

**STATEMENT OF POLICY AND PROCEDURES ON SEXUAL ABUSE
INCARDINATED PRIESTS AND DEACONS OF THE DIOCESE
INDEX**

Article 1 GENERAL PROVISION

- 1.1 Introduction
- 1.2 History of Statement of Policy and Procedure
- 1.3 Goals
- 1.4 Policy Distribution

Article 2 APPLICABLE LAW

Article 3 DESCRIPTIONS (FOR PURPOSES OF THIS POLICY ONLY)

Article 4 THE DIOCESAN REVIEW BOARD

- 4.1 Composition of the Review Board
- 4.2 Relationship of the Review Board to the Bishop
- 4.3 Functions of the Review Board
- 4.4 Subcommittees of the Review Board

Article 5 ASSISTANCE TO VICTIMS

Article 6 INITIAL RESPONSE TO AN ALLEGATION

Article 7 INVESTIGATIVE PROCEDURES

Article 8 ACTION WHERE CREDIBLE EVIDENCE IS DETERMINED AT OUTSET

Article 9 ACTION WHEN ALLEGATION IS SUBSTANTIATED

Article 10 ACTION WHEN ALLEGATION IS FALSE OR UNSUBSTANTIATED

Article 11 SPECIAL SITUATIONS INVOLVING ACCUSED CLERIC

- 11.1 If Accused Is Deceased
- 11.2 If Accused No Longer Living/Ministering in the Diocese

Article 12 RIGHTS OF INCARDINATED PRIEST OR DEACON

Article 13 OBLIGATION OF CLERGY TO DISCLOSE ANY PAST ALLEGATION

Article 14 CONFIDENTIALITY AGREEMENTS

Article 15 MEDIA INQUIRIES

Article 16 EDUCATION

- 16.1 Education and Screening of Seminarians
- 16.2 Educational Programs for Clergy

Article 17 PREVENTATIVE ACTIONS

Article 18 CONCLUSION

Appendix

- 1. Diocese of Owensboro Acknowledgment of Receipt of Sexual Abuse Policy and Procedures for Clergy
- 2. Informed Consent Agreement

March, 2008

DIOCESE OF OWENSBORO

STATEMENT OF POLICY AND PROCEDURES ON SEXUAL ABUSE

I. INCARDINATED PRIESTS AND DEACONS OF THE DIOCESE

ARTICLE 1 GENERAL PROVISIONS

1.1 INTRODUCTION

Our society has grown acutely and painfully aware of the tragedy of child sexual abuse. The trauma and damage such abuse causes its victims, their families, and the community are compounded when the abuser is a priest or deacon. Similarly, great harm is done whenever a priest or deacon is guilty of sexual abuse involving children and, in some cases, adults, and which is connected to his role of trust and responsibility as a minister of the Gospel or to his role as consoler or counselor to those in need. In these situations, not only the victims and their families, but also the parish, the Diocese and the universal Church are seriously compromised and jeopardized. When a person representing the institutional Church is responsible for such conduct, the whole People of God suffers.

1.2 HISTORY OF STATEMENT OF POLICY AND PROCEDURE

The Statement of Policy and Procedures on Sexual Abuse, which the Diocese has developed for dealing with allegations of sexual abuse by its members, was first implemented in 1985. It underwent a revision in 1995. In 2002, a third revision was accomplished. This revision incorporates the “Charter for the Protection of Children and Young People” (heretofore referred to as “Charter”) approved in June 2002 and the “Essential Norms for Diocesan Policies dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons” (heretofore referred to as “Essential Norms”) promulgated as particular law for the Episcopal Conference of the United States. This revised Statement is particular law (cf. can. 13) in the Diocese of Owensboro, intended to assist the Diocesan leadership in addressing sexual abuse allegations. The Bishop, as legislator for the Diocese, authentically interprets this Statement (cf. can. 16 §1) and, in accord with canon law, has the right to revoke (cf. can. 20), modify or replace this Statement. Both the Bishop and the Review Board commit themselves to review this Statement for adequacy at appropriate intervals.

1.3 GOALS

Any allegation of sexual abuse involving minors, vulnerable persons, or adults will be treated with the utmost seriousness and will be investigated thoroughly. Concern for the alleged victim and prevention of any further harm are the priorities of first importance in any such investigation. It is recognized, moreover, that the allegation of any such abuse is also a matter of grave concern and responsibility to the local Church and to the civil authorities. Therefore, all legal and canonical requirements regarding notification of such charges will be carefully observed. The Diocese of Owensboro commits itself, as a policy of paramount importance, to make every reasonable effort within its power to prevent the occurrence of any such activity by any of its priests or deacons and to deal promptly and effectively with any such allegations which may arise. These policies and procedures are implemented with two primary goals in mind and which are addressed herein:

- 1.3.1 In any and all cases of substantiated sexual abuse, the Diocese will seek to move quickly and with compassion to attend to the temporal and spiritual needs of the victims and their families and to protect against any further abuse.
- 1.3.2 At the same time, every reasonable effort will be made to afford the accused member adequate assistance and opportunity to defend himself, since even the allegation of such misconduct, founded or unfounded, can have catastrophic consequences. (Cf. “Essential Norms”, no. 12.)

1.4 POLICY DISTRIBUTION

This policy is to be distributed to all clergy personnel. All clergy shall sign an acknowledgment which states that they have received and read this policy, that they understand and accept it, and that they will comply with all its requirements. A copy of the required receipt accompanies this policy. It is to be photocopied, signed, and delivered by all clergy personnel to the Bishop.

ARTICLE 2 **APPLICABLE LAW**

- 2.1 This policy is intended to address violations of canon and secular law. (Cf. can. 22.) A violation of canonical law can subject the perpetrator to a severe restriction of ministry or the loss of the clerical state. A violation of the criminal law can subject the perpetrator to a prison sentence and/or a monetary fine. It can also be the basis for a civil suit for monetary damages.
- 2.2 Because the law changes from time to time by enactment of amendments to statutes and judicial interpretations, it is incumbent upon all personnel to familiarize themselves with such changes that may occur. When possible, citations to relevant civil and canon law are given.
- 2.3 It is not possible to set out all of the laws in this document, but upon request, the Judicial Vicar, the Diocesan Attorney, or another delegate of the Bishop will assist any diocesan personnel in answering questions concerning canon and/or secular law.

ARTICLE 3 **DESCRIPTIONS (FOR PURPOSES OF THIS POLICY ONLY)**

- 3.1 ANYONE ACTING IN THE NAME OF THE CHURCH means any priest or deacon, and any lay person, whether paid or volunteer, who is either authorized by the Bishop or his delegate to act on behalf of the Diocese of Owensboro or permitted by the Bishop or his delegate to serve or minister in any of the parishes, schools, or other institutions which are subject to the jurisdiction of the Bishop of the Diocese of Owensboro.
- 3.2 DELEGATE means a person whom the Bishop of the Diocese of Owensboro explicitly authorizes to act on his behalf.
- 3.3 DIOCESE or DIOCESAN means the Diocese of Owensboro, Kentucky, including all its parishes, all its diocesan schools, and all diocesan agencies in the Diocese of Owensboro. (Cf. canons 369, 370, 372.)
- 3.4 MINOR / CHILD(REN), as used herein, refers to any person who has not yet reached his or her eighteenth birthday (cf. can. 97 §1) and includes “infants” under the age of seven years (cf. can. 97 § 2) and vulnerable persons (as defined herein). This description comports with applicable Kentucky civil and criminal law.
- 3.5 SEXUAL ABUSE means any sexual conduct which is unlawful under applicable secular law, including but not limited to sexual offenses as defined in chapters 510, 530, and 531 of the Kentucky Revised Statutes, and/or violative of canon 1395, §2, as interpreted in the “Essential Norms.”
Not all sexual misconduct is abusive; therefore normal psychosexual developmental experiences may not fall under the purview of this definition of sexual abuse. It may be necessary to consult with a competent evaluator of sexual conduct to determine whether the sexual conduct is abusive in any given instance.
- 3.6 VULNERABLE PERSONS means all persons under 18 years of age and any person 18 years of age or older when that person, because of impairment of mental or physical function, is unable or unlikely to report abuse or neglect without assistance. (Cf. canons 97 §2, 99.)

ARTICLE 4

THE DIOCESAN REVIEW BOARD

The Review Board for the Diocese of Owensboro has been in existence since 1995. Its purpose was and is to assist the Bishop of the Diocese in reviewing and handling cases of alleged sexual abuse against persons acting in the name of the Church. The Review Board has its own detailed guidelines to govern its formation, its duties, and the procedures to be followed by the Review Board in carrying out its role as a consultative body to the Bishop.

4.1 COMPOSITION OF THE REVIEW BOARD

The requirements of the “Charter” and “Essential Norms” regarding the makeup of the Diocesan Review Board are reflected herein.

4.1.1 The members of the Review Board are appointed by the Bishop to a renewable five-year term. (Cf. “Essential Norms”, no. 5.) The Bishop may remove a member of the Review Board, but must state a serious reason for doing so. The Promoter of Justice is encouraged to participate in the board’s meetings. (Cf. “Essential Norms”, no. 5.)

4.1.2 The minimum number of members is five, and the maximum number is to be set by the Bishop, keeping in mind that it may be necessary for the board to assemble on short notice. (Cf. “Essential Norms”, no. 5.)

4.1.3 Members shall be of outstanding integrity and possess good judgment. Five members must be in full communion with the Church. (Cf. “Essential Norms”, no. 5.)

4.1.4 The majority of the board must be lay persons not in the employ of the Diocese. (Cf. “Essential Norms”, no. 5; “Charter”, Art. 2.)

4.1.5 At least one member must be a priest who is experienced and respected as a pastor in the diocese. (Cf. “Essential Norms”, no. 5.)

4.1.6 At least one member must have particular expertise in the treatment of sexual abuse of minors. (Cf. “Essential Norms”, no. 5.)

4.1.7 At least one member must be a canonist.

4.1.8 Members are volunteers, and no compensation is provided.

4.2 RELATIONSHIP OF THE REVIEW BOARD TO THE BISHOP

As the head of the Diocese, the Bishop is entrusted with legislative, executive, and judicial power over his particular church, according to the norm of law. (Cf. canons 381, 391, 393.) In accord with canon law and the “Essential Norms”, the Bishop of the Diocese of Owensboro has established the Diocesan Review Board as a consultative body (cf. can 127 § §1, 2, 3; “Essential Norms”, no. 4), from whom he will seek counsel on all issues and situations concerning sexual abuse of minors. The Bishop is not a member of the Review Board.

4.3 FUNCTIONS OF THE REVIEW BOARD

4.3.1 The Review Board provides three-fold assistance to the Bishop by:

- a. **Assessing allegations** of sexual abuse of minors in order to advise the Bishop on whether or not the allegations appear to be credible, which assessment will be communicated by the Bishop to both the alleged victim and the accused (cf. “Essential Norms”, no. 4A; “Charter”, Art. 2.);
- b. **Making recommendations** as to the fitness of the accused clergy to continue in ministry while his case is pending (cf. “Essential Norms”, no. 4C; “Charter”, Art. 2.), and
- c. **Reviewing these Diocesan policies and procedures** for dealing with sexual abuse of minors at appropriate intervals. (Cf. “Essential Norms”, no. 4B; “Charter”, Art. 2.)

4.3.2 The Review Board can act retrospectively and prospectively on these matters and give advice on all aspects of responses required in connection with these cases. (Cf. “Charter”, Art. 2; “Essential Norms”, no. 4C.)

4.3.3 The Review Board may be assisted in its deliberations, assessments, and investigations by the Diocesan Attorney and/or by a mental health professional chosen for his/her expertise in cases of sexual abuse. Because of the need to act promptly in these cases, an ongoing relationship with outside experts may be established to assure their prompt availability if a need should arise.

4.4 SUBCOMMITTEES OF THE REVIEW COMMITTEE

To assist in implementing this Statement of Policy and Procedures on Sexual Abuse for the Diocese of Owensboro, the Review Board maintains subcommittees with specialized functions. Members of the subcommittees shall be members of the Review Board. Other resources and expert opinions and knowledge may be sought, but such persons shall not be members of a subcommittee. Standing subcommittees include:

4.4.1 Executive Committee

4.4.2 Communications Committee (Cf. “Charter”, Art. 7.)

4.4.3 Safe-environment Committee (Cf. “Charter”, Art. 12.)

4.4.4 Outreach Committee (Cf. “Charter”, Art. 1.)

4.4.5 Compliance Committee

ARTICLE 5 **ASSISTANCE TO VICTIMS**

5.1 Because the Church’s first obligation with regard to all victims, whether alleged or substantiated, is for healing and reconciliation, the Diocese will reach out to every person who alleges that he or she was sexually abused by anyone acting in the name of the Church, whether the alleged abuse was recent or occurred many years in the past. The outreach may include counseling, spiritual assistance, support groups, and other social services agreed upon by the victim, the Bishop, the Review Board, and the Assistance Coordinator. (Cf. “Charter”, Art. 1.)

5.2 ASSISTANCE COORDINATOR: Throughout the whole process involved in resolving an allegation of sexual abuse, the Diocese will provide necessary ongoing pastoral care for the victim. The Bishop will designate an Assistance Coordinator who will help to determine the necessary pastoral care in any given case and to aid in its implementation. (Cf. “Charter”, Art. 2; “Essential Norms”, no. 3.)

5.2.1 Through pastoral outreach to alleged victims and their families, the Bishop or the Assistance Coordinator will offer to meet with anyone making an allegation and will listen with compassion and patience to their experiences and concerns.

5.2.2 The Assistance Coordinator shall make sure that persons chosen to administer counseling and/or spiritual direction to a victim and his/her family are sufficiently qualified to render such assistance.

ARTICLE 6 **INITIAL RESPONSE TO AN ALLEGATION**

6.1 Response by Anyone Who Receives an Accusation Against A Cleric.

6.1.1 When anyone acting in the name of the Church learns of a credible allegation against any clergy of sexual abuse involving a minor, that person learning of the allegation **must contact the Bishop immediately**, either by reporting it to the Bishop directly or by contacting a member of the Review Board. A written transcript of the report must also be submitted as soon as possible to the Bishop.

6.1.2 If a member of the Review Board receives the allegation, he or she will immediately contact the Bishop and the Chairperson of the Review Board, who then will contact and assemble the Executive Committee of the Diocesan Review Board and convey the allegation to the Executive Committee.

- 6.1.3 If the alleged victim is a minor child when the allegation is made, K.R.S. 620.030 (1) also requires that “Any person who knows or has reasonable cause to believe that a child is dependent or neglected or abused shall immediately cause an oral report to be made to a local law enforcement agency or the Kentucky State Police; the Cabinet [for Families and Children] or its designated representative; the Commonwealth attorney or the county attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency [any child, other than an abused or neglected child, who is under improper care, custody, control or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child], neglect or abuse shall promptly make a report to the proper authorities for investigation.” (Cf. “Essential Norms”, no. 10.)
- 6.2 No action or investigation of any nature should be initiated by anyone acting in the name of the Church without the explicit authorization of the Bishop, after consultation with the Review Board. (Cf. can. 127 §1, §2, 2^o.)
- 6.3 Any person reporting an allegation of sexual abuse must maintain the strictest confidence regarding the matter, except as necessary to make an immediate report of the allegation to civil authorities. (Cf. K.R.S. 620.030, “Duty to Report.”)
- 6.4 A felony is a crime which is punishable by more than one year in prison. In the Commonwealth of Kentucky there is no statute of limitations for felony crimes. Thoughtful consideration must be given to any alleged offense against a minor victim, whether recent or in the distant past, regarding reporting the allegation to the civil authorities. (*See also* Guideline 12.)

ARTICLE 7
INVESTIGATIVE PROCEDURES

- 7.1 Recognizing that there is a potential for conflict between the mandates of canon law and those of the secular (civil and criminal) law in dealing with an allegation of sexual abuse by a person acting in the name of the Church, and attempting to balance these competing concerns, the Diocese of Owensboro has distinguished and developed three separate procedural avenues for addressing allegations, namely:
 - 7.1.1 where the alleged victim was a minor at the time of the alleged abuse and is still a minor when it is reported;
 - 7.1.2 where the alleged victim was a minor at the time of the alleged abuse but is not a minor at the time it is reported; and
 - 7.1.3 where the alleged victim was an adult (age 18 or over) at the time of the alleged abuse. (*See also* Guideline 14.)
- 7.2 When the diocese may act without harming a civil investigation, a canonical inquiry will promptly be made in accord with canon law (cf. canons 1717–1719). If this investigation so indicates, the Bishop will both notify the Congregation of Doctrine of Faith and apply precautionary measures mentioned in can. 1722 which relieves the accused immediately of his ministerial duties (cf. “Charter”, Art. 5).

ARTICLE 8
ACTION WHERE CREDIBLE EVIDENCE IS DETERMINED AT OUTSET

- If the preliminary investigation reveals credible evidence of abuse, the accused:
- 8.1 Will be removed from ministry and suspended from the exercise of any office held during the continuing investigation stage, unless requested otherwise by civil law enforcement officials;
 - 8.2 May be asked to undergo a formal mental health assessment by a mental health facility or counselor (outside the geographical region of the Diocese of Owensboro) who is a competent sex offender evaluator and treatment provider. (Cf. “Essential Norms”, no. 7.)

ARTICLE 9
ACTION WHEN ALLEGATION IS SUBSTANTIATED

No person, once ordained, against whom even a single allegation of sexual abuse after ordination as a priest or deacon against a minor has been substantiated to a degree of moral certitude (cf. can. 1608 §1) will be permitted

to return to public ministry, regardless of whether the incident occurred in the recent or distant past, and regardless of whether the victim was an adult or a minor at the time of reporting. In accord with appropriate canonical procedure, the offending priest or deacon will be removed permanently from ministry and any office held. (Cf. "Charter", Art. 5.) In addition, **suspension of canonical faculties**, in accord with canon law, **is mandatory when the victim was a minor**. (Cf. "Essential Norms", 8A.)

ARTICLE 10

ACTION WHEN ALLEGATION IS 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 cleric and to the Church in general, and shall notify the alleged victim of the outcome and 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 (canons 1390-1391) provide penalties for the crime of falsehood in which individuals become victims of false denunciation and calumny. A cleric must proceed with caution before pursuing secular recourse and must be in contact with the Bishop prior to taking civil action.

ARTICLE 11

SPECIAL SITUATIONS INVOLVING ACCUSED CLERIC

11.1 If Accused Is Deceased

If an accusation of sexual abuse of a minor is made against a deceased cleric, upon request the Bishop shall send documentation and all available information about the date and place of the death to the alleged victim.

11.1.1 The person making the accusation must present corroborating evidence to the Review Board to substantiate the claim.

11.1.2 The same necessary and supportive services shall be extended to such a victim by the Assistance Coordinator as would be provided to other victims when the accused is alive.

11.2 If Accused No Longer Living/Ministering in the Diocese

If an accusation of sexual abuse of a minor is made, and it is determined that the accused cleric is alive but is no longer living in Diocese of Owensboro, or is no longer ministering as a cleric (i.e., is on a leave of absence, has left the active priesthood, or has been laicized), documentation and all available information about the location of the accused shall be researched by the Bishop's delegate and forwarded to his last known place of ministry.

11.2.1 The Bishop and the Review Board shall determine what information should be turned over to the alleged victim or to the civil authorities.

11.2.2 The same supportive services shall be extended to such a victim by the Assistance Coordinator as would be provided to other victims.

11.3 If Accused is the Bishop of the Diocese

If an accusation of sexual abuse of a minor is made against the Bishop of the Diocese of Owensboro, the allegation shall be referred immediately by the recipient to the Diocesan Review Board, which will review the allegation and advise the Metropolitan Bishop as to what action he should take.

11.3.1 The same reporting requirements under civil law apply.

11.3.2 The same necessary and supportive services shall be extended by the Assistance Coordinator to such a victim as would be provided to other victims when the accused is a cleric other than the Bishop.

ARTICLE 12

RIGHTS OF INCARDINATED PRIEST OR DEACON

As stated in section 1.3 of this policy, the second goal of the Diocese in developing and maintaining this policy and its procedures is to make every reasonable effort to afford the accused member adequate assistance and

an opportunity to defend himself, since even the mere allegation of misconduct can have catastrophic consequences. (Cf. can. 384.) In addition to all rights provided under canon law, the rights of the accused are hereby recognized as follows:

- 12.1 The judicial and penal processes provided for in canon law will be observed and its various provisions considered in all stages of dealing with an accusation against a cleric. (Cf. “Charter”, Art. 5, referencing the publication Canonical Delicts [*Graviora Delicta*] and the Letter from the Congregation for the Doctrine of the Faith, May 18, 2001.) A number of rights pertain to one who is accused of sexual misconduct, including but not limited to:
 - 12.1.1 Right to a fair trial (cf. can. 221 §2).
 - 12.1.2 Right to the strict interpretation of all laws that establish a penalty, restrict the free exercise of rights, or contain an exception from the law (cf. can. 18).
 - 12.1.3 Right to be punished with penalties only in accord with the norm of law, which explicitly prescribes that proper penal procedures and the canons on trials in general be observed (cf. can. 1728 §1).
 - 12.1.4 Right not to incriminate oneself or to confess (cf. can. 1728 §2).
 - 12.1.5 Right to an advocate (cf. can. 1723). This includes the right to a canonical advocate, which will be supplied by the Diocese when necessary (cf. “Essential Norms”, no 8A).
 - 12.1.6 Right to be absolved publicly if acquitted (cf. can. 1726).
 - 12.1.7 Right to know the substance and source of all charges leveled against him.
 - 12.1.8 Right to be heard by the Review Board in order to respond to the allegation.
 - 12.1.9 Right to be free from extortion, also called “hush money” or “blackmail,” which is when an accuser illegally requests compensation in exchange for remaining silent about an allegation.
- 12.2 Legal defense costs for a cleric will be provided in accord with Diocesan Policy 311:2, no. 5, 6.
- 12.3 If it is determined that the cleric should be removed from ministry pending a full investigation, the cleric will be **asked to go on a leave of absence**. If he agrees, he will continue to receive the pay and benefits to which he is entitled, as determined by the Bishop or his delegate, while the investigation is pending, including but not limited to:
 - 12.3.1 Housing (not necessarily the same housing as before the accusation);
 - 12.3.2 Reasonable food expenses or a stipend;
 - 12.3.3 Medical and dental insurance;
 - 12.3.4 Automobile allowance;
 - 12.3.5 Current salary or stipend for up to six months. (Cf. can. 1350 §1.)
- 12.4.1 If the cleric refuses to accept a leave of absence, the appropriate canonical penal processes (i.e., judicial process, administrative process, and/or process for removal from office) shall be invoked, which may necessarily include the publication of the allegation made against the accused cleric. 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 (“Essential Norms”, no. 10). The provisions listed in 12:3.1-5 above will be considered by the Bishop on a case-by-case basis in the event a cleric refuses to take a voluntary leave while the investigation is pending. (Cf. can. 1350 §1.)
- 12.5 When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. (“Essential Norms”, no. 6.) If the case would otherwise be barred by prescription (statute of limitations), because sexual abuse of a minor is a grave offense, the Bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. (“Essential Norms”, no. 8A.)
- 12.6 If the claim against the accused is substantiated (is found guilty of an incident of sexual abuse by a court of law, or against whom an allegation is substantiated by a tribunal under canon law) and the victim was a minor, the cleric shall be permanently removed from ministry. Counseling for the accused shall be paid by the Diocese for up to six months after the claim is substantiated. After six months, payment for counseling may be extended upon agreement between the accused and the Bishop. (Cf. can. 1350 §§1, 2.)

- 12.7 If the claim against the accused is substantiated and the penalty of dismissal from the clerical state is not recommended by the Bishop, the situation shall fall under certain provisions of the Personal Leave of Absence Policy 313:1, namely sections 3A, 3B, 3E, 3F, 3G, and 3D, without, however, the opportunity for a reinstatement of faculties or a return to ministry.
- 12.7.1 Essentially, substantiation of a claim of sexual abuse of a minor allows the cleric to remain a priest, but removes his faculties and prohibits him from identifying himself as such or acting as such any longer.
- 12.7.2 It also prohibits the cleric from celebrating Mass publicly, wearing clerical garb, or presenting himself publicly as a priest.
- 12.7.3 It also requires the cleric to lead a life of prayer and penance. (Cf. “Essential Norms”, no.8B.)
- 12.8 A decision to seek laicization may come either from the cleric against whom a claim is substantiated or from the Bishop.
- 12.8.1 Canon law governs both situations. (Cf. can. 290.)
- 12.8.2 The Bishop “is to take care to provide for a person dismissed from the clerical state who is truly in need because of the penalty.” (Cf. can. 1350 §2.)

ARTICLE 13

OBLIGATION OF CLERGY TO DISCLOSE ANY PAST ALLEGATION

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.

- 13.1 Thus, it is imperative for a priest or deacon to inform the diocesan leadership of past allegations against him 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.
- 13.2 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 should direct such information to the Bishop or his delegate. The only exception would be any such information acquired in the venue of the Sacrament of Reconciliation.
- 13.3 Under strict supervision of the Bishop, personnel files and the past Clergy Personnel Directors will be consulted to determine if there are any recorded or unrecorded allegations that may need further review, evaluation, and possible action. While it is unfortunate to have to dredge up the past, such an effort is in the long-range best interest of individual priests and is the best way to protect the Diocese as a whole and the people with whom we minister.

ARTICLE 14

CONFIDENTIALITY AGREEMENTS

In cases of sexual abuse where the victim was a minor, the Diocese of Owensboro will not enter into any confidentiality agreements except for grave and substantial reasons brought forward by the victim or the parent or guardian of a victim who is still a minor, and which reasons shall be clearly noted in the text of the agreement. (Cf. “Charter”, Art. 3.)

ARTICLE 15

MEDIA INQUIRIES

All media inquiries regarding an incident of sexual abuse will be directed to the Bishop or to an individual designated by the Bishop to handle media inquiries.

ARTICLE 16 **EDUCATION**

16.1 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 Owensboro. 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 up-to-date testing and assessment procedures. The Diocese also monitors the activities and educational development during the entire course of a seminarian's studies. A criminal background check is also completed, in accordance with K.R.S. chapter 17.

16.2 Educational Programs for Clergy

The importance of on-going priestly education regarding child sexual abuse is stressed by the United States Conference of Catholic Bishops as they urge the utilization of all available contemporary sources such as church policy, canon and civil laws, moral theology, scientific knowledge, professional ethics, the theology of sexuality, the theology of the body, pastoral care of victims and abusers, and coping with the disclosure of misconduct by a colleague. Ongoing education for clergy shall include professional presentations on psychological development, including periodic programs on deviant sexual behavior and inappropriate clergy-parishioner relationships. The implementation and scheduling of these programs is the responsibility of the Diocesan Office for Continuing Education for Priests.

ARTICLE 17 **PREVENTATIVE ACTIONS**

17.1 While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, it is necessary to articulate clear standards of ministerial behavior and appropriate boundaries for clergy and any other church personnel in positions of trust who have regular contact with children. (Cf. "Charter", Art. 6.) In a fraternal and mutually supportive spirit, the priests and deacons of the diocese should reflect with each other on the need to be especially careful and conscious of behavior around children and to avoid even the appearance of impropriety. Because of the seriousness of any act of sexual abuse against a minor, it is prudent to avoid anything that might reasonably give rise to even the appearance of improper behavior in the volatile area of sexual abuse involving minors. Therefore, in light of these considerations, pastoral prudence dictates the following minimum standards of conduct for clergy:

17.1.1 All minors are restricted to the public rooms of the clergy's residences and rectories.

17.1.2 Minors, with the exception of blood relatives, who are unaccompanied by a parent or legal guardian may be neither overnight guests in the clergy's rectories or other houses used by priests for rest and relaxation.

17.1.3 Priests of the Diocese may not take overnight trips and vacations with minors who are not blood relatives or who are unaccompanied by a parent or legal guardian unless such trips or vacations are officially sponsored and supervised by a Diocesan institutions or some other institution with which the priest is affiliated in his ministry. Any such overnight trip or vacation must be supervised by other adult chaperones.

17.1.4 All guidelines stated in the Diocesan "Policy Requirements Governing Diocesan and Parish Ministries Involving Minors and Vulnerable Adults" are incorporated herein by reference.

- 17.1.5 Failure by any cleric to follow these preventative actions can seriously endanger our youth, the cleric, and the Diocese. Any cleric who fails to abide by these preventative actions subjects himself to the imposition of canonical sanctions, according to the norms of law. (Cf. can. 1312.)
- 17.2 When a cleric from this Diocese is proposed for a new assignment, transfer, residence in another diocese, or residence in the local community of a religious institute, the Bishop will send an accurate and complete description of the cleric's record, including anything in his background or service that would raise questions about his fitness for ministry. (Cf. "Charter", Art. 14.)
- 17.3 The Diocese will cooperate with the Office for Child and Youth Protection at the national headquarters of the USCCB, including complying with all annual reporting requirements. (Cf. "Charter", Art. 8, 9).

ARTICLE 18 **CONCLUSION**

The patience, understanding and good will of all in the Diocese are urgently needed to implement the policies and procedures outlined in this document. Above all else, however, we all must be faithful and responsible stewards of the Gospel we preach and of the trust which has been given to us by the Church and the people we serve. Ultimately that, and the grace of God, will be our guiding light.

NOTES: The "Guidelines" referenced herein are the "Guidelines for Standing Diocesan Review Committee" adopted by the Diocesan Review Committee and included in the Diocesan Policy Manual. The "Charter for the Protection of Children and Young People" and the "Essential Norms" referenced herein can be accessed on the website for the USCCB at <http://www.usccb.com>, or by contacting the:

*United States Conference of Catholic Bishops
3211 4th Street, N.E.
Washington, D.C. 20017-1194
(202) 541-3000*

DIOCESE OF OWENSBORO
ACKNOWLEDGMENT OF RECEIPT OF
SEXUAL ABUSE POLICY AND PROCEDURES
FOR CLERGY

Parish/School/Institution/Agency_____

Date:_____

I, _____, (please print) the undersigned clergy member, have received and read a copy of the Revised Statement of Policy and Procedures on Sexual Abuse for Incardinated Priests and Deacons of the Diocese of Owensboro. 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: Bishop of Owensboro
 Catholic Pastoral Center
 600 Locust Street
 Owensboro, KY 42301

***Keep original in Diocesan Policy Manual. Send a signed duplicate to Bishop, and maintain a signed copy for your records in your Policy Manual.

INFORMED CONSENT

You have the right to discuss anything you wish or to refuse to discuss anything you do not want to discuss with a Priest of the Diocese of Owensboro.

The information provided by you during discussions will be kept confidential except as required by law. All incidents of child abuse must be reported to the proper authorities following the guidelines set forth in KRS 620.030. As required by the Sexual Abuse Policy of the Diocese of Owensboro, even if the law does not require the reporting of an allegation, a report will be made to insure the protection of others.

In addition, a report will be made to the Bishop and the Diocesan Review Board of the Diocese of Owensboro, which deals with sexual abuse. All members of the Board are required to maintain strict confidentiality. The Board's records are kept in locked files maintained by the Bishop of the Diocese of Owensboro.

The diocese supports your right to report your claim directly to a local law enforcement agency. The diocese will cooperate fully in any investigation which you initiate.

I have been informed and understand my rights to discuss issues of sexual abuse with a Priest of the Diocese of Owensboro.

Signature

Date

Priest's Signature

Date

If taken over the phone, please read this to the person and sign this noting that it was read over the phone.

***Keep original in Diocesan Policy Manual.

STATEMENT OF POLICY AND PROCEDURES ON SEXUAL ABUSE

II. NON-INCARDINATED CLERGY AND LAY PERSONNEL INCLUDING MEMBERS OF RELIGIOUS ORDERS EMPLOYED BY THE DIOCESE OF OWENSBORO

INDEX

1 POLICY

- 1.1 Introduction
- 1.2 Policy Distribution

2 APPLICABLE LAW

3 DESCRIPTIONS (FOR PURPOSES OF THIS POLICY ONLY)

4 OBLIGATION TO REPORT

5 INVESTIGATION OF INCIDENT REPORTS

6 ACTION WHERE ALLEGATION IS SUBSTANTIATED

7 FALSE ALLEGATION AND UNSUBSTANTIATED CLAIMS

8 EDUCATION

9 BACKGROUND AND REFERENCE CHECKS

10 NON-INCARDINATED CLERGY AND RELIGIOUS

11 MEDIA INQUIRIES

Appendix

- 1. Diocese of Owensboro Acknowledgment of Receipt of Summary of Sexual Abuse Policy and Procedures
- 2. Pastor's Annual Reporting Form
- 3. Important Telephone Numbers and Contacts in Community
- 4. Victim Reporting Form
- 5. Informed Consent Agreement
- 6. Testimonial of Suitability for Priestly Ministry
- 7. Testimonial of Suitability for Ministry (Religious and Lay)

**STATEMENT OF POLICY AND PROCEDURES
ON SEXUAL ABUSE**

**II. NON-INCARDINATED CLERGY AND LAY PERSONNEL INCLUDING
MEMBERS OF RELIGIOUS ORDERS EMPLOYED BY THE DIOCESE OF
OWENSBORO**

**ARTICLE 1
GENERAL PROVISIONS**

- 1.1 INTRODUCTION. Sexual misconduct by paid personnel and volunteers of the Diocese of Owensboro is contrary to Christian morals, is a grievous sin, and may be criminal under the laws of the Commonwealth of Kentucky. All personnel of the Diocese must comply with applicable state and local laws regarding incidents of actual or suspected sexual misconduct and with the following policies. This document is intended to establish procedures in an effort to prevent sexual misconduct by all paid personnel and volunteers of the Diocese and the resulting harm to others, and to provide guidance to the personnel and volunteers of the Diocese on how to respond to allegations of sexual misconduct.
- 1.2 POLICY DISTRIBUTION. This policy is to be made readily available to all Diocesan personnel. A summary of this policy's contents is to be distributed to all Diocesan personnel, who shall sign an acknowledgment of receipt, understanding and acceptance of this policy. A copy of the required receipt accompanies this policy. The required receipt for all paid employees and volunteers should be submitted to their immediate supervisor, who will maintain a copy at the primary site where the employee or volunteer performs his or her tasks.

**ARTICLE 2
APPLICABLE LAW**

- 2.1 This policy is intended to address violations of canon and secular law. (Cf. can. 22.) A violation of the criminal law can subject the perpetrator to a prison sentence and/or a monetary fine. It can also be the basis for a civil suit for monetary damages.
- 2.2 Because the law changes from time to time by enactment of amendments to statutes and judicial interpretations, it is incumbent upon all personnel to familiarize themselves with such changes that may occur.
- 2.3 It is not possible to set out all of the laws in this document, but upon request, the Judicial Vicar, the Diocesan Attorney, or another delegate of the Bishop will assist any diocesan personnel in answering questions concerning canon and/or secular law.

**ARTICLE 3
DESCRIPTIONS (FOR PURPOSES OF THIS POLICY ONLY)**

- 3.1 ANYONE ACTING IN THE NAME OF THE CHURCH means any priest or deacon, and any lay person, whether paid or volunteer, who is either authorized by the Bishop or his delegate to act on behalf of the Diocese of Owensboro or permitted by the Bishop or his delegate to serve or minister in any of the parishes, schools, or other institutions which are subject to the jurisdiction of the Bishop of the Diocese of Owensboro.
- 3.2 DELEGATE means a person whom the Bishop of the Diocese of Owensboro explicitly authorizes to act on his behalf.
- 3.3 DIOCESE or DIOCESAN means the Diocese of Owensboro, Kentucky, including all its parishes, all its diocesan schools, and all diocesan agencies in the Diocese of Owensboro. (Cf. canons 369, 370, 372.)

- 3.4 MINOR / CHILD(REN), as used herein, refers to any person who has not yet reached his or her eighteenth birthday (cf. can. 97 §1) and includes “infants” under the age of seven years (cf. can. 97 § 2) and vulnerable persons. This description comports with applicable Kentucky civil and criminal law.
- 3.5 PERSONNEL means all non-incardinated clergy, religious, seminarians, lay employees, and volunteers serving in schools, parishes, agencies and institutions of the Diocese.
- 3.6 REVIEW BOARD means the panel of individuals appointed and assembled by the Bishop of the Diocese of Owensboro for purposes of assisting the Bishop in assessing and handling cases of alleged sexual abuse against persons acting in the name of the Church.
- 3.7.1 SEXUAL ABUSE means any sexual conduct of diocesan personnel which is unlawful as described by the laws of the Commonwealth of Kentucky, including but not limited to sexual offenses as defined in chapters 510, 530, and 531 of the Kentucky Revised Statutes, and/or violative of canon 1395, §2, as interpreted in the “Essential Norms”.
- Not all sexual misconduct is abusive; therefore, normal psychosexual developmental experiences may not fall under the purview of this definition of sexual abuse. It may be necessary to consult with a competent evaluator of sexual conduct to determine whether the sexual conduct is abusive in any given instance.
- 3.8 VULNERABLE PERSONS means all persons under 18 years of age and any person 18 years of age or older when that person, because of impairment of mental or physical function, is unable or unlikely to report abuse or neglect without assistance. (Cf. canons 97 §2, 99.)

ARTICLE 4

OBLIGATION TO REPORT

- 4.1 Any personnel of the Diocese, who knows or has reason to know of an incident of sexual abuse by any personnel of the Diocese, shall:
- 4.1.1 Comply with any applicable reporting or other requirements of state and local laws. (Cf. K.R.S. 620.030.)
- 4.1.2 Cause an oral report of the incident to be made immediately to the Bishop or a member of the Review Board; and
- 4.1.3 Cause a written report to be made to the Review Board and to the Bishop or his delegate.
- 4.2 This does not require any clergy member to violate the priest/penitent privilege conferred by the Sacrament of Reconciliation.

ARTICLE 5

INVESTIGATION OF INCIDENT REPORTS

The same procedural steps apply to this policy as apply to the Statement of Policy and Procedures on Sexual Abuse specific to Incardinated Priests and Deacons of the Diocese.

- 5.1 Each reported incident will be assessed immediately by the Bishop and the Review Board.
- 5.2 If necessary, it will be investigated by the appropriate law enforcement agency or, if law enforcement declines the case, by the Review Board. Care will be taken not to interfere with any criminal investigation.
- 5.3 A high level of Christian care, concern and confidentiality will be demonstrated toward the alleged victim, the family of the alleged victim, the person reporting the incident, and the accused.
- 5.4 If the allegation is credible, in accordance with canonical considerations, the accused may be relieved of all responsibilities in the Diocese, parish, office or institution and placed on administrative leave pending the outcome of the internal and any outside investigation. Such leave may be with or without pay or benefits as the Bishop or his delegate may decide.

- 5.5 Appropriate records of each incident reported and of the investigation and the results thereof will be kept by the Bishop or his delegate.
- 5.6 When allegations are made of sexual abuse involving personnel of the Diocese, the Assistance Coordinator appointed by the Bishop shall initiate contact with the alleged victim and family to determine what pastoral care and services should be extended.

ARTICLE 6

ACTION WHERE ALLEGATION IS SUBSTANTIATED

Any personnel of the Diocese who admits to, does not contest, is found guilty of an incident of sexual abuse by a court of law, or against whom an allegation is substantiated by a tribunal under canon law, shall be terminated immediately from employment and any position of responsibility with the Diocese.

- 6.1 No benefits shall be paid unless required under applicable civil law (i.e. Cobra rights, accrued vacation time).
- 6.2 Sanctions under canon law may be imposed if appropriate.

ARTICLE 7

FALSE ALLEGATION AND UNSUBSTANTIATED CLAIMS

There is always the possibility of false allegations or unsubstantiated claims. It is important for all Diocesan personnel to know that both secular law and canon law (canons 1390-1391) provide penalties for the crime of falsehood in which individuals become victims of false denunciation and calumny. Every reasonable effort will be made to help restore the reputation of any personnel who is falsely accused.

ARTICLE 8

EDUCATION

All employees hired by Diocesan institutions must receive in-service educational training on sexual abuse.

- 8.1 Every Diocesan institution is responsible for the actual training of its employees.
- 8.2 The Review Board will provide approved materials for this training to the parishes, Diocesan schools and other institutions.
- 8.3 The Review Board will be available to help implement this training.

ARTICLE 9

BACKGROUND AND REFERENCE CHECKS

The Diocese complies with the pre-employment background check required by Chapter 17 of the Kentucky Revised Statutes as part of the screening process for new employees and all volunteers and all Diocesan and parish personnel who have regular contact with minors. (Cf. "Charter", Art. 13.)

- 9.1 The pastor and staff of every parish in the Diocese should be familiar with the local (city and county) and State law enforcement agencies and the steps necessary to secure criminal background checks in their respective counties.
- 9.2 Each parish shall maintain current written documentation (names and telephone numbers) of the appropriate law enforcement person(s) to contact in the respective county for the reporting allegations of sexual abuse.
- 9.3 Appropriate criminal background checks are required for:
- 9.3.1 All paid personnel in any Diocesan institution or facility where minors could be present, and
- 9.3.2 All adults who volunteer on a regular basis (the equivalent of one hour a month) in a Diocesan facility where minors are present, including but not limited to all nursery workers, babysitters, and

all who work with youth in any capacity in parishes and/or diocesan schools. No one under age 18 should be left alone in a supervisory capacity.

- 9.4 Costs for the background checks shall be borne by the parish or Diocesan facility.
- 9.5 This policy does not require background checks for persons in ministries such as lector, cantor, and hospitality during Sunday liturgical services.
- 9.6 When a person makes application for prospective employment with the Diocese or a Diocesan facility, all references must be contacted.
 - 9.6.1 The reference must be asked about the reference's knowledge of any allegations of sexual abuse made against the applicant in the past. Documentation must be made of the responses given by each reference.
 - 9.6.2 No one will be hired against whom a prior allegation of sexual abuse of a minor has been substantiated.
 - 9.6.3 No one will be hired against whom an allegation of sexual abuse against a minor is still pending, unless express written consent is given by the Bishop and the Review Board.

ARTICLE 10

NON-INCARDINATED CLERGY AND RELIGIOUS

- 10.1 Each respective religious order or diocese which sends or permits a priest, deacon or religious member to minister in the Diocese of Owensboro must agree to inform the Diocese of Owensboro of any allegation of physical or sexual abuse by such individual(s) of which the religious order or diocese is or may become aware.
 - 10.1.1 No religious, priest or deacon will be permitted to serve or minister in the Diocese of Owensboro unless a "Testimonial of Suitability for Ministry" is signed by the superior of the religious order or the Bishop of the sending diocese. An executed "Testimonial of Suitability for Ministry" must be filed in the personnel record of the priest or religious in the office of the Bishop.
 - 10.1.2 On its part, the Diocese of Owensboro shall, in writing, inform the superior of such personnel of any allegation of sexual abuse which may come to the attention of this Diocese.
- 10.2 The Diocese of Owensboro recognizes that religious orders/congregations and other dioceses whose members serve in the Diocese have their own sexual abuse policies.
 - 10.2.1 Any religious order/congregation and any other diocese with a member ministering in the Diocese of Owensboro must file a copy of its most recent sexual abuse policy with the Bishop's office upon the member's arrival and assumption of ministerial duties in this Diocese.
 - 10.2.2 An accurate and complete description of the record of the cleric or religious, including anything in his or her background or service that would raise questions about fitness for ministry, shall also be required by this Diocese from the diocese or religious institute which assigns, sends or permits a cleric or religious to transfer to the Diocese of Owensboro. No cleric or religious will be accepted for service in this Diocese without such written documentation being submitted to the office of the Bishop.
 - 10.2.3 All members of religious orders/congregations and all clerics and religious from other dioceses must comport with the policies and procedures of the Diocese of Owensboro in addition to those of their own order/congregation or diocese. In the event the two policies conflict, the policy of the Diocese of Owensboro is controlling.

ARTICLE 11

MEDIA INQUIRIES

Any media contact or inquiries regarding an incident of sexual abuse should be directed to the Bishop or his delegate.

DIOCESE OF OWENSBORO
ACKNOWLEDGMENT OF RECEIPT OF
SUMMARY OF SEXUAL ABUSE POLICY AND PROCEDURES

Parish/School/Institution/Agency_____

I, _____, (please print) the undersigned Employee/Volunteer (circle one), have received and read a copy of the *Summary of the “Statement of Policy and Procedures on Sexual Abuse” for the Diocese of Owensboro*. I am aware that I can access the sexual abuse policy for lay personnel at <http://www.owensborodio.org/policy.html#other> or by requesting a copy of the policy from the Office for Safe Environment (270-683-1545). I fully understand and accept the policy, and I agree to abide by this policy.

Signature _____

Printed Name _____

Position _____

Date: _____

Paid personnel and Volunteers: Return form to your immediate supervisor

To ensure that this document is distributed, signed and returned, the following persons will be responsible for coordination:

1. Catholic Pastoral Center employees and volunteers - Coordinator of Staff
2. Parish employees and Volunteers - Pastor or delegated representative
3. School employees and Volunteers - Principal or delegated representative

Coordinators should keep all forms on file at the place of ministry, available for review by appropriate diocesan personnel at any time (to meet directives of the annual compliance audit).

***Keep original in Diocesan Policy Manual. Maintain a signed copy for your records.

Rev. 03/08

PASTOR'S ANNUAL REPORTING FORM

(revised 5/01/2009)

TO: Coordinator, Office of Safe Environment DATE: _____, 200__

FROM: Rev. _____, Pastor of _____

Parish/City

RE: Publication of Reporting Procedures, Safe Environment Program, and Background Checks

I state that I have made available within my parish the printed form by which anyone may report an incident of abuse by anyone acting in the name of the Church. I have made these forms available in the following manner:

- ___ in the parish office (Verify that staff members could locate the information easily if someone came in and requested it.)
- ___ at the church doors/in back of church
- ___ on parish web site _____
- ___ other—Please describe _____

I further state that I have made periodic public announcements about this issue and the availability of these forms:

- ___ from the pulpit—List dates and send example of information stated _____
- ___ in bulletin/parish newsletter/ mailing(s)—List dates and send 1 copy of information published _____
- ___ other—Please describe and document _____

Adult Safe Environment training is offered through www.shieldthevulnerable.org. Some adults request help from the parish (computer access/ accommodations) to complete the training. If that has that been necessary during the current year (July-June), please describe ? _____

Minors in religious education programs are required to have Safe Environment training annually. Forms verifying training for minors were submitted _____ by _____ (date) (D.R.E. or other designated individual)

YES **NO**

The parish has on file on its premises the following documents:

- ___ **Documentation** verifying that all parish employees have a current background check and Safe Environment training or are in process (see report from diocese)
- ___ **Documentation** verifying that all volunteers working with minors have a current background check and Safe Environment training or are in process (see report from diocese)
- ___ Evidence of signed **Acknowledgement** of Receipt of either the full “Statement of Policy and Procedures on Sexual Abuse” or its summary-for all employees and for all volunteers who work with youth (Those with Shield the Vulnerable training have this item incorporated as they complete the required course. No additional documentation is needed for them.)
- ___ Evidence of signed **Adult Code of Conduct** forms for all employees and for all volunteers who work with youth. (Those with Shield the Vulnerable training have this item incorporated as they complete the required course. No additional documentation is needed for them)

Attestation: By signing below, I affirm that the above is true to the best of my knowledge.

Signature: _____ (Pastor)

(Any other person delegated by pastor)

Printed Name: _____ (Pastor)

(Any other person delegated by pastor)

Date _____

Mail/deliver by July 15th each year to the Safe Environment Office, 600 Locust Street, Owensboro, KY 42301.

***Keep original in Diocesan Policy Manual., and maintain a copy for your records.

IMPORTANT TELEPHONE NUMBERS OF CONTACTS IN COMMUNITY

The pastor of each parish in the Diocese should complete the following and have it available in the Parish office in the event a report of suspected abuse needs to be made by anyone on the Parish staff or in the Parish community.

Law Enforcement

City Police Department _____

Look under the city entries, e.g., "Owensboro City of--"
There may be a separate phone number for the "Investigation Division,"
and further numbers for "Detectives" or "Juvenile Unit"

Name of Chief of Police _____

Name of an Investigator in Juvenile Unit _____

If the alleged abuse occurred within city limits, call CPD

County Sheriff's Department _____

Look under the County entries, e.g., "Daviess County of --"

Name of County Sheriff _____

Name of an Investigator _____

If the alleged abuse occurred outside city limits, call CSD

Kentucky State Police _____

Look under "Kentucky, State of / State Police Post #--"

Name of an Investigator at closest KSP Post to your location _____

If the alleged abuse occurred outside county limits, or in unknown location, call KSP

Prosecutor's Office

County Attorney _____

Look under the County entries, e.g., "Daviess County of --"

Name of County Attorney _____

In most cases, the decision to file criminal charges will originate in this office. It handles misdemeanor cases, and is the starting point for felony cases, before they go to the Grand Jury and the Commonwealth Attorney.

Commonwealth Attorney _____

Look under the County entries, e.g., "Daviess County of --"

Name of Commonwealth Attorney _____

In some notorious cases or when discretion calls for it, the decision to file criminal charges will originate in this office. It handles felonies, which begin with an indictment by the Grand Jury.

Child Protective Services

Dept. For Community Based Services (formerly Dept. For Social Services) _____

Look under "Kentucky, State of / Cabinet for Health and Family Services"

Name of Social Worker who does intake reports _____

If the alleged abuse was inflicted by a parent, relative, or guardian of the child, call CPS.

***Keep original in Diocesan Policy Manual. Make completed copies available to appropriate staff members.

Allegation of Sexual Abuse Form

This form is meant to help anyone who wishes to report an incident of abuse by anyone acting in the name of the Church (i.e., a deacon, priest, employee or volunteer of any parish, grade school or high school supported or run by the Diocese of Owensboro). All information that you submit will be given to the Bishop and the Diocesan Review Board. It may have to be given to the local police. You will be contacted by either the Bishop, our Assistance Coordinator, or a member of the Review Board once your report is received and reviewed.

We support your right to report your claim directly to a local law enforcement agency. The Diocese will cooperate fully in any investigation which you initiate.

If you wish to report this incident to us, please complete the following.

(Please print. Attach extra pages if needed or write on back of this form. Feel free to add additional comments or information on the back of this form.)

Your name: _____

Address: _____

City, State, and Zip Code: _____

Home telephone number: _____

Are you the alleged victim? _____

 If no, what is your relationship to the alleged victim? _____

 What is the alleged victim's name? _____

How old was the alleged victim at the time of the incident? _____

How old is the alleged victim now? _____

When did the incident occur? _____

Where did the incident occur? _____

Is the alleged victim willing to be interviewed about this incident? _____

 If yes, when and where? _____

 If no, why not? _____

Is the alleged abuser:

 ____ A priest?

 ____ A deacon?

 ____ An employee of a parish?

 ____ A Catholic school employee?

 ____ Other? (Please specify: _____)

The name of the person being accused is: _____.

 I prefer to tell the name of the alleged abuser to:

 ____ the Bishop

 ____ a member of the Review Board (specify *male* or *female* if desired).

 ____ Please call me at the above telephone number or at (____)_____.

Your signature

Today's date

Please mail or deliver this form to: Bishop John J. McRaith
Catholic Pastoral Center
600 Locust Street
Owensboro, KY 42301

You may also call the Bishop at (270) 683-1545 to report this information.

INFORMED CONSENT

You have the right to discuss anything you wish or to refuse to discuss anything you do not want to discuss with an Employee of the Diocese of Owensboro or one of its parishes or institutions.

The information provided by you during discussions will be kept confidential except as required by law. All incidents of child abuse must be reported to the proper authorities following the guidelines set forth in KRS 620.030. As required by the Sexual Abuse Policy of the Diocese of Owensboro, even if the law does not require the reporting of an allegation, a report will be made to insure the protection of others.

In addition, a report will be made to the Bishop and the Diocesan Review Board of the Diocese of Owensboro, which deals with sexual abuse. All members of the Board are required to maintain strict confidentiality. The Board's records are kept in locked files maintained by the Bishop of the Diocese of Owensboro.

The diocese supports your right to report your claim directly to a local law enforcement agency. The diocese will cooperate fully in any investigation which you initiate.

I have been informed and understand my rights to discuss issues of sexual abuse with an Employee of the Diocese of Owensboro or one of its parishes or institutions.

Signature

Date

Employee's Signature

Date

If taken over the phone, please read this to the person and sign this noting that it was read over the phone.

***Keep original in Diocesan Policy Manual.

**Testimonial
Of Suitability for Priestly Ministry**

Most Reverend John J. McRaith
Bishop of the Diocese of Owensboro
600 Locust Street
Owensboro, KY 42301

Dear Bishop McRaith:

The Rev. _____ is seeking to exercise priestly ministry in your diocese. He will be at _____ (name of Parish/Institution) in _____ (city) the week of _____ providing the ministry of _____. I have carefully reviewed our personnel files and all other records, which we maintain, and I have consulted with those who served with him in the works he has been assigned under our authority. Based on these inquiries, and on my own personal knowledge, I am able to make each of the statements listed below which I have *checked off and initialed*:

- _____ () He is a priest in good standing of _____
(Diocese or Religious Institute)
- _____ () He has never been suspended or otherwise canonically disciplined.
- _____ () No criminal charges have ever been brought against him, and he has no criminal record.
- _____ () He has never behaved in such a way as to indicate that he might deal with minors in an inappropriate manner.
- _____ () He does not have a current, untreated alcohol or substance abuse problem.
- _____ () He does not have a current, untreated emotional or mental health problem.
- _____ () He has never had a problem with financial impropriety.
- _____ () He has never been involved in any incident, to my knowledge, which would adversely affect his performance as a priest.

Based on my inquiries and on my personal knowledge, the Rev. _____ is a man of good moral character and reputation, and is qualified to serve as a priest in an effective and suitable manner in your diocese.

Signature

Date

Title

***Keep original in Diocesan Policy Manual.

**Testimonial
Of Suitability for Ministry (Religious and Lay)**

Most Reverend John J. McRaith
Bishop of the Diocese of Owensboro
600 Locust Street
Owensboro, KY 42301

Dear Bishop McRaith:

_____ is seeking to exercise ministry in your diocese. She/He will be at _____ (name of Parish/Institution) in _____ (city) providing the ministry of _____. I have carefully reviewed our personnel files and all other records, which we maintain, and I have consulted with those who served with her/him in the works she/he has been assigned under our authority. Based on these inquiries, and on my own personal knowledge, I am able to make each of the statements listed below which I have *checked off and initialed*:

- _____ () She/He is a Sister/Brother/Person in good standing of _____
(Religious Institute/Institution)
- _____ () She/He has never been suspended or otherwise canonically disciplined.
- _____ () No criminal charges have ever been brought against her/him, and she/he has no criminal record.
- _____ () She/He has never behaved in such a way as to indicate that she/he might deal with minors in an inappropriate manner.
- _____ () She/He does not have a current, untreated alcohol or substance abuse problem.
- _____ () She/He does not have a current, untreated emotional or mental health problem.
- _____ () She/He has never had a problem with financial impropriety.
- _____ () She/He has never been involved in any incident, to my knowledge, which would adversely affect her/his performance as a minister.

Based on my inquiries and on my personal knowledge, _____ is a person of good moral character and reputation, and is qualified to serve in an effective and suitable manner in your diocese.

Signature

Date

Title

***Keep original in Diocesan Policy Manual.