



## CREATING AND MAINTAINING A SAFE ENVIRONMENT FOR CHILDREN AND VULNERABLE ADULTS

### POLICY

Recognizing that each individual is created by God, the Archdiocese of Miami is committed to the safety and well-being of its children and vulnerable adults and implements procedures to minimize risk as well as build and foster a culture that creates a safe environment. The Archdiocese does not tolerate abuse or neglect of anyone. It will comply with all obligations of civil and canon law; it will promote healing where it is needed, provide education, training and guidance when it is appropriate, and endeavor to prevent any abuse of minors or vulnerable adults with firm justice and mercy towards all.

### I. GLOSSARY OF TERMS

**Allegation** - a statement or accusation of sexual abuse.

**Archdiocesan Contact Person** - The Archbishop has designated the Chancellor for Administration to be the contact person for the Archdiocesan Safe Environment program. In addition, this individual is responsible for distribution of and adherence to Archdiocesan policies and procedures required to assure a safe environment for Vulnerable Persons. This individual maintains the records required for the annual audit conducted by the United States Conference of Catholic Bishops ("USCCB").

**Archdiocesan Review Board** - A confidential consultative body to the Archbishop, comprised of a majority of laity not employed by the Archdiocese of Miami, with skills and experience consistent with the requirements of the USCCB's *Charter for the Protection of Children and Young People*; the Review Board assists the Archbishop in assessing allegations and fitness for ministry as well as review of all related policy.

**Background Screening** - All Church Personnel shall allow an inquiry into their background to assess whether any reason exists that would suggest the person is not suitable for the position sought. Such background investigation shall include a Level 2 fingerprint criminal background search ("CBS"). A Level 2 CBS includes a state-wide criminal and juvenile records check through the Florida Department of Law Enforcement and a federal criminal records check through the Federal Bureau of Investigation.

**Charter** - The document, *Charter for the Protection of Children and Young People (2018)*, developed by the United States Conference of Catholic Bishops, outlines the goals, duties and responsibilities of dioceses in the United States in response to the issue of child abuse.

**Child/minor** - A person who is under 18 years of age or a person with a physical or mental handicap who is under 21 years of age.

**Church Personnel** - For purposes of this policy only, Church Personnel includes all individuals who minister, work, or volunteer in any school, parish, or ministry of the Archdiocese whose compliance with this policy is sought. The term has no legal meaning or significance outside the scope of this policy and is not indicative of any employment or agency relationship. **Church Personnel** shall mean all of the following:

*Clergy*: shall mean all priests and deacons who have faculties of the Archdiocese.



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*Employee:* shall mean any lay individual who is employed by or engaged in ministry who is given payment for services (any form of compensation, whether monetary or otherwise) rendered in which the obligation to withhold for payroll tax (FICA, Medicare and withholding) exists, whether part-time or full-time. This definition shall include all such persons whether employed by the Archdiocese, Parish, School, Early Childhood Center, Nursing Home, Group Home, or other Archdiocesan entity that is controlled by or operated by the Archdiocese. This definition does not include independent contractors, consultants, vendors or other persons who are not subject to the supervision of the Archdiocese and for whom no such duty to withhold payroll taxes exists.

*Religious Brothers and Sisters:* shall mean religious brothers and sisters who are regularly involved in ministry on behalf of an entity controlled or operated by the Archdiocese.

*Seminarians:* shall mean those men enrolled in a seminary as seminarians of the Archdiocese of Miami or who are regularly involved in ministry at an entity controlled or operated by the Archdiocese.

*Covered Volunteer:* shall mean any unpaid person who is engaged in or involved in any Archdiocesan institution or parish activity and who is entrusted with the care or supervision of children or vulnerable adults.

*Independent Contractor:* shall mean any non-employed lay individual who is hired or engaged to perform services involving direct contact with a Vulnerable Person or provides such services on a school campus when students are present (for any form of compensation, whether monetary or otherwise) on behalf of the Archdiocese including any Parish, School, Early Childhood Center, Nursing Home, Group Home or other Archdiocesan entity that is controlled by or operated by the Archdiocese.

**Credible allegation** - A claim based upon identifiable facts, such as specific names, places, or time frames, details of incidents or names of corroborating persons.

**DCF** - Department of Children and Families.

**Office** – The Office of Safe Environment

**Promoter of Justice** - The prosecuting attorney in Church courts.

**Safe Environment Director** – The person is responsible for receiving calls, reports or allegations of abuse by Church Personnel or on church premises.

**Sexual Abuse** - Sexual abuse means any act constituting sexual abuse as defined in Chapter 39 and Chapter 415, Florida Statutes, whether perpetrated against a child or vulnerable adult as defined herein. A copy of the applicable provisions of the statutes is attached to the end of this policy.

**Victim Assistance Coordinator** - An individual designated by the Archbishop to be responsible for initial pastoral response and subsequent pastoral care in the name of the Archdiocese to victims of sexual abuse by Church Personnel.

**Vulnerable Person** - A minor under 18 years of age or a person whose ability to perform normal activities of daily living is impaired due to a mental, emotional, long-term physical or developmental disability or dysfunction, or brain damage, or the infirmities of aging.



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### II. PREVENTION

#### A. BACKGROUND SCREENING REQUIREMENTS

In an effort to guard the safety of Vulnerable Persons under the care of the Archdiocese, all Church Personnel, ages 18 and older, will be required to submit a completed Criminal Background Check Form as well as a complete set of fingerprints so as to facilitate a criminal background investigation. Eligibility for employment, volunteer work, or ministry will be contingent and conditioned upon a satisfactory background investigation. This background investigation will be updated every five (5) years. This policy applies even if an individual has been cleared through an FBI or FDLE check conducted by their employer or another entity.

**Volunteers under the age of 18 are not allowed to have unsupervised access to children, youth or vulnerable adults.** This includes youth ministers, coaches, mentors, scout leaders, babysitters, etc. These individuals who may assist with children, youth and vulnerable adults must be immediately supervised by a volunteer or employee who has been VIRTUS trained, has maintained compliance with VIRTUS bulletins, has successfully completed a Level 2 Background Check and has signed a Pledge to Promote Safe Environment.

#### **Minor Volunteers serving in summer camp programs**

Because church and school volunteers under the age of 18 are not allowed to have unsupervised access to children, youth or vulnerable adults, normally they are not VIRTUS trained or screened for criminal history. However, in 2015 the Florida Department of Children and Families required minors working or volunteering in summer camps to pass a background check (fingerprinting) and it is now included as part of the Safe Environment Policy.

#### **Background Screening/Persons or Roles Requiring Screening**

All Church Personnel will be required to submit a completed Criminal Background Check Form as well as a complete set of fingerprints to facilitate a criminal background screening.

All Archdiocesan Church Personnel including but not limited to employees and covered volunteers including clergy, religious, seminarians, principals, instructional personnel, school and parish employees, directors of religious education, catechists, youth ministry directors and volunteers, coaches (whether paid or volunteer), music/choir directors, ushers, counselors of children or vulnerable persons, Boy/Girl Scout Troop Leaders, independent contractors working as substitute teachers or temporary school office personnel, and childcare center employees and volunteers will be background checked every five years through the FBI/FDLE screening process described later in this policy. For all individuals, this policy supplements requirements of any federal or state policy.

If duties are assigned to any volunteer that include the care or supervision of children or vulnerable adults, the volunteer is then classified as a *Covered Volunteer* and the requirements for *Covered Volunteer* as defined in this policy, including fingerprinting and background screening and VIRTUS training, are required, as defined in this policy.

Not all volunteers need to be screened for a criminal history. Those volunteers who are not entrusted with the care or supervision of children or vulnerable adults need not be screened for a criminal history. Some *examples* of volunteers that do not need to be screened for a criminal history are:



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### *Volunteer Parish Roles Not Requiring Background Screening*

1. Sacristan duties, unless accessible to altar servers who are minors
2. Altar dressers; persons responsible for washing and maintaining altar linens
3. Lectors
4. Adult choir member, unless practicing and/or performing with minors (children's choir)
5. Cantor
6. Extraordinary Minister of Eucharist (if serving at Masses *only*)
7. Ladies' Guild, Council of Catholic Women, Bible Study Groups meeting at parish or in private homes, Ministry groups that do not have unsupervised or regular contact with children
8. Men's and Women's adult organizations that do not have unsupervised or regular contact with children

### *Volunteer or Vendor School Roles Not Requiring Background Screening (if accompanied by an Employee or Covered Volunteer at all times)*

1. Presenter at meeting or event
2. Career Day type events (participant or person staffing a booth)
3. Repair person
4. A parent or other relative who attends a school event or supervised classroom activity is not a covered volunteer and, therefore, does not need to be screened. Attendance on a school field trip, however, requires screening.

**It is anticipated that the above-listed volunteers' duties will not involve the supervision or care of children or vulnerable adults.**

A summary table related to safe environment requirements for various volunteer roles is included in ADOM Policy Safe Environment Requirements for Volunteer Roles, available in Chancellors' Folder in e-library. Any questions about the Safe Environment Policy or this summary table should be directed to the Chancellor for Administration.

***If an employee or volunteer falls within two of the categories outlined in the ADOM Policy Safe Environment Requirements for Volunteer Roles, they must satisfy the more stringent screening and training requirements.***

### **Responsibility of Chancellor, Pastor, Principal or Administrator**

The background investigation of Church Personnel shall be the responsibility of the Chancellor, Pastor, Principal, Administrator, or other person responsible for managing the Church Personnel subject to this policy. All information reported is considered confidential; the responsible administrator shall preserve confidentiality to the fullest extent possible.

### **B. VIRTUS TRAINING REQUIREMENTS**

In addition to background screening, all Church Personnel, including applicants offered a position, independent contractors and covered volunteers working with Vulnerable Persons are required to successfully complete safe environment training through the VIRTUS program. This includes an initial on-line training course, Protecting God's Children.



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In addition to the initial VIRTUS training requirement, **volunteers** who serve as a director of a parish or school ministry or provide direct care to minors and **ALL employees** must continue VIRTUS training with monthly bulletins and training modules assigned by the Safe Environment Office pertinent to their role in order to remain compliant with the training requirement. For new Church Personnel, VIRTUS initial training must be completed either before or on their first day of employment or volunteer ministry.

VIRTUS training, however, may be optional at the Office of Safe Environment's discretion for an executive manager of a contractor/vendor who is only required to make irregular and brief visits on school property and who is not entrusted with the care or supervision of children or vulnerable adults.

### C. DISTRIBUTION OF THIS POLICY

A copy of this policy and the procedures for implementation will be distributed to all parishes, schools and other Archdiocesan entities. All pastors and designated administrators are to be familiar with this policy and with their respective responsibilities for training and background screening of Church Personnel and are required to fully implement the training and screening requirements within their respective entities. The policy will be posted on the Archdiocese of Miami public website and on the Archdiocese of Miami intranet site accessible to employees. Annually, public announcements about the Archdiocese's efforts to provide a safe environment and the manner in which concerns or allegations may be reported will be made via web, print media and parish bulletins and documentation of the publication will be maintained.

### D. PROCEDURES FOR BACKGROUND SCREENING

#### **New Church Personnel**

Before beginning work, ministry or volunteer services, Church Personnel must complete the appropriate criminal background process and receive clearance from the Office of Safe Environment. All offers for any employment are contingent upon approval from the Office of Safe Environment. All new hires requiring FBI/FDLE checks will be fingerprinted at an approved Archdiocesan location.

New employees and Covered Volunteers are required to complete the Pledge to Promote Safe Environment which is electronically signed in the VIRTUS account upon registration.

#### **General Fingerprinting Procedure**

Church Personnel will generally be fingerprinted either through FDLE's VECHS program or through DCF's clearinghouse depending on the particular entity and/or position. Both background screening programs include a Level 2 federal and state fingerprint-based background check. All Church Personnel will be re-screened every five years.

#### **Third Party Vendors**

No third-party vendors, other than vendors approved by the Office of Safe Environment, can be used by any Archdiocesan entity for the purpose of background checks and/or clearance. Results of all fingerprinting and background checks will be processed through the Office of Safe Environment.

#### **International Background Check**

Any prospective Church Personnel from another country who has not been in the U.S. for at least one year may receive an International Background Check. Special forms are required and available through the Office of Safe Environment.



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### **Clearance Process and Results of Criminal Background Screening**

There are three categories of criminal background results.

*Category 1:* Criminal Background Search shows no criminal record. If a Church Personnel does not have any criminal record, the Office will notify the Church Personnel's administrator in writing that the individual is cleared. The clearance notice shall be kept in a separate, locked, confidential file.

*Category 2:* Criminal Background Search shows a non-disqualifying criminal record.

The Office may contact the Church Personnel with the criminal record to obtain the underlying facts as well as any extenuating circumstances and may request additional information including a written statement and copies of arrest reports and/or court records. The Office may notify the Church Personnel's administrator of the public records and additional information provided by the Church Personnel. Any such notification will be kept in a separate, locked, confidential file. The administrator may be asked by the Safe Environment Office to make a recommendation as to whether to permit the Church Personnel to be employed or volunteer, notwithstanding the non-disqualifying criminal record. The final decision of the Archdiocese will be promptly communicated to the administrator in writing.

*Category 3:* Criminal Background Search shows a disqualifying criminal record. If a Church Personnel has a criminal record that is disqualifying, as described in Appendix A of this policy, the Office will notify the designated administrator and Church Personnel of the disqualification from employment or volunteer ministry. The disqualification notice shall be kept in a separate, locked, confidential file. The Church Personnel may be notified of an exemption process, if available.

Restriction on employment or volunteer service of any Church Personnel or rejection notices on any Church Personnel or applicants at the entity shall be kept in a locked, confidential file. When an administrator or pastor is replaced, their replacement should review the confidential file to ensure that they are aware of any restrictions on a volunteer's or employee's activities.

### **Renewals**

All Church Personnel need to be re-fingerprinted and screened according to this policy every five (5) years. Any obligation of Church Personnel to complete the monthly VIRTUS bulletins and training modules remains continuous during the course of their employment or volunteer ministry as defined by this policy.

### **Working or Volunteering With Restrictions**

A person may be permitted to work or volunteer with restrictions. For example, if a person has had a DUI or reckless driving conviction, he/she may be allowed to work or volunteer but is prohibited from driving on behalf of the parish or school even in the employee's or volunteer's own vehicle. Restrictions in place are included in the VIRTUS record and are accessible to the on-site safe environment coordinator.

### **Disqualifying Offenses**

Prior findings of guilt, pleas of guilt or pleas of no contest (regardless of adjudication) for certain misdemeanors and felonies prohibit an individual from employment or volunteer ministry in an entity of the Archdiocese. See Appendix A for a list of disqualifying offenses.



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### **Reconsideration or Appeal**

Any Church Personnel who is disqualified or placed on restriction should be informed by the Office of Safe Environment, and given the reasons for the rejection or restriction. If the individual believes there is an error, or that the facts of the case are not properly known, he or she will be required to provide written documentation to the Office of Safe Environment before the decision will be reconsidered, as permitted by law. Any cost associated with presenting this written documentation must be borne by the applicant or Church personnel.

### **Record Maintenance**

Digital fingerprint images will be retained in a secure electronic database through a vendor approved by the Archdiocese of Miami. Any identified criminal history, along with Archdiocesan recommendations for clearance or denial, will be held in a secure location in the Office of Safe Environment, accessible only to Safe Environment personnel.

### **State Licensed and Regulated Facilities**

Some Archdiocesan facilities are licensed or otherwise regulated by the State of Florida and (1) may in some circumstances be governed by additional requirements and (2) only the state can grant an exemption at those facilities. If the state requires and performs the criminal background check, the Office of Safe Environment may rely on the state's determination of eligibility and disqualification at those licensed or regulated facilities, however, the state's determination is not final. The Archdiocese maintains discretion to make its own determination of eligibility.

### **Limitations on Use of Screening Information**

The Archdiocese may not use the criminal records, juvenile records, or abuse registry information of a person obtained through this screening process for any purpose other than determining whether that individual meets the minimum standard for good moral character or is otherwise qualified for the position sought.

### **Criteria for Excluding Church Personnel from Employment/Ministry**

Background checks involve a search of Florida criminal and juvenile records through the Florida Department of Law Enforcement and federal criminal records through the Federal Bureau of Investigation. Failure to meet the minimum standards of good moral character or the reasonable job-related expectations of the Archdiocese will be sufficient for disqualification (or immediate termination) from employment or volunteer ministry. In addition, individuals who misrepresent or fail to accurately complete their background information, including any criminal record or activity, may be denied employment or volunteer activity, or, if the inaccuracy or misrepresentation is subsequently discovered, the individual may be immediately terminated from employment or volunteer ministry.

All Church Personnel shall be expected to live a life of good moral character. If the Pastor, Administrator or other supervisor responsible for implementing this policy is not satisfied that this has been met, then the Church Personnel may be disqualified. The decision regarding employment or volunteer ministry shall take into consideration the minimum requirements of a good moral life which are established by the teachings of the Roman Catholic Church and consistent with Florida Law.

Church Personnel who have been found guilty of, entered a plea of guilty, or entered a plea of *nolo contendere* for any offense listed on Appendix A are disqualified from employment or ministry regardless of the date of the offense. Unless prohibited by law, an exemption from disqualification may be granted by the Archdiocese. In order for an exemption to be granted by the Archdiocese, a Church Personnel must demonstrate by clear and convincing evidence that he/she should not be disqualified from employment or



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ministry. A Church Personnel seeking an exemption has the burden of setting forth sufficient evidence of rehabilitation including, but not limited to: (a) the circumstances surrounding the criminal incident for which the exemption is sought; (b) the time period that has elapsed since the incident; (c) the nature of the harm caused to the victim, if applicable; and (d) the personal history of the Church Personnel since the incident, or any other evidence or circumstances indicating that the Church Personnel will not present a danger if continued employment or ministry is allowed. For some entities regulated by Florida law, the Archdiocese may not be authorized by law to grant an exemption from disqualification.

### Visiting Priests / Non-incardinated Priests

- For a priest who is visiting for a short-term visit (less than 3 months) but not an official assignment within the Archdiocese, a Certificate of Aptitude is required from the visiting priest's Bishop or Superior in order to grant faculties of the Archdiocese.
- For a priest who is requesting an official assignment within the Archdiocese, a Certificate of Aptitude and a fingerprinting and background (national or international) background check and VIRTUS training, according to this policy, is required to grant faculties.
- For a priest who is an extern residing in our Archdiocese for all or part of the year (i.e. retired) and wishes to assist at a parish, a Certificate of Aptitude and a fingerprinting and background check is required. Certification by the Arch/diocese in which the priest is incardinated that fingerprinting, background screening and safe environment training has been satisfactorily completed within five (5) years may substitute for fulfilling these requirements through the Archdiocese of Miami's procedures.
- The Chancellor for Canonical Affairs is responsible to evaluate each request for faculties and approve if appropriate.

### Retired Clergy

- Upon retirement, incardinated priests will generally continue to be fingerprinted every five years consistent with this policy. Exceptions will generally be documented in the priest's personnel file. Retired incardinated priests do not have to complete monthly VIRTUS bulletins or any additional training modules.
- Retired deacons who are no longer assigned in ministry do not have faculties and are not required to maintain compliance with fingerprinting or VIRTUS.

### Standards of Conduct for Church Personnel

Any form of sexual misconduct is sinful. Certain forms of sexual misconduct can be criminal as well. Church Personnel who engage in any form of sexual misconduct are violating the ministerial relationship, misusing their authority, power and trust, and taking advantage of the vulnerability of those they serve. Because of these unique circumstances of ministerial service there is an absence of meaningful consent to *any* sexual activity, even if the person is an adult.

It is the responsibility of Church Personnel to maintain appropriate emotional and sexual boundaries with those with whom they work or serve. Violations include technology, physical, emotional, behavioral, and boundaries including sexual misconduct. While it is not possible to identify every form of inappropriate conduct that violates a person's boundaries, based on the foregoing, it is inappropriate for Church Personnel to:

- make sexual propositions or perform any type of sexual act with and/or in the presence of anyone.
- give inappropriate gifts (such as lingerie).
- threaten or cause personal harm or injury or damage to property.





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- smoke or encourage smoking on any Archdiocesan property, at any school or entity.
- observe someone undressing while he/she is changing clothes at school, a sporting event or retreat other than necessary supervision in a locker room or approved changing area.
- denigrate or verbally abuse any person.
- provide medical advice, or medical procedure unless properly authorized or are required by law.
- administer drugs, including over-the-counter medication, in the absence of express written permission.
- provide massages or other physical contact or touch an individual inappropriately.
- examine the genitalia of any person.
- use the internet or other mobile electronic devices for pornographic access.
- show sexually suggestive objects or pornography.
- possess, consume, or offer alcohol products, tobacco or vaping products, or illegal drugs, or be under the influence of alcohol products or illegal drugs when engaged in ministry to anyone, especially minors or vulnerable person.
- create, distribute or maintain child pornography in any form as it is a federal and state crime and is immediately reported to law enforcement officials.
- tell tales of sexual exploits, experiences or conflicts or use sexual vulgar language.
- offer a prolonged hug or kiss on the lips when a brief hug is customary behavior.
- invite children and young people to their home unsupervised or for overnight stays, even with the permission of the parent or guardian.
- offer unaccompanied children or young people transportation, UNLESS the parent/guardian has given prior written consent filed with the parish/school to allow the unaccompanied child to be transported by the church personnel.

Behaviors that raise serious concerns with respect to maintaining a safe environment for children include, but are not limited to:

- Excessive involvement with children; over identification with children; grooming; or inappropriate special attention by any means including electronic, texting, gaming or through social media
- Failure to set appropriate limits with children
- Indications of anxiety regarding adult sexuality
- Repeated attempts or success in getting around the rules
- Allowing individuals under supervision to break rules
- Lack of meaningful, in-depth relationships with adult peers
- Keeping secrets with children; asking children to keep secrets from their parents/guardians
- Allowing special relationships with, or giving gifts to, an individual young person
- Administering corporal punishment or inordinate discipline

### **Conduct with Youth and Young Adults**

The Archdiocese of Miami has specific Youth and Young Adult Policies and Procedures for those who work or minister with youth or young adults in any Archdiocesan parish or entity.

### **Requirements for Outside Groups Using Archdiocesan Facilities/Space**

Outside groups that use Archdiocesan facilities but are not affiliated with the Archdiocese are responsible for meeting the minimum level 2 screening requirements of Section 435.04 and 1012.465 of the Florida Statutes, pursuant to the terms of the Archdiocesan *Non-Exclusive Space Use Agreement and License*. Accordingly, those License-affiliated persons do not have to be screened under this policy, *Creating and*



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*Maintaining a Safe Environment.* The *Space Use Agreement and License* can be found on the Archdiocesan e-library web site.

### III. RESPONDING TO AN ALLEGATION OF SEXUAL ABUSE OF A VULNERABLE PERSON

#### A. REPORTING

If a victim of abuse reports, or if any clergy, religious, lay employee, or volunteer of the Archdiocese of Miami knows or has cause to suspect that a Vulnerable Person has been subjected to any form of abuse, child sexual abuse, or neglect by any person, including another Archdiocesan employee or volunteer, religious or clergy, regardless of the location where the abuse may have occurred, the following procedures will be immediately observed.

- *Mandatory Reporting to DCF.* All Church Personnel who know, or have reasonable cause to suspect, that a child or vulnerable adult has been a victim of sexual abuse, shall immediately make any report required by law directly to the Department of Children and Families (DCF). Any mandatory report may be made by calling DCF's toll-free statewide abuse or neglect hotline at 1-800- 96ABUSE or through DCF's website at [reportabuse.myflfamilies.com](http://reportabuse.myflfamilies.com). The statutory clergy confidentiality privilege, as provided in Section 39.204, F.S., and as described in Section 90.505, F.S., shall apply to all reporting required under this paragraph.
- *Calls to Safe Environment Director.* All allegations of sexual abuse by Church Personnel or on church premises shall be reported promptly to the Archdiocesan Safe Environment Director at (305) 215-6635. Procedures for making a complaint will be readily available in internal confidential printed form.
- *Calls to Hotline.* The Archdiocese of Miami maintains a dedicated hotline, 1-866-802-2873, that is broadly advertised and available, with voice message capacity, 24/7 to receive calls from victims. A call received via the hotline is logged according to policy and immediately referred to the Victim Assistance Coordinator.
- *Notification of Pastor/Principal or Supervisor and Victim Assistance Coordinator.* Upon receipt of an allegation of abuse, the Safe Environment Director and the Archdiocesan Contact Person will be notified. In addition, where appropriate, the Archdiocesan Safe Environment Director will notify the Victim Assistance Coordinator and pastor, school principal, director of religious education, or other responsible supervisor.
- *Additional Reporting Requirements.* If the alleged perpetrator is a teacher, social worker, or licensed mental health professional, the event should *also* be reported to Department of Professional Regulations (DPR) at 1-800-445-6739 and/or Florida Department of Education, as appropriate.
- Copies of any written reports to DCF should be immediately shared with the Safe Environment Director.
- *Content of Report.* Any report made to DCF should contain, when possible, the names and addresses of the child or vulnerable adult and of the child or vulnerable adult's parent, guardian, or other adult having custody and control of the child or vulnerable adult, the child or vulnerable adult's age, the nature and possible extent of the child or vulnerable adult's injuries, and any other information that



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the person reporting believes may be helpful with respect to the investigation of the alleged abuse, and the identity of the alleged perpetrator.

- *Notification of Parent/Guardian.* If the complaint is not received from or does not involve the parent or guardian of the child or vulnerable adult, the Safe Environment Director will generally make arrangements to notify the parent or guardian. Notice should *not* be given to the parent or guardian if he or she is the person against whom the complaint is made. The timing and appropriateness of any such notice will be subject to directives from law enforcement and/or DCF. Appropriate pastoral concern and support shall also be shown to all parties involved, including the family. All information relating to a child or vulnerable adult incident, in which a complaint is made against Church Personnel, shall be assembled and retained in a written form in a confidential manner.
- *Cooperation with Law Enforcement.* The Archdiocese will cooperate with public authorities about reporting in cases when the person alleged to have been abused is no longer a minor. In every instance, the Archdiocese will notify the Archdiocesan Attorney who will in turn notify the local State Attorney. In addition, the Archdiocese will advise and support a person's right to make a report to public authorities.
- *External Communications.* All media inquiries will be answered by Archdiocesan Senior Director of Communication or the spokesperson designated by the Archbishop for this purpose. No other Archdiocesan Church Personnel is to respond to the media except and unless specifically directed by the Archbishop. Every effort will be made to provide that all information is disseminated in a timely and appropriate manner. To that end, media releases will be made to appropriate individuals as advisable.

### IV. ADDITIONAL RESPONSE FOLLOWING AN ALLEGATION OF SEXUAL ABUSE BY A PRIEST OR DEACON

#### A. RESPONSE

##### **Initiating the Investigation**

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

##### **Responsibility of the Victim Assistance Coordinator**

The Archdiocesan Victim Assistance Coordinator sees to the immediate pastoral care of persons who claim to have been sexually abused by clergy when they were minors or vulnerable adults. The Archdiocese is concerned for the spiritual and emotional well-being of alleged victims and is committed to promote healing and reconciliation. The Archdiocesan Victim Assistance Coordinator will offer appropriate counseling, spiritual assistance, access to support groups and other agreed upon social services.



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### **Archdiocesan Response**

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

### **Communication Regarding Allegation and/or Investigation**

To the extent possible, all communications regarding allegations of child sexual abuse will protect the identity of the victim and reflect the confidential nature of the investigation. Care will be taken to protect the rights of the alleged perpetrator.

With respect for the privacy and the reputation of the individuals involved, the Archdiocese will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by alleged ministerial misconduct involving minors.

### **Confidentiality Agreements**

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

### **Allegation against the Archbishop or Auxiliary Bishop**

Allegations against the Archbishop or an Auxiliary Bishop may be reported through the Catholic Bishop Abuse Report Service by calling 1-800-276-1562 or filing an online report at [www.reportbishopabuse.org](http://www.reportbishopabuse.org).

## **B. ARCHDIOCESAN REVIEW BOARD**

### *Membership*

To assist the Archbishop in his work, the Archdiocese has a Review Board that functions as a confidential consultative body established by the Archbishop, which is composed of at least five persons of outstanding integrity and good judgment. Members of the Review Board should be individuals of outstanding integrity and good judgment in full communion with the Church.

The majority of the Review Board members will be laypersons who are not in the employ of the Archdiocese; but at least one member must be a priest who is an experienced and respected pastor of the Archdiocese. At least one member should have particular expertise in the treatment of the sexual abuse of minors or vulnerable adults. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice and the Archdiocesan Attorney participate in the meetings of the Review Board.

### *Functions*

The functions of this Review Board include:

- Advising the Archbishop in his assessment of allegations of sexual abuse of minors and vulnerable adults and in his determination of suitability for ministry of clergy;
- Reviewing Archdiocesan policies for dealing with sexual abuse of minors and vulnerable adults, offering advice on all aspects of these cases, whether retrospectively or prospectively. In order to respond effectively to allegations of sexual abuse against Clergy, the bishop may appoint individuals to investigate the allegations. The results of any investigation must be provided to the Review Board.



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### *Procedures*

- The Review Board shall develop its own procedures for implementing this policy.
- The Review Board or its designee shall report to the Archbishop regarding its deliberations. At the Archbishop's request, the Review Board or its designee and the Archdiocesan Attorney shall meet with the Archbishop to respond to any questions he may have, or provide additional information desired by him. All information received by the Review Board shall be considered confidential and shall not be revealed by any member of the Review Board, except to the Archdiocesan Attorney, other members of the Review Board, and the Archbishop, unless compelled by law.

### **Removing Church Personnel**

Nothing in this section shall be construed to preclude the Archbishop from temporarily or permanently removing Church Personnel upon receipt of an allegation, either pending or after the Review Board's completion of its proceedings.

### **In summary, when an allegation of child sexual abuse is received:**

- Florida Reporting Law is followed. Call toll-free abuse registry hotline at 1-800- 962-2873 or 1-800-342-9152 immediately.
- The Safe Environment Director is contacted at (305) 215-6635. The Director works with the individual reporting the allegation to assure that the DCF report is/was completed and guidance of this ADOM policy is followed.
- The Victim Assistance Coordinator is notified by calling the Archdiocese's abuse reporting hotline at 1-866-802-2837.
- The individual may be removed from his/her position pending a law enforcement and internal investigation.
- When applicable, the Archdiocesan Review Board is convened as necessary and without interfering with any civil law enforcement investigation.
- The recommendations of the Archdiocesan Review Board are presented to the Archbishop.



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### V. PROCEDURES RELATED TO ALLEGATIONS OF ABUSE BY PRIEST OR DEACON

#### **Clinical Evaluation**

If a credible allegation of sexual abuse of a minor or vulnerable adult involves a priest or deacon, 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 Archdiocese and to the accused. The Individual will be informed of the allegations by the Archbishop or his representative and will be given an opportunity to respond to the allegation. He will be advised of his/her right to seek legal and canonical counsel. In the case of a religious order priest, the allegation will be reported to the major superior of the religious order.

#### **Response to Admitted or Established Abuse**

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

1. The Archdiocesan policy provides that for even a single act of sexual abuse of a minor, including if occurring in the past, the offending priest or deacon will be permanently removed from ministry. At all times, the Archbishop has the executive power of 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. Because sexual abuse of a minor is a crime, for the sake of the common good and observing the provisions of canon law, the Archbishop shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.
2. In every case, the processes provided for in canon law must be observed, and its various provisions be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). These provisions may include a request by the priest or deacon for dispensation from the obligations of Holy Orders and the loss of the clerical state, or a request by the Archbishop for dismissal from the clerical state, even without the consent of the priest or deacon. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Archdiocese will supply canonical counsel to a priest.
3. If the penalty of dismissal from the clerical state has not been applied, the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He will be instructed not to wear clerical garb, or to present himself publicly as a priest.
4. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Archbishop 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.

#### **Transfer Requirements**

No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese or religious province. Before a priest or deacon can be transferred for residence to another diocese or religious province, the Archbishop shall forward in a confidential manner to the local 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



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may be a danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life.

### **Restoration of Position**

If the investigation proves the allegation to be not credible, the accused individual will be restored to his/her former position or be offered placement in another archdiocesan position.

*In the case of proven child sexual abuse, no one will be restored to an Archdiocesan position. If a priest or religious is removed, he or she can no longer function in any ministry for any Arch/diocese.*

Reference: USCCB Charter for the Protection of Children and Young People (June 2018)  
ADOM Policy Safe Environment Requirements for Volunteer Roles (February 2025)  
Archdiocese of Miami Policy on Conduct with Youth and Young Adults  
Archdiocese of Miami Space Use Agreement and License  
Motu Proprio, Vos Estis Lux Mundi  
Archdiocese of Miami Registered Sex Offender Policy  
Archdiocese of Miami Policy on Driving Restrictions  
Archdiocese of Miami Policy on Digital Communication  
Archdiocese of Miami Policy on Overnight Travel

Initial: 2002  
Current: February 2025



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### Appendix A List of Disqualifying Offenses

#### List of Disqualifying Offenses

Prohibited Misdemeanor or Felony Offenses	Statute	Origin
Failure to report child abuse, abandonment, or neglect	Sec. 39.205	435.04
Sexual misconduct with certain developmentally disabled clients and reporting of such conduct	Sec. 393.135	435.04
Sexual misconduct with certain mental health patients and reporting of such misconduct	Sec. 394.4593	435.04
Medicaid provider fraud	Sec. 409.920	408.809
Medicaid fraud	Sec. 409.9201	408.809
Adult abuse, neglect or exploitation of aged persons or disabled adults	Sec. 415.111	435.04
Domestic violence	Sec. 741.28	435.04
Attempts, solicitation, and conspiracy to commit an offense listed in this subsection	Sec. 777.04	435.04
Murder	Sec. 782.04	435.04
Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child	Sec. 782.07	435.04
Vehicular Homicide	Sec. 782.071	435.04
Killing of an unborn quick child by injury to the mother	Sec. 782.09	435.04
Assault, if the victim of the offense was a minor	Sec. 784.011	435.04
Aggravated assault	Sec. 784.021	435.04
Battery, if the victim was a minor	Sec. 784.03	435.04
Aggravated battery	Sec 784.045	435.04





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Battery on staff of a detention or commitment facility or on a juvenile probation officer	Sec. 784.075	435.04
Kidnapping	Sec. 787.01	435.04
False imprisonment	Sec. 787.02	435.04
Luring or enticing a child	Sec. 787.025	435.04
Taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings	Sec. 787.04(2)	435.04
Carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person	Sec. 787.04(3)	435.04
Human trafficking	Sec. 787.06	434.04
Human smuggling	Sec. 787.07	435.05
Exhibiting firearms or weapons within 1,000 feet of a school	Sec. 790.115(1)	435.04
Possessing an electric weapon or device, destructive device, or other weapon on school property	Sec. 790.115(2)(b)	435.04
Sexual battery	Sec. 794.011	435.04
Prohibited acts of persons in familial or custodial authority	Sec. 794.041	435.04
Unlawful sexual activity with certain minors	Sec. 794.05	435.04
Female genital mutilation	Sec. 794.08	435.04
Prostitution	Ch. 796	435.04
Lewd and lascivious behavior	Sec. 798.02	435.04
Lewdness and indecent exposure and offenses against students by authority figures	Ch. 800	435.04
Arson	Sec. 806.01	435.04



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Burglary	Sec. 810.02	435.04
Fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems	Sec. 817.034	408.809
False and fraudulent insurance claims	Sec. 817.234	408.809
Fraudulently obtaining goods and services from a health care provider	Sec. 817.50	408.809
Patient brokering	Sec. 817.505	408.809
Criminal use of personal identification information	Sec. 817.568	408.809
Obtaining a credit card through fraudulent means	Sec. 817.60	408.809
Abuse, aggravated abuse, or neglect of an elderly person or disabled adult	Sec. 825.102	435.04
Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult	Sec. 825.1025	435.04
Incest	Sec. 826.04	435.04
Child abuse, aggravated child abuse, or neglect of a child	Sec. 827.03	435.04
Contributing to the delinquency or dependency of a child	Sec. 827.04	435.04
Negligent treatment of children	Sec. 827.05	435.04
Sexual performance by a child	Sec. 827.071	435.04
Forgery	Sec. 831.01	408.809
Uttering forged instruments	Sec. 831.02	408.809
Forging bank bills, checks, drafts or promissory notes	Sec. 831.07	408.809
Uttering forged bank bills, checks, drafts or promissory notes	Sec. 831.09	408.809
Fraud in obtaining medicinal drugs	Sec. 831.30	408.809



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Unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substance	Sec. 831.311	435.04
Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism	Sec. 836.10	435.04
Resisting arrest with violence	Sec. 843.01	435.04
Depriving a law enforcement, correctional, or probation office means of protection or communication	Sec. 843.025	435.04
Aiding in an escape	Sec. 843.12	435.04
Aiding in the escape of juvenile inmates in correctional institutions	Sec. 843.13	435.04
Obscene literature	Ch. 847	435.04
Poisoning food or water	Sec. 859.01	435.04
Prohibition on the purchase or sale of human organs and tissue	Sec. 873.01	435.04
Encouraging or recruiting another to join in a criminal gang	Sec. 874.05	435.04
Drug abuse prevention and control if another person involved was a minor (Sale, Possession, Distribution)	Ch. 893	435.04
Sexual misconduct with certain forensic clients and reporting of such sexual misconduct	Sec. 916.1075	435.04
Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm	Sec. 944.35(3)	435.04
Escape	Sec. 944.40	435.04
Harboring, concealing, or aiding an escaped prisoner	Sec. 944.46	435.04
Introduction of contraband into a correctional facility	Sec. 944.47	435.04
Sexual misconduct in juvenile justice programs	Sec. 985.701	435.04
Introduction, removal, possession of contraband at juvenile detention facility or commitment program	Sec. 985.711	435.04



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Additional Prohibited Felony Offenses	Statute	Origin
Fraud	Sec. 414.39	435.04
Assault, battery and culpable negligence, if the offense was a felony	Ch. 784	435.04
Voyeurism, if the offense is a felony	Sec. 810.14	435.04
Video Voyeurism, if the offense is a felony	Sec. 810.145	435.04
Theft, robbery and related crimes, if the offense is a felony	Ch. 812	435.04
Fraudulent sale of controlled substances	Sec. 817.563	435.04
Fraudulent use of credit cards	Sec. 817.61	408.809
Exploitation of an elderly person or disabled adult, if the offense is a felony	Sec. 825.103	435.04
Sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance	Sec. 831.31	408.809
Drug abuse, prevention and control (Sale, Possession, or Distribution)	Ch. 893	435.04

\* Limited to Sections 784.021, 784.045 and 784.075



## CREATING AND MAINTAINING A SAFE ENVIRONMENT FOR CHILDREN AND VULNERABLE ADULTS

### Appendix B

#### CITATIONS FROM FLORIDA STATUTES

##### **From Section 415.102:**

(26) "Sexual abuse" means acts of a sexual nature committed in the presence of a vulnerable adult without that person's informed consent. "Sexual abuse" includes, but is not limited to, the acts defined in s.794.01 1(1)(h), fondling, exposure of a vulnerable adult's sexual organs, or the use of a vulnerable adult to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act that may reasonably be construed to be normal caregiving action or appropriate display of affection.

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

**From Section 39.01 Definitions: Section 39.01 (63):(80)** "Sexual abuse of a child" means one or more of the following acts:

- (a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
- (b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- (c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.
- (d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:
  1. Any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with, or affection for a child; or
  2. Any act intended for a valid medical purpose.
- (e) The intentional masturbation of the perpetrator's genitals in the presence of a child.
- (f) The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.
- (g) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:
  1. Solicit for or engage in prostitution; or
  2. Engage in a sexual performance, as defined by chapter 827.

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

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

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



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

### **Section 39.204:**

#### **39.204 Abrogation of privileged communications in cases involving child abuse, abandonment, or neglect.-**

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

#### **90.505 Privilege with respect to communications to clergy.**

- (1) For the purposes of this section:
  - (a) A "member of the clergy" is a priest, rabbi, practitioner of Christian Science, or minister of any religious organization or denomination usually referred to as a church, or an individual reasonably believed so to be by the person consulting him or her.
  - (b) A communication between a member of the clergy and a person is "confidential" if made privately for the purpose of seeking spiritual counsel and advice from the member of the clergy in the usual course of his or her practice or discipline and not intended for further disclosure except to other persons present in furtherance of the communication.
- (2) A person has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication by the person to a member of the clergy in his or her capacity as spiritual adviser.
- (3) The privilege may be claimed by:
  - (a) The person.
  - (b) The guardian or conservator of a person.
  - (c) The personal representative of a deceased person.
- (4) The member of the clergy, on behalf of the person. The member of the clergy's authority to do so is presumed in the absence of evidence to the contrary.