of at least one lay person, not employed by the Diocese, who has professional competence and qualifications to conduct a thorough investigation to determine the facts. The results of the investigation will be reported to the Review Board as described in section IV, F.

IV PASTORAL RESPONSE and REVIEW BOARD

A Pastoral Commitment

When an allegation of sexual abuse of a minor or vulnerable adult by any clergy is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the result of the investigation. If a credible allegation of sexual abuse of a minor by clergy is made, the alleged offender will be temporarily relieved of any ecclesiastical ministry or function, pending an investigation in harmony with canon law which will promptly commence. The Diocese will exercise care not to interfere with any investigation by law enforcement. When there is sufficient evidence that sexual abuse of a minor by clergy has occurred, the Congregation of the Doctrine of the Faith shall be notified.

B Education and Screening of Seminarians

The Diocesan Vocations Office is responsible for assessing and evaluating men who make application and are considered for admission to study for the priesthood for the Diocese of Venice. In addition to the requirement that recommendations come from a variety of sources, a full psychological profile of each seminarian will be obtained. This profile will assist in determining general psychological fitness and emotional health and well being. All candidates are screened and evaluated on a wide variety of issues and factors, including their sexual maturity and the appropriateness of their behavior and background. Efforts will continue to assure that the criteria and techniques utilized in these processes are in conformity with the most recent testing and assessment procedures. A national criminal background check is also completed. Finally, the Diocese also will monitor the activities and educational development during the entire course of a seminarian's studies.

C Educational Programs for Diocesan Personnel

The importance of education of Diocesan personnel regarding child sexual abuse is stressed by the United States Conference of Catholic Bishops. The Diocese of Venice mandates all diocesan personnel to attend educational “safe environment awareness” programs as directed by the Diocese in order to develop skills in recognizing and preventing sexual misconduct. Those programs are focused on such subjects as the dynamics of sexual misconduct, the impact of such misconduct on its victims, and reporting requirements.

D Background Screening Policy of Diocesan Personnel

All parishes, schools and other diocesan institutions shall fully comply with the existing Diocesan background screening policies and procedures.

The Diocese of Venice holds accountable all church personnel for maintaining the integrity of their ministerial and professional relationships and has promulgated *Codes of Pastoral Conduct* (“Code”) for employees and volunteers which set forth the basic principles and guidelines which are to govern the behavior of those who act on behalf of the church in certain pastoral situations. All church personnel are to be guided in their conduct by their particular employment/ministerial agreement, their particular professional codes as well as applicable diocesan personnel, screening, sexual harassment and sexual abuse policies, and the provisions of canon law.

E Policy on Parish Rectories and other Priest Residences

Lay persons unrelated to resident priests, are not permitted to reside, even temporarily, in parish rectories or priests’ residences provided by the parish. Exceptions to this rule in special circumstances will be granted only upon specific request made in writing to the Bishop’s Office. (Parents and family members of priests may, of course, stay at the rectory during their periodic visits.)

F Review Board

1 Membership

To assist the Diocesan Bishop in his work, a Review Board has been established. The Review Board is composed of at least eight persons of outstanding integrity and good judgment in full communion with the Church. The majority of the Review Board shall be lay persons who are not in the employ of the Diocese. At least one member shall be a priest who is a pastor in the Diocese. At least one member shall have particular expertise in the treatment of the sexual abuse of minors or vulnerable adults. The members shall be appointed by the Bishop for a term of five (5) years, which can be renewed.

2 Functions

The Review Board functions as a consultative body to the Bishop in discharging his responsibilities. The functions of this Review Board include:

- a. Reviewing Diocesan policies for dealing with sexual abuse of minors and vulnerable adults in order to recommend to the Bishop any modification, if appropriate. Offering advice on all aspects of sexual abuse cases involving a minor, or vulnerable adult whether retrospectively or prospectively.

- b. Receiving the results of the preliminary investigation for allegations against clergy and recommending a finding to the Bishop on whether the allegation is credible and substantial, whether it is unfounded or whether the results of the investigation do not substantiate the allegations. The Review Board may recommend that further investigation be undertaken if it will reasonably assist in gathering additional facts not otherwise presented.
- c. Advising the Diocesan Bishop of the Review Board's assessment of the allegations.

3 Procedures

The Review Board shall, at a minimum:

- a. Meet promptly to review the allegations and make recommendations to the Bishop.
- b. Allow both the person making an accusation and the accused clergy to meet with the Review Board before the review is concluded, subject to reasonable limitations established by the Review Board. For good cause, the person making the accusation and/or the accused clergy may request to meet with the Review Board during a supplemental review. The Board shall exercise reasonable discretion in permitting such appearances and in establishing reasonable time limits for such appearances. Care shall be exercised to schedule appearances in such a way that the accused clergy and the person making the accusation do not have any contact, unless expressly approved by the Review Board.
- c. Hear the report of any investigation and make any recommendations to the Bishop regarding any further investigations.
- d. At the request of the Bishop, the Review Board and the diocesan attorney shall meet with the Bishop to respond to any questions or provide additional information desired by the Bishop.
- e. Consult with the Promoter of Justice for the Diocese of Venice, as necessary, when issues arise that relate to canon law.
- f. Make recommendations regarding assistance with healing and reconciliation for the victim as necessary.
- g. Request the alleged offender to seek clinical evaluation or counseling.
- h. Make recommendations for appropriate media response.
- i. Make recommendations for responding to the needs of the Church community.
- j. Make such recommendations that the Review Board considers appropriate.

4 Meetings

The Review Board shall conduct its business at meetings, to occur as often as necessary to perform its duties. The meeting shall reflect the pastoral character of this policy and procedure which is consultative and advisory, not adversarial and adjudicative. The meetings are not to be hearings, but rather sessions in which the Review Board receives and considers information, deliberates and formulates its advice and recommendations to the Bishop. The Review Board may, at its discretion, limit the information it receives or considers.

5 Confidentiality

Unless compelled by law or authorized by the Bishop, all information received by the Review Board shall be considered confidential, and shall not be revealed by any member except to the Bishop, the Diocesan attorney or other members of the Review Board. All reasonable care will be taken to protect the identity of the victim when requested by the victim. The recommendation of the Review Board and the decision of the

Bishop shall be communicated to the person making the allegation and to the alleged offender.

G Action When Allegations Are False or Unsubstantiated

If, after the Review Board reviews, investigates, and receives the professional advice of knowledgeable experts, an allegation of sexual abuse is unsubstantiated (to a lesser degree than moral certitude), the Bishop shall use whatever means are at his disposal to repair the damage done to the reputation of the Clergy Personnel and to the Church in general, and shall notify the alleged victim of the outcome, and shall continue to offer pastoral assistance, as appropriate.

There is always the possibility of false allegations. It is important for all Diocesan personnel to know that both secular law and canon law provide judicial recourse and possible penalties when individuals become victims of false denunciation, calumny and loss of reputation. A cleric must proceed with caution before considering secular recourse and must consult with the Bishop before taking civil action.

H Communications Policy

The Diocese shall continue its communication's policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Diocese shall deal as openly as possible with members of the community. Openness is especially required with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors. All media inquires regarding an incident of sexual abuse will be directed to the Diocesan Director of Communications.

V ABUSE BY CLERGY

A Clinical Evaluation

If the preliminary investigation so indicates that a credible allegation of sexual abuse of a minor or a vulnerable adult has been made against a member of the clergy, the alleged offender shall be requested to seek an appropriate medical and psychological evaluation. The Diocese will offer to provide professional assistance to the alleged offender (priest or deacon) for his own healing and well-being, as well as for the purpose of prevention.

B Response to Admitted or Established Abuse

When sexual abuse by a priest or deacon of the Diocese of Venice is admitted or is established after an appropriate investigation in accord with canon law, the following will pertain:

1 Removal from Ecclesiastical Ministry

At all times, the Bishop has the executive power of governance, through an administrative act, to remove an offending priest or deacon from office, to remove or restrict his faculties and to limit his exercise of priestly ministry. Because sexual abuse of a minor or vulnerable adult is a crime, and in observance of the provisions of canon law, the Bishop shall exercise his power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse as described above shall not continue in active ecclesiastical ministry. If the penalty of dismissal from the clerical state has not been applied, the offender is to lead a life of prayer and penance. He shall not be permitted to celebrate Mass publicly or to administer the sacraments. He shall be instructed not to wear clerical garb or to present himself publicly as a priest.

2 Removal from the Clerical State

The priest or deacon may request dispensation from the obligations of Holy Orders: return to the lay state. In exceptional cases, the Bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio* even without the consent of the priest or deacon. If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Bishop shall apply to the Congregation of the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. 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 shall supply canonical counsel to a priest or deacon.

3 Conformity with Canon Law

In every case involving canonical penalties, the processes provided for in Canon law must be observed, and the various provisions of Canon law must be considered. Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the Ordinary according to the Procedural Norms for the *motu proprio Sacramentorum sanctitatis tutela*. Because sexual abuse of a minor is a grave offense, if the case would otherwise be barred because of the passage of time, the Ordinary may apply to the Congregation for the Doctrine of the Faith for a derogation from the time limit. The provisions of Canon 1722 CIC and Article 19 SST shall be implemented during the penal process.

C Transfer Requirements

No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another Diocese or religious province. Before a priest or deacon can be transferred for residence to another Diocese or religious province, the Bishop shall forward in a confidential manner to the local bishop or religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that the priest or deacon has been or may be a danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life.

CONCLUSION

The patience, understanding and good will of all in the Diocese of Venice are needed to continue implementing the policies and procedures outlined in this document. Above all else, however, all must be faithful and responsible stewards of the Gospel.

Citations from Florida Statute

From Section 415.102

"Sexual abuse" means acts of a sexual nature committed in the presence of a vulnerable adult without that person's informed consent. "Sexual abuse" includes, but is not limited to, the acts defined in s.794.011(l)(h), fondling, exposure of a vulnerable adult's sexual organs, or the use of a vulnerable adult to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act that may reasonably be construed to be normal caregiving action or appropriate display of affection.

"Vulnerable adult" means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

From Section 39.01 Definitions:

Section 39.01(77):

(63) , (77) "Sexual abuse of a child" means one or more of the following acts:

- (a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
- (b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- (c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.
- (d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:
 - 1. Any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with, or affection for a child; or
 - 2. Any act intended for a valid medical purpose.
- (e) The intentional masturbation of the perpetrator's genitals in the presence of a child.
- (f) The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.

(g) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or
2. Engage in a sexual performance, as defined by chapter 827 or
3. Participate in the trade of human trafficking as provided in s. 787.06(3) (g).

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.

(1)(a) Any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned or neglected by any person, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(d) Reporters in the following occupation categories are required to provide their names to the hotline staff:

1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
2. Health or mental health professional other than one listed in subparagraph 1;
3. Practitioner who relies solely on spiritual means for healing;
4. School teacher or other school official or personnel;
5. Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;
6. Law enforcement officer; or
7. Judge.

The names of the reporters shall be entered into the record of the report, but shall be held confidential and exempt as provided in s. 39.202

Section 39.204:

39.204 Abrogation of privileged communications in cases involving child abuse, abandonment, or neglect.--The privileged quality of communication between husband and wife and between any professional person and his or her patient or client, and any other privileged communication except that between attorney and client or the privilege provided in s. 90.505, as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse, abandonment, or neglect and shall not constitute grounds for failure to report as required by s. 39.201 regardless of the source of the information requiring the report, failure to cooperate with the department in its activities pursuant to this chapter, or failure to give evidence in any judicial proceeding relating to child abuse, abandonment, or neglect.

90.505 Privilege with respect to communications to clergy.--

(1) For the purposes of this section:

(a) A "member of the clergy" is a priest, rabbi, practitioner of Christian Science, or minister of any religious organization or denomination usually referred to as a church, or an individual reasonably believed so to be by the person consulting him or her.

(b) A communication between a member of the clergy and a person is "confidential" if made privately for the purpose of seeking spiritual counsel and advice from the member of the clergy in the usual course of his or her practice or discipline and not intended for further disclosure except to other persons present in furtherance of the communication.

(2) A person has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication by the person to a member of the clergy in his or her capacity as spiritual adviser.

(3) The privilege may be claimed by:

(a) The person.

(b) The guardian or conservator of a person.

(c) The personal representative of a deceased person.

(d) The member of the clergy, on behalf of the person. The member of the clergy's authority to do so is presumed in the absence of evidence to the contrary.

**APPENDIX II
DIOCESE OF VENICE IN FLORIDA
ACKNOWLEDGMENT OF RECEIPT
OF THE
POLICY AND PROCEDURAL
GUIDELINES RELATING TO PROTECTION OF
CHILDREN AND VULNERABLE ADULTS**

- Parish _____
- School _____
- Institution _____
- Agency _____

Date: _____

I, _____, (please print) the undersigned

- Clergy
- Employee
- Volunteer

have received and read a copy of the *Policy and Procedures on Protection of Children and Vulnerable Adults for Diocesan Personnel of the Diocese of Venice in Florida*.

I have read the Statement, I fully understand and accept it, and I agree to abide by it.

Signature _____

Printed Name _____

Position _____

Date _____

Return signed copy to: **Your Parish / School**

