



## **VII. Prevention of Abuse of Minors: Guidelines for Working with Minors**

### **A. Definitions**

1. A minor is anyone under the age of 18. For the purposes of this policy, the term "minors" also includes adults who would be considered uniquely vulnerable to abuse because of physical or mental disabilities.
2. Abuse is physical abuse, sexual abuse and/or emotional abuse.
3. Physical abuse is non-accidental injury that is intentionally inflicted upon a minor.
4. Sexual abuse is any contact of a sexual nature that occurs between a minor and an adult. This includes any activity that is meant to arouse or gratify the sexual desires of the adult.
5. Emotional abuse is mental or emotional injury to a minor that results in an observable and material impairment in the minor's growth, development or psychological functioning.
6. Neglect is the failure to provide for a minor's basic needs or the failure to protect a minor from harm.

### **B. Standards of the Archdiocese as to Abuse and/or Neglect of Minors**

The following standards are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. For clarification of any policies or regarding behaviors not addressed here, contact your pastor, agency director, principal or the Archdiocesan Chancellor. (Contact information for the Chancellor is on page 2 of these policies.)

1. Abuse and/or neglect of minors are contrary to the teachings of the Church and are prohibited. Church personnel have a responsibility to protect minors from all forms of abuse and/or neglect. Church personnel are prohibited from:
  - a. Using, possessing, or being under the influence of alcohol or illegal drugs while in the presence of minors. This prohibition does not exclude the consumption of alcoholic beverages at Archdiocesan social functions and parish-wide social functions approved by the pastor.
  - b. Swearing in the presence of minors.
  - c. Speaking to minors in a way that is or could be construed by any reasonable observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.



- d. Discussing their own sexual activities with minors.
  - e. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics. If youth have further questions not answered or addressed by their individual teachers they should be referred to their parents or guardians for clarification or counseling.
  - f. Being nude in the presence of minors.
  - g. Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).
  - h. Sleeping in the same beds, sleeping bags or small tents with minors unless the adult is an immediate family member of the minor.
2. Church personnel are responsible for releasing minors in their care only to parents, legal guardians, or other persons designated by parents or legal guardians at the close of services or activities. In the event that Church personnel are uncertain of the propriety of releasing a minor, they should immediately contact their immediate supervisor before releasing the child.
  3. Church personnel should report uncontrollable or unusual behavior of minors immediately to parents.
  4. Ordinarily a confirmation candidate should select his or her own sponsor. If the parish assigns or assists in the selection of sponsors, they are considered volunteers and must abide by these Archdiocesan policies.
  5. Church personnel must be aware of their own and others' vulnerability when working alone with minors. A team approach should be used to manage child and youth activities and other contacts with minors. For example:
    - Two adults should be present if altar servers require assistance putting on their robes in preparation for Mass.
    - If a youth requires a ride home after working in the rectory, the parent should be encouraged to send a family member to pick up the youth, or another adult should accompany the driver.

### **C. Standards of the Archdiocese as to Offsite and/or Overnight Events**

1. The following standards shall be observed when Church personnel are involved in the transportation of minors:
  - a. Church personnel are prohibited from transporting minors without written permission of their parent or guardian.



- b. Church personnel are prohibited from unnecessary and/or inappropriate physical contact with minors while in vehicles.
  - c. Minors should be transported directly to their destination. No stops should be made unless approved by the director of the program.
  - d. Church personnel assigned to transport minors must be at least 25 years old and have a valid driver's license. Requests for specific exceptions must be submitted in writing to the Archdiocesan Chancellor (see page 2 for contact information).
2. Church personnel are prohibited from having minors stay overnight at their residence.
  3. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.

#### **D. Standards of the Archdiocese as to Physical Contact with Minors**

1. Church personnel are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behavior by minors.
2. Appropriate affection between Church personnel and minors is important for a child's development. It also constitutes a positive part of Church life and ministry. However, Church personnel should always be aware that physical contact with minors can be misconstrued and should occur (a) only when completely nonsexual, when there is no possibility of others perceiving it as sexual, and when such contact is otherwise appropriate, and (b) never in private.
3. The following forms of affection are regarded as appropriate examples of affection for most Church sponsored and affiliated programs:
  - Hugs.
  - Pats on the shoulder or back.
  - Hand-shakes.
  - "High-fives" and hand slapping.
  - Verbal praise.
  - Touching hands, faces, shoulders and arms of minors.
  - Arms around shoulders.
  - Holding hands while walking with small children.
  - Sitting beside small children.
  - Kneeling or bending down for hugs with small children.
  - Holding hands during prayer.
  - Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities.)
4. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the



following are examples of affection that are **not** to be used in Church sponsored and affiliated programs:

- Inappropriate or lengthy embraces.
- Kisses on the mouth.
- Holding minors over four years old on the lap.
- Touching buttocks, chests or genital areas.
- Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms.
- Being in bed with a minor.
- Touching knees or legs of minors.
- Wrestling with minors.
- Tickling minors.
- Piggyback rides.
- Any type of massage given by minor to adult.
- Any type of massage given by adult to minor.
- Any form of unwanted affection.
- Compliments that relate to physique or body development.

### **E. Standards of the Archdiocese as to Screening of Church Personnel who Work with Minors**

1. Without exception, all applicants for Church personnel positions that will involve working with minors must comply with the following procedures:
  - a. Completion of a **standard application** that includes authorization to conduct criminal background checks (See Appendix A).
  - b. Reading and signing an agreement to abide by <sup>certain sections of</sup> the Archdiocesan Code of Ethics for Church personnel (See Appendix B).
  - c. Cooperating, as necessary, with a **criminal records check** in accordance with Archdiocesan policy. This criminal records check shall be conducted prior to employment, ministry, or volunteer work.
2. For employees and volunteers who have worked in the parish or school for two years or more, the <sup>authorization</sup> application and criminal records check will complete their screening process.
3. Additional screening procedures, such as reference checks and face-to-face interviews, are recommended for new applicants and existing employees and volunteers who have held their positions for less than two years.
4. Before being placed in a volunteer position that involves work with or ministry to minors, volunteers should be registered members of the parish for at least six months. After consultation with the Archdiocesan Chancellor, exceptions in extraordinary circumstances may be made by the pastor or principal.



5. Church personnel who transfer from one parish or school within the Archdiocese to another parish or school within the Archdiocese may request that their Church personnel application be transferred to the new parish or school. The six-month wait will not apply to these transfers.

#### **F. Standards of the Archdiocese as to Training for Church Personnel who Work with Minors**

1. Church personnel shall review the Policies on Professional and Ministerial Conduct and read and sign an agreement to abide by the Archdiocesan Code of Ethics (see Appendix B). *Certain sections of*
2. Church personnel who work with minors must participate in training, as soon as possible but no later than three months after they assume the position, that addresses their role in protecting minors in the Archdiocese. Failure to participate in such training as provided by the Archdiocese may lead to termination.

#### **G. Standards of the Archdiocese as to Supervision of Programs that Involve Minors**

1. Parents have a right to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs in the Church shall fulfill the requirements of the volunteer application process as stated in this Section.
2. Programs for minors shall be sponsored or administered by at least two adults.
3. Church personnel under the age of 21 shall work under the direction of an adult (age 21 or older) supervisor.
4. Church personnel in leadership roles shall be aware of all programs for minors that are sponsored by their parish or school. A list of these programs shall be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders shall regularly examine these programs and consider whether they have adequate supervision.
5. All new programs for minors must be approved in writing by the pastor and/or principal.



## VIII. Reporting of Incidents, Allegations and/or Concerns

Church personnel shall report violations of the Policies on Professional and Ministerial Conduct.

### A. Reporting of Immoral Conduct, Harassment or Exploitation

1. Church personnel shall comply with the reporting requirements under the Memorandum of Understanding (see Section VIII.D. below) by immediately contacting the MOU Liaison (contact information on page 2) if there is any indication that the crimes listed in the MOU are being or have been committed.
2. If there is an indication of any other illegal actions by Church personnel, Church personnel shall notify the police or other civil authorities immediately. After contacting civil authorities, Church personnel shall notify the Archdiocese. Contact information is on page 2 of these policies.
3. Actions of Church personnel that may constitute immoral conduct, harassment, sexual harassment or exploitation, shall be reported to one of the following:
  - a. The pastor of the parish;
  - b. The principal of the school, or
  - c. The Archdiocesan Chancellor (Contact information is on page 2 of these policies).
4. If there are questions about the applicability of these policies, consult the Archdiocesan Chancellor. Contact information is on page 2 of these policies.
5. If infractions of Archdiocesan policy are confirmed, Church personnel will be subject to disciplinary action up to and including termination. Disciplinary action will follow procedures outlined in Section IX of these policies.

### B. Reporting of Suspicious or Inappropriate Behavior with Minors

1. If Church personnel observe any suspicious or inappropriate behaviors with minors on the part of other Church personnel, they shall immediately report their observations.
2. If at any point in gathering information about suspicious or inappropriate behavior, a concern arises that there is a possibility of a buse of a person currently a minor, the New Jersey Division of Youth and Family Services shall be contacted immediately. DYFS maintains a 24-hour child abuse hotline at 1-800-792-8610. See Section VIII.C. below for additional procedures in the event that there is a suspicion of abuse of minors.
3. Church personnel shall comply with the reporting requirements under the Memorandum of Understanding (see Section VIII.D. below) by immediately contacting the MOU Liaison (contact information on page 2) if there is any indication that the crimes listed in the MOU are being or have been committed.



4. Inappropriate behaviors or policy violations that relate to interactions with minors also shall be reported to the following:
  - a. The pastor of the parish;
  - b. The principal of the school; or
  - c. The Archdiocesan Chancellor (Contact information is on page 2 of these policies).
5. If there are questions about the applicability of these policies, consult the Archdiocesan Chancellor. Contact information is on page 2 of these policies.
6. When suspicious or inappropriate behaviors are reported to a pastor or a principal, he or she shall gather additional information about the nature of the concern and contact the Archdiocesan Chancellor for consultation. Regardless of the outcome of initial information gathering, a Notice of Concern (See Appendix C) shall be completed and sent to the Chancellor.
7. If at any point policy violations with minors are confirmed, Church personnel shall be subject to disciplinary action up to and including termination. Disciplinary action will follow procedures outlined in Section IX of these policies.

### **C. Reporting Abuse of Minors**

1. In accordance with New Jersey law, any citizen who has cause to believe a minor may have been or is being abused is required to report his or her suspicions to the New Jersey Division of Youth and Family Services. DYFS maintains a 24-hour child abuse hotline at 1-800-792-8610. The Notice of Concern form (See Appendix C) shall be used to maintain documentation of the report.
2. In addition to reporting to the New Jersey Division of Youth and Family Services, Church personnel shall immediately report any suspected or known abuse of minors to the Liaison under the Memorandum of Understanding. See Section VIII.D. below for information about the MOU and page 2 for Liaison contact information.
3. In addition to reporting to the New Jersey Division of Youth and Family Services and the MOU Liaison, Church personnel shall report any suspected or known abuse of minors that may have been perpetrated by Church personnel directly to the Archdiocese. Reports of suspected or known abuse may be made confidentially (unless otherwise required to be disclosed by canon law) to any of the following:
  - a. The pastor of the parish;
  - b. The principal of the school; or
  - c. The Archdiocesan Chancellor (contact information is on page 2 of these policies).
4. The Archdiocese will cooperate fully with investigations by all civil authorities.



5. During investigations by civil authorities or preliminary investigations by the Archdiocese, the Church personnel who is the subject of the investigation will be temporarily removed from Church responsibilities and duties in appropriate cases.
6. Archdiocesan investigations will be documented. Documentation of Archdiocesan investigations will be stored in the appropriate personnel file(s).
7. If an infraction of these policies with regard to the abuse of a minor is confirmed, Church personnel will be subject to termination in accordance with Section IX.B.4. In cases where abuse of a minor is alleged against a cleric, the provisions of universal and particular ecclesiastical law will govern the preliminary investigation and any subsequent actions or processes.

#### **D. Reporting Obligation of Archdiocesan Employees**

NOT APPLICABLE TO VOLUNTEERS

1. Pursuant to a Memorandum of Understanding ("MOU") between the Archdiocese of Newark and New Jersey State's County Prosecutors, employees of the Archdiocese are required to report immediately certain crimes to the MOU Liaison.
2. The name of the MOU Liaison and contact information are provided on page 2.
3. For purposes of the MOU reporting obligation, an employee is "any person who is employed by [the Archdiocese] . . . or a subdivision thereof in any activity under the auspices of [the Archdiocese] . . . or the subdivision." For purposes of the MOU, an "employee" includes any clergy or anyone working in an Archdiocesan school, parish or the chancery. It does not include employees of any health care or skilled nursing facility, college or university owned or operated under the auspices of the Archdiocese. If there is any doubt as to whether an individual is an "employee" subject to the MOU reporting obligation, the individual should consult his/her supervisor or the Archdiocesan Liaison.
4. The MOU reporting obligation applies to employees when they are engaged in activities as employees or acting as representatives of the Archdiocese. If in doubt as to whether the policies and procedures apply in a given situation, the employee should err on the side of assuming that they do apply.
5. The MOU reporting obligation is in addition to any other reporting obligation noted in Sections VIII. A. B. and C. above.
6. Crimes that must be reported under the MOU include the following:
  - a. Sexual assault and aggravated sexual assault;
  - b. Criminal sexual contact and aggravated criminal sexual contact;
  - c. Child abuse, including any act that endangers the welfare of a child. This would include:
    - i) sexual conduct that would impair or debauch the morals of the child,