

POLICY for the PROTECTION of
CHILDREN and YOUNG PEOPLE
DIOCESE of SAGINAW
April 10, 2014

I. INTRODUCTION

The Diocese of Saginaw values the children and youth in its care and is committed to providing a safe environment for all of them.

While we are aware that those who work for the Church have the capacity to do great good for our children and youth, we are also aware that a representative of the Church may cause harm to a child or young person.

The response of the Diocese of Saginaw to any allegation of sexual misconduct by clergy, lay employees, volunteers, or others authorized to act on behalf of the Church will be based on the Gospel values of justice, dignity, compassion, and charity. Care is to be taken that all persons involved will be ministered to in a manner that responds to their rights and needs. The well-being of victims, their families, the community as a whole, and the accused must be included in the Church's response.

In order for the Church in the United States to address the concern of the sexual abuse of minors in a more concerted effort, the United States Conference of Catholic Bishops established and approved a *Charter for the Protection of Children and Young People*, and adopted *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* in 2002, revised and promulgated in 2005/2006 and 2011. This policy for the Diocese of Saginaw is based on the approved Charter and the revisions, in accord with the Norms.*

In formulating this policy, the Diocese of Saginaw is committed to providing education and seeking prevention of the sexual abuse of minors, and striving to repairing harm that has been done to those abused and their families, and bringing the healing ministry of the Church to bear wherever possible. The diocese will provide outreach to those who have been abused which may include counseling, spiritual assistance and social services. The diocese is committed to protect the rights of all concerned.

II. TO PROMOTE HEALING and RECONCILIATION

VICTIM ASSISTANCE COORDINATOR

The diocese has a designated victim assistance coordinator (VAC) who has professional experience in the care of victims/survivors, and who will assist in the immediate pastoral care of persons who allege that they were sexually abused when they were minors by a priest or deacon.

The victim assistance coordinator will coordinate an outreach to all persons who report that they have been the victim of sexual abuse as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past. This outreach may include a provision for counseling, spiritual assistance, support groups and other social services. The Church is concerned about the harm that is caused by sexual abuse and seeks to respond with compassion and empathy to victims/survivors of sexual abuse.

III. TO PROTECT the FAITHFUL in the FUTURE

REVIEW BOARD

The diocese will maintain a Review Board which acts as a confidential, consultative body to the bishop, and whose functions include:

1. advising the bishop in his assessment of allegations of the sexual abuse of minors by priests or deacons and in his assessment of a cleric's suitability for ministry
2. offering advice on these cases
3. reviewing on a regular basis the policies of the diocese for dealing with allegations of the sexual abuse of minors, and recommending to the bishop any modifications, if appropriate.

The Review Board will be comprised of at least five persons of integrity and good judgment in full communion with the Church. The majority of the Review Board members will be lay persons who are not employed by the diocese. At least one member will have a particular expertise in the treatment of the sexual abuse of minors, and at least one member will be a priest. The members will be appointed by the bishop for a term of five years which can be renewed.

SAFE ENVIRONMENT PROVISIONS / PREVENTIVE MEASURES

1. The diocese has published "Standards of Ministerial Behavior for Those Working with Children and Young People". These standards provide appropriate boundaries for clergy, for all employees of the diocese whether they have contact with minors or not, and for all church volunteers who have regular contact with minors.
2. In order to assist in providing protection for children and young people, the diocese has established a program for clergy, for all employees of the diocese whether they have contact with minors or not, and for all church volunteers who have regular contact with minors. The program provides education and training for adults about ways to create and maintain a safe environment for children and youth. In order to assist children and youth about ways to keep themselves safe from harm, the diocese provides them with an educational program.
3. The diocese, through the resources of law enforcement, requires criminal history background checks for all clergy, for all employees of the diocese whether they have contact with minors or not, and for all church personnel who have regular contact with minors.
4. The diocese screens and evaluates candidates for ordination. The screening includes an evaluation of their spiritual, psychological and psychosexual development.
5. The diocese requires compliance with safe environment standards and maintains records to verify compliance.
6. When receiving a priest or deacon from outside the diocese for ministry within the diocese, the bishop will obtain a statement from the bishop or religious superior of that diocese/jurisdiction giving his assurance that the priest or deacon is in good standing in the diocese or religious congregation. This documentation is maintained in diocesan records.

IV. INITIAL RESPONSE to ALL COMPLAINTS and ALLEGATIONS

- A. All diocesan personnel who are required to report the suspicion of or the sexual abuse of a person who is a minor (a person under the age of 18) shall do so according to the State of Michigan Child Protection Law. Refer to Appendix A for specifics on how to make a report or go-to www.michigan.gov/dhs.

- B. All diocesan and parish personnel who suspect the abuse of a minor by a priest or deacon, lay employee, volunteer, or others authorized to act on behalf of the Church shall promptly contact the diocese. The report can be made to the victim assistance coordinator or to the vicar general or his designee and shall include the known details of the allegation, as well as the identity and means of contacting the person making the allegation. If the victim assistance coordinator is not the initial contact, the person who receives the allegation will, as soon as possible, make the referral to the victim assistance coordinator.

- C. In every instance, the victim assistance coordinator will advise the person making the allegation, if the person is no longer a minor, of their right to make a report to public authorities and will encourage the person to exercise this right. The person will be informed that the diocese has a procedure to be followed in such situations and will offer to provide a copy of the diocesan policy to the person making the complaint. The diocese will make a report to public authorities unless the following two conditions are both met: (1) the alleged adult victim requests in writing that a report not be filed and (2) the alleged offender is deceased.

- D. The diocese will cooperate with public authorities and their public investigation in accord with the law. All clergy and all laity who are employed or volunteer in the diocese must comply with the State of Michigan Child Protection Law. Clergy must also comply with church/canon law.

- E. The priest or deacon about whom the allegation is made will be advised by the vicar general or his designee of the allegation and of his canonical and civil rights. At all times, the bishop has the executive power of governance to take temporary measures restricting the ministry of the accused priest or deacon in accord with canonical procedures.

- F. If the accused priest or deacon is a member of a religious community residing or serving in the diocese, the vicar general or his designee will contact the major superior who will pursue an investigation in addition to any other investigation the diocese may deem warranted. Any faculties which have been granted to the accused may, if the case so warrants, be removed during the investigative process.

V. SPECIFIC ISSUES in the INVESTIGATION of COMPLAINTS and ALLEGATIONS REGARDING CLERGY

- A. After receiving the allegation of sexual abuse of a minor by a priest or deacon, the complaint or allegation will promptly be brought to the bishop and the Review Board for a preliminary investigation in accord with canon law. The investigation will be initiated and conducted promptly and objectively. If the bishop, in consultation with the Review Board, determines an allegation to be unsubstantiated or unable to be verified, the preliminary investigation will be concluded. The results will be communicated to the alleged victim by the victim assistance coordinator, and if appropriate to the accused by the vicar general or his designee. If the allegation was public, steps will be taken to restore the good name of the accused priest or deacon.
- B. In cases of unfounded or unsubstantiated allegations, the bishop, in consultation with the Review Board may offer care and assistance to those involved.
- C. If in the preliminary investigation, the bishop in consultation with the Review Board concludes that an allegation is or may be credible, a more thorough investigation will occur. The diocesan investigation should not interfere with any criminal investigation. The canonical process can be delayed to assure that the criminal investigation is not obstructed. At all times, the bishop has the executive power of governance to take temporary measures restricting the ministry of the accused in accord with canonical procedures.
- D. If there is no criminal investigation, the diocesan investigation will be initiated and conducted promptly and objectively. It is the intent of the diocese to use independent investigators experienced in sexual abuse cases. Appropriate steps will be taken to protect the rights of the accused during the investigation. The accused will be advised of his right to retain the assistance of canonical and civil counsel. The results of the investigation will be communicated to the Review Board, the bishop, the vicar general or his designee and the victim assistance coordinator. The vicar general or his designee will communicate the results of the investigation to the accused; the victim assistance coordinator will communicate the results of the investigation to the victim/survivor.
- E. If the bishop in consultation with the Review Board concludes that there is sufficient evidence that sexual abuse of a minor had occurred, the bishop will then apply the precautionary measures which may result in the following actions: removing the accused from active ministry or from any ecclesiastical office or function, imposing or prohibiting residence in a given place, and prohibiting him from any public ministry pending the outcome of the canonical process. The bishop will notify the Congregation for the Doctrine of the Faith, which will make the decision to process the case itself or remand the case to the local diocesan tribunal for disposition.

- F. When even a single act of sexual abuse of a minor by a priest or deacon is admitted or established, and after an appropriate process in accord with canon law, the bishop will permanently remove the offending cleric from active ministry. This process may include laicization.
1. In every case involving canonical penalties, the process provided for in canon law shall be observed. In some cases, the canonical statute of limitations may have expired. If that is so, and because sexual abuse of a minor is a grave offense, the bishop may apply to the Congregation for the Doctrine of the Faith for a dispensation from the canonical statute of limitations.
 2. If the penalty of laicization has not been applied (for example, for reasons of age or infirmity) the offender will be directed to lead a life of prayer and penance. He will not be permitted to celebrate Eucharist publicly or administer the sacraments. He may not wear clerical garb or present himself publicly as a priest.
- G. Upon completion of the canonical process, the victim assistance coordinator will report the results to the person who was abused or to her or his legal representative or guardian.
- H. If through the canonical process the accused is acquitted of the charge, the bishop in accord with canon law, can provide for the public good and for the good of the accused by means of appropriate admonitions and other means of pastoral care.
- I. An offending priest or deacon may, at any time, request to be laicized. The bishop may request from the Holy Father the dismissal of the priest or deacon from the clerical state even without the consent of the cleric.
- J. An offending priest or deacon will be strongly encouraged to engage in a course of treatment for his well-being, as well as for the purpose of preventing any further offenses.

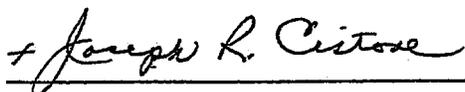
VI. CONFIDENTIALITY

All matters brought to the attention of the diocese, victim assistance coordinator and/or Review Board will be considered confidential, except as required by law or by this policy.

VII. COMMUNICATION

The diocese will communicate with the public about sexual abuse of minors by clergy within the confines of respect for the privacy of the individual victim involved. The procedures for those making a complaint will be readily available and will be the subject of periodic announcements.

Approved April 10, 2014

A handwritten signature in cursive script, reading "Joseph R. Cistone", is written over a horizontal line.

Most Reverend Joseph R. Cistone, D.D.
Bishop of Saginaw

The *Charter* revision of June 2011 includes the following:

For purposes of this *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6 which reads -

1. The more grave delicts against morals which are reserved to the CDF are:
 - The delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered a minor.
 - The acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;
2. A cleric who commits the delicts mentioned above in #1 is to be punished according the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular letter from the CDF, dated May 3, 2011, which calls for "mak[ing] allowance for the legislation of the country where the Conference is located," Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric's suitability for ministry and for complying with civil reporting statutes.

This Policy for the Protection of Children and Young People supersedes and replaces the policy approved on May 30, 2003 and the policy approved on September 14, 1989 and will take effect on the date of the revision. A copy of this policy has been filed with the United States Conference of Catholic Bishops, Secretariat for Child and Youth Protection. Copies of any further revisions or amendments will be filed with the USCCB within three months of such revisions or amendments.

APPENDIX A

Michigan Child Protection Law (MCLA 722.621 *et seq*)

The Michigan Child Protection Law requires certain professions to report their suspicions of child abuse or neglect to Children's Protective Services (CPS) at the Department of Human Services (DHS). These people are mandated reporters and have established relationship with children based on their profession. Mandated reporters include:

Physicians	Medical examiners
Dentists	Nurses
Physician's assistants	Audiologists
Registered dental hygienists	Psychologists
Licensed emergency medical care providers	Marriage and family therapists
Licensed professional counselors	Social workers
Licensed master's social workers	Social service technicians
Licensed bachelor's social workers	School administrators
Registered social service technicians	School counselors
Teachers	Law enforcement officers
Members of the clergy	Regulated child care provider
Persons employed in a professional capacity in -any office-of the Friend of the Court	
Employees of an entity or organization that, as a result of federal funding statutes, regulations, or contracts, would be prohibited from reporting in the absence of state mandate or court order (e.g. domestic violence provider)	

Specific staff members of the Department of Human Services also have a legal mandate to report suspected child abuse or neglect. The list is on page 5 in the Child Protection Law.

Mandated reporters are **required** to make an **immediate verbal report** to **CPS 855-444-3911** and a written report **within 72 hours** when the mandated reporter suspects child abuse or neglect. Mandated reporters must also notify the head of their organization of the report. Reporting the suspected allegations of child abuse and/or neglect to the head of the organization does not fulfill the requirement to report directly to DHS. (When you call the 24/7 hotline number, it may be answered with an automated voice and you will be placed in a queue line with a number. The automated voice will inform you at intervals about where you are in the line. If you are witnessing child abuse, please dial 911 and then follow-up with the CPS number.)

Child means a person under 18 years of age

Child abuse means harm or threatened harm to a child's health or welfare that occurs through non-accidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment by a parent, a legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy.

Child neglect means harm or threatened harm to a child's health or welfare by a parent, legal guardian, or other person responsible for the child's health or welfare that occurs through either of the following:

- Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care
- Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of that risk

Member of the clergy means a priest, minister, rabbi, Christian science practitioner, or other religious practitioner, or similar functionary of a church, temple, or recognized religious body, denomination, or organization

722 .631 Privileged communications CPL, p. 33-34 (Revised 8-11)

Any legally recognized privileged communication except that between attorney and client or that made to a member of the clergy in his or her professional character in a confession or similarly confidential communication is abrogated and shall not constitute grounds for excusing a report otherwise required to be made or for excluding evidence in a civil child protective proceeding resulting from a report made pursuant to this act. This section does not relieve a member of the clergy from reporting suspected child abuse or child neglect under section 3 if that member of the clergy receives information concerning suspected child abuse or child neglect while acting in any other capacity listed under section 3

APPENDIX B

Reporting the Sexual Abuse of Minors by any Person Acting with the Authority of the Church

The Diocese of Saginaw has a Policy on the Protection of Children and Young People. In this policy, the diocese provides information regarding the reporting of and dealing with the sexual abuse of minors. Any person having reasonable cause to suspect sexual abuse of a minor by a member of the clergy, that is a priest or deacon, lay employee, volunteer or by any person acting under the authority of the Catholic church, is urged to immediately contact the Vicar General of the Diocese of Saginaw in person, by mail or email, or by phone (989-797-6647), and/or the diocesan Victim Assistance Coordinator (989-797-6682). Confidentiality will be maintained as far as possible. The report should include details of the suspected abuse or neglect, such as the name of the minor, the name of the suspected abuser, names of witnesses or possible witnesses, date and place of the incident or occurrence, and any additional relevant information. A report should also be made directly to the Michigan Department of Human Services / Child Protective Services at their **24/7 hotline 855-444-3911**. When calling this number, an automated voice may respond and you will be put in a queue line with the place you are in the line. You will be updated regularly with your place in line as you await the connection. If you are in need of immediate assistance call 911. For additional information, you may also contact the Child Protective Service in your county listed in Appendix C.

According to the Michigan Child Protection law, certain people are mandated to report suspected child abuse or neglect directly to the Department of Human Services / Child Protective Services at the above number. The list of mandated reporters in Michigan is listed in Appendix A. However, every person who suspects a child is being neglected or abused is urged to make a report to Child Protective Services so that children and youth can be protected from harm. The procedure outlined above for reporting to Church authorities is not intended as a substitute for the obligation to follow Michigan law and make a report to public authorities.

APPENDIX C
Michigan Department of Human Services
Children's Protective Services

To report a suspected instance of child abuse or neglect contact the Michigan Department of Human Services / Child Protective Services. The 24/7 Hotline is:1-855-444-3911*

The following list contains the Child Protective Service Offices in the eleven counties in the Diocese of Saginaw.

ARENAC COUNTY
3709 Deep River Road
Standish, MI 48658
989-846-5500

ISABELLA COUNTY
1919 Parkland Drive
Mt. Pleasant, MI 48858
989-772-8400

BAY COUNTY
1399 West Center Road
Essexville, MI 48732
989-895-2100

MIDLAND COUNTY
1509 Washington, Suite A
Midland, MI 48641
989-835-7303

CLARE COUNTY
725 Richard Drive
Harrison, MI 48625
989-539-4260

SAGINAW COUNTY
411 E. Genesee Street
Saginaw, MI 48603
989-758-1100

GLADWIN COUNTY
250 N. State Street
Gladwin, MI 48624
989-426-3300

SANILAC COUNTY
515 S. Sandusky Road
Sandusky, MI 48471
810-648-4420

GRATIOT COUNTY
201 Commerce Drive
Ithaca, MI 48847
989-875-5181

TUSCOLA COUNTY
1365 Cleaver Road
Caro, Michigan 48723
888-673-9100

HURON COUNTY
1911 Sand Beach Road
Bad Axe, MI 48413
989-269-9201

* In calling the 24/7 Hotline Number 855-444-3911 - it will be answered with an automated voice - and you will be placed in a queue (placed in a line) for your call to be answered by a person. The automated voice will keep you informed about where you are in the queue (line). In an emergency dial 911.

APPENDIX D
Michigan State Police Posts
from MSP Districts 3 and 6
that include the 11 Counties
in the Diocese of Saginaw
January, 2014

NEED ASSISTANCE? CALL MSP TOLL-FREE 24/7 AT **1-800-525-5555**
Emergencies 911

DISTRICT 3

Headquarters
411-B. E. Genesee Avenue
Saginaw, MI 48607
989-758-1760

Tri-City Post No. 31
2402 Salzburg Road
Freeland, MI 48623
989-495-5565
Counties Covered: Bay, Midland, Saginaw

West Branch Post No. 32
496 E. Houghton
West Branch, MI 48661
989-345-0956
Counties Covered: Gladwin, Arenac

Caro Post No. 33
1485 Cleaver Road
Caro, MI 48723
989-673-2157
Counties Covered: Huron, Tuscola, Sanilac

DISTRICT 6

Mount Pleasant Post No. 63
3580 S. Isabella Road
Mount Pleasant, MI 48858
989-773-5951
Counties Covered: Clare, Isabella

Lakeview Post No. 64
10300 Howard City - Edmore Road
Lakeview, MI 48850
989-352-8444
County Covered: Gratiot