



# **Policies & Procedures**

*Regarding Sexual Abuse of Minors  
by Priests, Deacons,  
and Other Church Personnel*

*St. Thomas the Apostle  
Chaldean Catholic Eparchy  
Southfield, Michigan*

First Edition, 2009

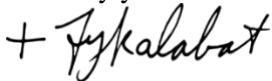
My Brothers and Sisters in the Lord:

To provide for the pastoral care of St. Thomas Chaldean Catholic Eparchy, and in particular the protection of children and young people, I am publishing this policy that addresses issues of sexual abuse of minors by priests, deacons, and other church personnel. This policy is particular law for St. Thomas Chaldean Catholic Eparchy in the U.S.A.

This policy reflects our concern for children and young people. It has been developed in accord with the provisions in the Charter for the Protection of Children and Young People and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, along with information on reporting suspected abuse to civil authorities.

As a Eparchy, we are dedicated to assisting in the care of victims, addressing allegations of sexual abuse, and to being respectful of the rights of all. We are committed to creating a safe environment for children and young people as well as providing procedures to assist those who may tragically have been abused in the past. We will cooperate with civil officials in reporting allegations of abuse in accord with the norms of law.

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Fykalabat". The signature is written in a cursive, flowing style.

Most Rev. Francis Y. Kalabat  
Bishop of St. Thomas the Apostle,  
Chaldean Catholic Diocese

September 2014

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# **Eparchy of St. Thomas the Apostle Policy on Sexual abuse of Minors By Priests, Deacons, Other Church Personnel and Volunteers**

## **Introduction**

On June 14, 2002 the Catholic bishops of the United States approved the Charter for the Protection of Children and Young People. This Charter, along with Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by priests, Deacons, Church Personnel and the Volunteers, established the manner in which the Catholic Church in the United States will address matters related to the sexual abuse of minors, in accord with canon law and the approval of the Holy See. The approval of the Congregation for Bishops on December 8, 2002 revised and established these Essential Norms as particular law for the United States Dioceses/Eparchies.

To carry out this policy, the Bishop of the Diocese will appoint a Delegate to coordinate and implement this policy. He will also provide for a Review Board to assist in the implementation of this policy. To assist the Delegate, a Victim Assistance Coordinator will be selected who will receive initial calls, obtain necessary background information and coordinate assistance to victims.

In accord with the Charter, the Essential Norms and the requirements of the Clergy Reporting Law of Michigan and Illinois, all allegations of sexual abuse of minors and criminal sexual conduct involving priests, deacons, church personnel and volunteers will be reported to the Family

Independence Agency or to appropriate law enforcement agencies as required by law. Any communications between the diocese and civil officials will be made by the Delegate through legal counsel. In addition, all provisions of civil law will be observed regarding the reporting of abuse or neglect of minors. Cooperation of diocesan officials is ensured with civil authorities in this regard.

In the event the agency or county prosecutor decides not to investigate a complaint, or in other special circumstances, the diocese may engage the services of an independent investigator to provide a report to the Board for its review and recommendation.

*As Christians and Chaldeans we consider the welfare and protection of our children a sacred responsibility. We hereby promulgate the following Eparchial norms as an implementation of Essential norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, Other church Personnel and Volunteers approved by the Congregation for Bishops on December 8, 2002.*

### ***1. Definition***

Sexual Abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. The norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment.

### ***2. Response***

The healing of victims, their families and their community from the effects of sexual abuse by church

leaders begins when the allegations of such abuse are received. When victims decide to disclose the abuse, it is important that the response they receive is compassionate and non-judgmental.

Anyone receiving an allegation of abuse will respond in a pastoral, supportive manner, leaving investigative concerns to those who serve in that role.

An allegation will be received without initial judgment as to the truth of the complaint. No intimation of blame will be made by the initial recipient of information.

Individuals making allegations will be supported positively in their decision to disclose.

The Eparchial Bishop will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priest or deacons. This “Victim Assistance Coordinator” will assess and respond to the immediate and long term needs of the alleged victim and family, the alleged offender, parish communities and others that are affected by the disclosure of sex abuse.

The Victim Assistance Coordinator will serve as a consultant to the eparchial bishop and the review board regarding the treatment needs of clients.

### ***3. Review Board***

**The Chaldean Eparchy has entered into a memorandum of understanding with the Archdiocese of Detroit on November 19, 2003 whereby if an accusation comes forth, the Archdiocese of Detroit will function for such purposes as the Review Board for the Eparchy.**

*(Copy of this memorandum of understanding is available upon request).*

The review board is a predominantly lay board composed of a variety of professionals duly appointed to assist the bishop in a strictly confidential consultative capacity. The board will consist of five members of outstanding integrity and good judgment in full communion with the Church. The majority of the board will be lay persons who are not employed by the diocese. It will have no final, decision-making authority, which authority will continue to reside exclusively with the bishop.

### ***Board Functions***

1. To advise the eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
2. To review eparchial policies for dealing with sexual abuse of minors;
3. To offer advice on all aspects of sexual abuse cases, whether retrospectively or prospectively.

### ***4. Reporting***

In all cases of alleged or suspected or known child abuse committed by a cleric, the eparchy will comply with all applicable civil laws in respect to reporting the allegations and will cooperate with civil authorities in the investigation.

Any cleric, who knows from the external forum that a minor has been sexually abused, is required to report that knowledge or suspicion to the Eparchial Bishop and to the civil authorities in accordance with the norms of canon law.

### ***5. Investigation***

When an allegation of sexual abuse of a minor by a priests, deacons, church personnel and volunteers is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (code of Canons of the Eastern churches [CCEO],c.1468).

The purpose of the eparchial investigation is to ensure that the bishop has a complete thorough and accurate report of the alleged incident. The investigation will be conducted by an investigator appointed by the review board. The investigator will report his findings in writing to the Eparchial Bishop and to the review board.

- The accused will immediately be called by the eparchial Bishop and made aware of the allegation against him and the identity of the accuser. The accused will remain in his position until the initial investigation is completed, which is to be done as expeditiously as possible. All appropriate steps shall be taken to protect the reputation of the accused and the accuser during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation.
- When there is sufficient evidence that sexual abuse of a minor has occurred, the eparchial bishop will notify the congregation of the Doctrine of the Faith. The Eparchial Bishop shall then apply the precautionary measures mentioned in CCEO, c. 1473 – that is, remove the alleged offender from the sacred ministry or from any ecclesiastical office or function. The bishop may impose or prohibit residence in a given place or territory, and prohibit the public participation in the Most Holy Eucharist pending the outcome of the process.
- In every case involving canonical penalties, the processes provided for in canon law will be observed, and the various provisions of canon law will be considered. (1) Unless the Congregation of the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, the Eparchial Bishop will follow the directions of the



Congregation on how to proceed. (2) If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Eparchial Bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons.

- For the sake of due process, the accused is encouraged to retain the assistance of civil and canonical counsel. When necessary, the eparchy will supply canonical counsel to the cleric.
- The Eparchy will conduct a judicial process of the case according to the appropriate canons and practice of the Church.
- The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Eparchy and the accused.
- In every instance, the Eparchy will advise and support a person's right to make a report to public authorities.
- The Eparchy will be open and transparent in communicating with the public about the sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by sexual abuse of a minor.

## ***6. Ministry/Service Termination***

- No cleric removed from an eparchial position for allegations of sexual abuse of a minor will return to ministry or service before their case is assessed and

fitness is determined by the Eparchial Bishop in consultation with the review board. The safety of children is the paramount consideration governing the formation of recommendations regarding the future ministry of one accused of abuse.

- An allegation of sexual abuse of a minor made against a cleric will be deemed established if, with due respect for the provisions of canon law:
- The accused individual admits to conduct defined by this policy as sexual abuse; or
- A civil court of criminal law finds the accused guilty of a crime that consists of conduct defined by this policy as sexual abuse, or the accused pleads guilty or no contest to a crime that consists of conduct defined by this policy as sexual abuse; or
- The appropriate church tribunal finds the accused guilty of the crime.
- When an act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest will be removed from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants.
- If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate the Divine Liturgy publicly or to administer the mysteries. He will be instructed not to wear clerical garb, or present himself publicly as a priest.
- At all times, the Eparchial Bishop has the executive power of clerical governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. For the sake of

the common good and observing the provisions of canon law, the Eparchial Bishop shall exercise this power of governance to ensure that any priest who has committed an act of sexual abuse of a minor as described above shall not continue in the active ministry.

- The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Eparchial Bishop may request of the Holy Father the dismissal of the priest from the clerical state *ex officio*, even without the consent of the priest.
- Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken by the bishop to restore the good name of the priest or deacon falsely accused.
- No priest or deacon who has committed an act of sexual abuse of a minor will be transferred for ministerial assignment to another eparchy/diocese or religious province.
- Before a priest or deacon is transferred for residence to another eparchy/diocese or religious province, the Eparchial Bishop shall forward, in a confidential manner, to the local eparch/bishop or religious ordinary of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.
- The Eparchial Bishop will not consider receiving a priest into the eparchy from another jurisdiction without previously obtaining the necessary

information regarding the moral and civil record of the priest or deacon in question.

### ***7. Prevention***

The Eparchy of Saint Thomas will publish a code of conduct in ministry to be adhered to by all the clergy and persons in positions of trust in the Eparchy.

All eparchial programs designed to certify clerics, eparchial employees, and volunteers who serve children on a regular basis will include segments that address child sexual abuse. The training curriculum will include information concerning: signs and symptoms, dynamics of child abuse, impact of child abuse, intervention strategies, reporting requirements and community resources.

### ***8. Screening***

The Eparchy will study the psychological screening currently undertaken to assess all potential candidates for the priesthood and diaconate. The tests given will be reviewed from the perspective of identifying, to the extent possible, potential problems in the area of sexuality. Problem candidates will be disqualified.

# **Code of Conduct and Integrity for Church Personnel**

*“Church personnel includes priests, seminarians, all paid and volunteer personnel who are employed by or work in eparchial parishes or institutions ”.*

## *General Norms*

- Church personnel will exhibit the highest Christian ethical standards and personal integrity.
- Church personnel will conduct themselves in a manner that is consistent with the discipline and teaching of the Catholic Church.
- Church personnel will not physically, sexually or emotionally abuse a minor or an adult.
- Church personnel will not engage in physical, psychological, written or verbal harassment of employees, volunteers, or parishioners and will not tolerate such harassment by other Church personnel.
- Church personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- Church personnel shall not engage in sexual intimacies with the persons they counsel. This includes consensual contact, forced physical contact and sexually explicit conversations not related to counseling issues.
- Church personnel assume the full burden for setting and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships. No counseling sessions should be conducted in private living quarters.

- Church personnel will share concerns about suspicious or inappropriate behavior with their pastor, the Vicar-General of the Eparchy, or the Eparchial Bishop.
- Church personnel will report any suspected abuse to the proper civil authorities.
- Church personnel will accept their personal responsibility to protect minors and adults from all forms of abuse.

Houses used for residences of priests and religious are exclusively for the use of the religious. With the exception of occasional visits from immediate family members, minors are not permitted to be overnight guests in the residence of a priest or a religious.

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# **Code of Conduct For Priests, Staff and Volunteers**

## **1. Preamble**

Priests, deacons, pastoral ministers, administrators, staff and volunteers in our parishes, religious communities/institutes and organizations must uphold Christian values and conduct. This *Code of Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, Staff and Volunteers* provides a set of standards for conduct in certain pastoral situations.

## **2. Responsibility**

The public and private conduct of clergy, staff and volunteers can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy, staff and volunteers must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

Responsibility for adherence to the *Code of Pastoral Conduct* rests with the individual. Those who disregard this *Code of Pastoral Conduct* do so at their own risk and will be held responsible by the parish, the religious community/institute, the school, the archdiocese and others. Corrective action may take various forms depending on the specific nature and circumstances of the offense and the extent of the harm.

### **3. Pastoral Standards**

#### **A. Conduct for Pastoral Counselors and Spiritual Directors**

*"Pastoral counselors and spiritual directors: Clergy, staff and volunteers who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families or other groups".*

Pastoral counselors and spiritual directors must respect the rights and advance the welfare of each person.

1. Pastoral counselors and spiritual directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
2. Pastoral counselors and spiritual directors should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship, such as an employee, a professional colleague or a friend.
3. Pastoral counselors and spiritual directors should not audiotape or videotape sessions.
4. Pastoral counselors and spiritual directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact and inappropriate sexual comments.
5. Pastoral counselors and spiritual directors shall not engage in sexual intimacies with individuals who are close to the client, such as relatives or friends of the client, when there is a risk of exploitation or potential harm to the client. Pastoral counselors and spiritual directors should presume that the potential for



exploitation or harm exists in such intimate relationships.

6. Pastoral counselors and spiritual directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
7. Physical contact of any kind – touching, hugging, and holding – between pastoral counselors or spiritual directors and the persons they counsel can be misconstrued and should be avoided.
8. Sessions should be conducted in appropriate settings at appropriate times.
  - No sessions should be conducted in private living quarters.
  - Sessions should not be held in places or at times that would tend to cause confusion about the nature of the relationship for the person being counseled.

## **B. Confidentiality**

*Information disclosed to a pastoral counselor or spiritual director during the course of counseling, advising or spiritual direction shall be held in the strictest confidence possible.*

1. Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
  - If there is clear and imminent danger to the client or to others, the pastoral counselor or spiritual director may disclose only the information necessary to protect the parties affected and to prevent harm.
  - Before disclosure is made, if feasible, the pastoral counselor or spiritual director should inform the

person being counseled about the disclosure and the potential consequences.

2. Pastoral counselors and spiritual directors should discuss the nature of confidentiality and its limitations with each person in counseling.
3. Pastoral counselors and spiritual directors should keep minimal records of the content of sessions.
4. Knowledge that arises from professional contact may be used in teaching, writing, homilies or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
5. While counseling a minor, if a pastoral counselor or spiritual director discovers a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the pastoral counselor or spiritual director should:
  - Attempt to secure written consent from the minor for the specific disclosure.
  - If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.

Consultation with the appropriate Church supervisory personnel is required before disclosure.

**These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure - even indirect disclosure - of information received through the confessional.**

## **C. Conduct with Youth**

*Clergy, staff and volunteers working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors.*

1. Clergy, staff and volunteers must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to manage youth activities.
2. Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
3. Clergy, staff and volunteers should refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) the use of alcohol when working with youth.
4. Clergy should not allow individual young people to stay overnight in the cleric's private accommodations or residence.
5. Staff and volunteers should not provide shared, private, overnight accommodations for individual young people, including, but not limited to, accommodations in any Church owned facility, private residence, hotel room or any other place where there is no other adult supervision present.
  - In rare, emergency situations when accommodations are necessary for the health and well-being of the youth, the clergy, staff or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
  - Use a team approach to manage emergency situations.

## **D. Sexual Conduct**

*Clergy, staff and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.*

1. Clergy, religious, staff and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
2. Staff and volunteers who provide pastoral counseling or spiritual direction services must avoid developing intimate relationships with minors and inappropriate intimate relationships other staff or parishioners. Staff and volunteers must behave in a professional manner at all times.
3. No clergy, staff or volunteer may exploit another person for sexual purposes.
4. Allegations of sexual misconduct should be taken seriously and reported to the appropriate person in the parish (pastor), community/institute (religious superior), archdiocese (human resources director) or organization (director) and to civil authorities if the situation involves a minor.
  - Canon and civil law procedures will be followed to protect the rights of all involved.
5. Clergy, staff and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the state of Michigan and should follow those mandates.

## **E. Harassment**

*Clergy, staff and volunteers must not engage in physical, psychological, written or verbal harassment of staff, volunteers or parishioners and must not tolerate such harassment by other Church staff or volunteers.*

1. Clergy, staff and volunteers shall provide a professional work environment that is free from physical, psychological, written or verbal intimidation or harassment.
2. Harassment encompasses a broad range of physical, written or verbal behavior, including, but not limited to, the following:
  - Physical or mental abuse.
  - Racial insults.
  - Derogatory ethnic slurs.
  - Unwelcome sexual advances.
  - Sexual comments or sexual jokes.
  - Requests for sexual favors used as:
    - a condition of employment, or
    - to affect other personnel decisions, such as promotion or compensation.
  - Display of offensive materials.
3. Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive or intimidating work environment.
4. Allegations of harassment should be taken seriously and reported immediately to the appropriate person in the parish (pastor), community/institute (religious superior), diocese (bishop) or organization (director).
5. Canon and civil law procedures will be followed to protect the rights of all involved.

## 4. CODE OF CONDUCT FOR VOLUNTEERS

Our children are the most important gifts God has entrusted to us. A volunteer must strictly follow the rules and guidelines in this *Code of Conduct for Volunteers* as a condition of providing services to the children and youth of our diocese.

### **A volunteer must:**

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity and consideration.
- Avoid situations where he or she is alone with children and/or youth at Church activities.
- Use positive reinforcement rather than criticism, competition or comparison when working with children and/or youth.
- Refuse to accept expensive gifts from children, youth or their parents without prior written approval from the pastor or administrator.
- Refrain from giving expensive gifts to children and/or youth without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected abuse to the pastor, administrator or appropriate supervisor and the local Child Protection Services agency. Failure to report suspected abuse to civil authorities is, according to the law, a misdemeanor.
- Cooperate fully in any investigation of abuse of children and/or youth.

### **A volunteer must NOT:**

- Smoke or use tobacco products in the presence of children and/or youth.

- Use, possess or be under the influence of alcohol at any time while volunteering.
- Use, possess or be under the influence of illegal drugs at any time.
- Pose any health risk to children and/or youth through fevers or other contagious situations.
- Strike, spank, shake or slap children and/or youth.
- Humiliate, ridicule, threaten or degrade children and/or youth.
- Touch a child and/or youth in a sexual or other inappropriate manner.
- Use any discipline that frightens or humiliates children and/or youth.
- Use profanity in the presence of children and/or youth.

A volunteer working with children and/or youth is subject to a thorough background check, including criminal history. Any action inconsistent with this *Code of Pastoral Conduct* or failure to take action mandated by this *Code of Pastoral Conduct* may result in removal as a volunteer with children and/or youth.

To request information from St. Thomas Diocese on the *Code of Pastoral Conduct*, contact:

**St. Thomas Chaldean Catholic Diocese**

25603 Berg Road

Southfield, MI 48033

Telephone: (248) 351-0440

## 5. Reporting Ethical or Professional Misconduct

*Clergy, staff and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.*

1. Clergy, staff and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. Indications of illegal actions by clergy, staff or volunteers must be reported immediately to the proper civil authorities, as well as to the diocese (bishop), parish (pastor), religious community/institute (religious superior) or organization (director).
2. When an uncertainty exists about whether a situation or course of conduct violates this *Code of Pastoral Conduct* or other religious, moral or ethical principles, consult with one of the following:
  - Peers.
  - Others knowledgeable about ethical issues.
3. When it appears that a member of the clergy, a staff member or a volunteer has violated this *Code of Pastoral Conduct* or other religious, moral or ethical principles:
  - Report the issue to a supervisor or next higher authority, or
  - Refer the matter directly to the Chancery office or the responsible administrative authority for the religious community/institute or organization.
4. The obligation of pastoral counselors and spiritual directors to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health or well-being of any of the persons involved.



## **6. Administration**

*Employers and supervisors shall treat clergy, staff and volunteers justly in the day-to-day administrative operations of their ministries.*

1. Personnel and other administrative decisions made by clergy, staff and volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and this *Code of Pastoral Conduct*.
2. No clergy, staff or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.
3. Each volunteer providing service to children and youth must read the *Code of Conduct for Volunteers* before providing services.

## **7. Staff or Volunteer well-being**

*Clergy, staff and volunteers have the duty to be responsible for their own spiritual, physical, mental and emotional health.*

1. Clergy, staff and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.
2. Clergy, staff and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
3. Clergy, staff and volunteers must address their own spiritual needs. Support from a spiritual director is highly recommended.

4. Inappropriate or illegal use of alcohol and drugs is prohibited.

*Adopted from the Pastoral Code of Conduct for the  
Archdiocese of Detroit with Permission  
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Each diocese/eparchy will designate a competent person to receive complaints and coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or volunteers.

This person is called the "***Victim Assistance Coordinator***".

***To inform the Eparchy of a complaint of sexual abuse and/or to speak to the Victim Assistance Coordinator contact:***

***Janan Senawi***  
**Telephone: (248) 354-3066**

*(This is a special confidential line to contact the Victim Assistance Coordinator)*

# *Michigan Child Protection Law*

Since 1975, the Michigan Child Protection Law (MLC 722.621-638, the “Act,” available at [Michigan.gov/fia](http://Michigan.gov/fia). Select Legal & Policy/Laws) has required members of certain professions (e.g. physicians, nurses, psychologist, counselors, social workers, teachers and school administrators) to immediately report to the Michigan Family Independence Agency (“FIA”) suspected child abuse or neglect. Effective March 1, 2003, clergy (i.e., priests, deacons, religious) are also required to immediately report to the FIA suspected child abuse or neglect. This is a summary of the material provisions of the reporting requirements under the Act:

1. “Clergy” is defined as 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.”
2. “Child” is a person under 18 years of age.
3. “Child abuse” is defined as harm or threatened harm to a child’s health or welfare by a parent, legal guardian, teacher, teacher’s aide, clergy, or any other person responsible for the child’s health or welfare through non-accidental (i) physical or mental injury; (ii) sexual abuse; (iii) sexual exploitation; or (iv) maltreatment. “Child neglect” is defined as failure to provide adequate food, clothing, shelter or medical care.
4. The reporting obligation applies even if the abuse victim is over age 18 at the time of disclosure of the abuse for the reason that there may be a current risk of abuse to other children.

5. Persons required to report under the Act who have “reasonable cause” to suspect child abuse or neglect must make an immediate oral report to the FIA. This oral report must be made to the FIA office in the county where the child resides. Included herein are the addresses, telephone and facsimile numbers for the FIA offices in Wayne, Oakland, Macomb, Monroe, Lapeer and St. Clair counties.
6. Within 72 hours after making the initial oral report, the reporting person must also file a written report with the FIA. This report must contain the name of the child and a description of the suspected abuse or neglect. If available, the report should also contain (i) the child’s age; (ii) name and address of the child’s parents, guardian and/or persons with whom the child resides; and (iii) any other information available to the reporting person identifying the cause of the suspected abuse or neglect and the manner in which the abuse or neglect occurred. (The form for the required written report can be downloaded from [Michigan.gov/fia](http://Michigan.gov/fia), select Doing Business with the FIA/Forms.) The written report must be mailed to the FIA office in the county where the child resides and a copy of the written report should also be faxed and mailed to the Bishop of the Diocese at 25603 Berg Road, Southfield, Michigan 48033, Facsimile (248) 351-0443.
7. Failure to report suspected child abuse or neglect as required by the Act is a criminal misdemeanor “punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both,” and could also subject the person who has failed to report and the Diocese of St. Thomas to significant civil liability for money damages.

8. There is a narrow exception to mandatory reporting by clergy of suspected child abuse or neglect. A clergy member is not required to report suspected child abuse or neglect only if such information has been obtained through a communication “made to a member of the clergy in his or her professional character in a confession or similarly confidential communication.”

# ***Family Independence Agency Offices in Michigan***

For more information on compliance with the reporting requirements under the Michigan Child Protection Act, call the FIA toll free at (800) 942-4357 or one of the county offices listed below.

## **Lapeer County**

P.O. Box 400

1505 Suncrest Drive

Lapeer, MI 48446

Telephone: (810) 644-5968 Fax: (810) 667-0795

## **Macomb Country**

19700 Hall Road, Suite A

Clinton Township, MI 48038

Telephone: (586) 412-6109 Fax: (586) 412-6819

## **Monroe County**

1051 South Telegraph Road

Monroe, MI 48161

Telephone: (734) 243-7400 Fax: (734) 243-6582

## **Oakland County**

Stoneridge East, Suite 200

41000 Woodward Avenue

Bloomfield Hills, MI 48304

Telephone: (248) 975-5010 Fax: (248) 975-5550

**St. Clair County**

220 Fort Street

Port Huron, MI 48060

Telephone: (810) 966-2173      Fax: (810) 966-2043

**Wayne County**

Central Wayne Child & Family Services

2929 Russell

Detroit, MI 48207

Telephone: (313) 396-0300      Fax: (313) 396-0415



**Illinois Department of Children and Family  
Services  
Child Abuse Hotline  
1-800-25-ABUSE (1-800-252-2873)  
217-524-2606 Outside of Illinois  
1-800-358-5117 TTY  
[www.state.il.us/dcfs](http://www.state.il.us/dcfs)**

## **Mandated Reporters**

There are seven groups of mandated reporters as defined by state law (the [Illinois Abused and Neglected Childrens Reporting Act](#) or ANCRA, 1975):

- School Personnel
- Medical Personnel
- Social Service and Mental Health Personnel
- Law Enforcement Personnel
- Coroner/Medical Examiner Personnel
- Child Care Personnel
- Clergy

## **Child Abuse and Neglect**

Child Abuse and/or neglect is the maltreatment of a child under the age of 18 by a parent, guardian, foster parent, relative caregiver, paramour, any individual residing in the same home, any person responsible for the child's welfare at the time of the alleged abuse, or any person who came to know the child through an official capacity or position of trust. Child abuse can be physical abuse, sexual abuse, and/or neglect.

Physical abuse occurs when a parent or a person responsible for the child's welfare inflicts, caused to be inflicted, or allowed to be inflicted a physical injury; created a substantial risk of physical injury; commits an act of torture; inflicts excessive corporal punishment; allows the use of alcohol and/or drugs.

Sexual abuse occurs when a parent or a person responsible for the child's welfare commits or allows to be committed any of the following: transmission of a sexual disease; sexual penetration; sexual molestation; sexual exploitation and/or places a minor at risk of sexual harm. (Abused and Neglected Child Reporting Act)

Neglect occurs when a parent or a person responsible for the child deprives or fails to provide the child with adequate food, clothing, shelter, or needed medical care.

### **When to Call the Department of Children and Family Services Hotline**

In the state of Illinois, all reports of known or suspected child abuse and/or neglect are reported to the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE).

Whenever you have reason to believe that a person who cares for a child, lives with a child, or works with or around children has caused injury or harm, or puts a child at risk of sexual and/or physical injury, or has neglected the child's basic needs. If you have reason to suspect child abuse make the report by calling the DCFS Hotline. The Hotline worker can advise you on whether the signs you have observed are abuse.

Mandated Reporters are required to report suspected child abuse or maltreatment **immediately** when they have reason to believe that a child known to them through their professional or official capacity may be an abused and/or neglected child.

### **Making the Call to the Department of Children and Family Services Hotline**

**Call the Police (911) if a child is in immediate danger or has been injured.**

Your report is confidential and is not subject to public release under the Open Records Act. The law provides for immunity from civil or criminal liabilities for innocent persons who report even unfounded suspicions, as long as your report is made in good faith. Your identity is kept confidential. Remember, even if you do not have all the information, you are still encouraged to call. Be sure to identify if you are a mandated reporter. The Hotline worker will ask you to provide the following information:

- Name, age, gender, address, etc. for all adult and child subjects.
- The nature of the suspected abuse and/or neglect.
- When and where it occurred.
- Any additional person(s) with information.
- The name(s) of the suspected perpetrator(s), their relationship to the child, and their access to the child.
- Additional information requested from the Hotline worker.

## **After Calling the Department of Children and Family Services Hotline**

After listening to what you report, the Hotline worker will then determine if the information provided meets the legal requirements for DCFS to initiate an investigation. If an investigation is initiated, a child protection investigator will begin the investigation process within 24 hours. If the information does not meet the legal requirement to initiate an investigation, you will be informed of the reasons why and referrals provided if appropriate.

Following a DCFS call, a teacher is to report the call to the principal. The principal in turn, is to inform the pastor and fax a copy of the completed CANTS 5 form to DCFS and to his/her assistant superintendent. When a religious education instructor calls DCFS, they next inform the Director of Religious Education (DRE) who, in turn, notifies the pastor and the Office for Catechesis.

If child sexual abuse is reported to DCFS with an allegation against a cleric, employee, or volunteer immediately call the Office for Child Abuse Investigations and Review at 312-534-5205. A DRE then notifies the pastor, who notifies the Office of Catechesis. A principal notifies the pastor, and the assistant superintendent who, in turn, notifies the superintendent of schools.

**Illinois Department of Children and  
Family Services  
406 East Monroe  
Springfield, IL 62701**

**Child Abuse Hotline**

**1-800-25-ABUSE (1-800-252-2873)**

## **DIOCESAN POLICY ON CRIMINAL HISTORY BACKGROUND CHECKS**

### **Purpose:**

The Chaldean Eparchy of St. Thomas the Apostle values the safety of children in its care, its employees and volunteers, and the people whom it serves. Accordingly, the diocese must take prudent measures to protect its human and material resources. Effectively, the eparchy bishop mandates that criminal history background checks be conducted for all church personnel as well as volunteers working in any parish or diocesan institution who have unsupervised contact with a child, the elderly or persons with disabilities. Criminal history background checks are required in addition to proper screening, interviewing and reference checks conducted by all hiring agents.

### **General policy regarding screening:**

- A.** All paid Church personnel (clergy, religious and lay) including those paid by stipend shall have a criminal history background check whether they provide services to the diocese, parish, or other diocesan institution, if they have unsupervised contact with a child, the elderly or persons with disabilities.
  
- B.** Volunteers who regularly are entrusted with unsupervised contact with a child, the elderly, or persons with disabilities shall have a criminal history background check.

### **Procedure:**

- A. Time:** At the time of application for employment or assignment or request to volunteer, the Applicants shall be provided with a copy of this policy. Incumbent Church personnel and volunteers will be

provided with a copy of this policy at the time their names are checked.

- B. Requirement:** A criminal history background check is a condition for employment or volunteering. Non-compliance with the policy will result in loss of employment or volunteer position.
- C. Frequency:** Incumbent Church personnel and volunteers must be screened every seven years, on their anniversary date.

**Responsible Agent:**

Requests for a criminal history background check should be handled by the hiring institution, parish, or diocese.

**Cost:** The cost of the background search will be covered by the hiring department, parish, or the diocese.

**Type of Background Search:**

- A.** All Church personnel and volunteers other than those required by law to have a fingerprint criminal history background check will be required to have a criminal records history background check. It is expected that records searches can be conducted through the Internet Criminal History Access Tool (ICHAT) maintained by the state police.
- B.** Criminal history background checks will encompass all places where the person has lived for the past seven years within the United States.

**Compliance Monitoring:** Each parish or diocesan institution shall submit an annual document or report each year indicating compliance with the Status of criminal history background checks for their employees and volunteers.

**Discovery of Criminal Activity:** Upon the discovery of a criminal conviction related to the work/volunteer position, the parish, or diocesan institution shall immediately consult with the diocesan office. All information received during the background check will be kept confidential by the requesting department, and filed permanently at the institution.

- A.** The requesting department shall maintain the strictest verbal confidentiality and placement of any printed material regarding the individual until after consultation. All laws protecting the employee must be adhered to.
  
- B.** A final determination regarding future service of the Church personnel or volunteer will be made by the parish priest and the director of the diocesan institution in consultation with the bishop.



To inform the diocese of a complaint of sexual abuse  
contact the Eparchial Bishop or the Safety Environment  
Office at:

Eparchial Safety Environment Director;

Mr. Jonathan Francis

25603 Berg Road

Southfield, MI 48033

Telephone: (248) 351-0440

Contact with civil authorities begins with the  
local office of the Prosecuting Attorney:

Lapeer County (810) 667-0326

Macomb County (586) 469-5350

Monroe County (734) 240-7600

Oakland County (248) 858-0656

St. Clair County (810) 985-2400

Wayne County (313) 224-5777

For Illinois State:

Child Abuse Hotline

1-800-25-ABUSE (1-800-252-2873)

Policy and Procedures Regarding Sexual Abuse of Minors  
by Priests, Deacons and Other Church Personnel.

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First Printing, September 2009