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Introduction

All children have the right to be safe and protected from harm in any and all environments – home, school, religious institutions, neighborhoods and communities. The Diocese of Great Falls-Billings embraces this right to safety and is dedicated to promoting and ensuring the protection of all children. The Diocese will do all in its power to create a safe environment for children and young people, to prevent their physical abuse, sexual abuse and neglect and to bring the healing ministry of the Diocese to bear wherever possible. It is the expectation of the Diocese of Great Falls-Billings that all persons and entities under its auspices comply with the provisions stated in this policy.

This child protection policy replaces all other previous policies promulgated by the Diocese of Great Falls-Billings. It is responsive to our concern for children and to the provisions contained in the revised *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* initially approved by the full body of U.S. Catholic bishops at its November 2002 General Meeting, with revisions approved at its June 2005 General Meeting.

With renewed faith, we recommit ourselves to the original goals of this policy:

- *to reiterate and strengthen educative and screening procedures toward the goal of preventing child abuse by Diocesan personnel and volunteers*
- *to identify and observe reporting requirements to civil and Diocesan authorities*
- *to address the spiritual, physical and emotional care of the abused child and the family as well as the affected Catholic community*
- *to address the spiritual, physical and emotional care of the individual against whom the charge was made*
- *to address other actions to be taken when child abuse is alleged.*



Definitions

Following are definitions used for the purposes of this policy.

1.1. Accused

A person charged with or alleged to have committed an act of abuse, a serious violation of these policies and procedures (or this “Policy”), or a crime.

1.2. Administrative Leave

Relieving the accused of assigned duties pending further notice from the Bishop or his designee.

1.3. Adult

A person who is at least 18 years old.

1.4. Agent of the Diocese

An agent of the diocese includes clergy, religious, lay employees and lay volunteers.

1.5. Appropriate Monitoring

Ongoing, in-person monitoring of the conduct and performance of individuals with provisional status (see Sec. 1.13) and individuals who are pursuing status as Diocesan personnel (see Sec. 1.5) but who have yet to complete the requisite clearance procedures. Individuals who serve as monitors are to be formally designated this responsibility by the pastor, administrator or the principal. An exception is made for priest-penitent confidentiality.

1.6. Background Check

Background Checks are processed through the SAFE AND SACRED program available on the diocesan Web site.

1.7. Child

Any person under the age of eighteen (18).¹

¹ A vulnerable individual over the age of seventeen (17) is also covered by this policy—*mutatis mutandis* (with the necessary changes) —when such a person is unable or unlikely to report abuse without assistance because of impairment of physical or mental function or emotional status.



1.8. Child Abuse

Consists of any of the following:

- a. **Sexual Abuse** includes any act or interaction whether it involves genital or physical contact, with or without consent, even if initiated by the child, which involves sexual contact, molestation or sexual exploitation of a child by a parent or any other person who has permanent or temporary care or custody or responsibility for supervision of a child, whether physical injuries are sustained or not, to include:
 - i. The intentional touching of the genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks of a child or of a perpetrator by a child for purposes of sexual arousal or gratification
 - ii. Rape, sexual intercourse (vaginal or anal), oral/genital, oral/anal contact
 - iii. The intentional touching and/or displaying of one's own genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks in the presence and view of a child for purposes of sexual arousal or gratification
 - iv. Permitting, causing, encouraging or assisting in the depiction of or posing for viewing by any person, either in person or by way of graphic means including digital or photographic image of the partially or fully unclothed body of a child, displaying intimate parts, in motion or not in motion, alone or with other persons, or the depiction of a child in apparent observation of sex acts by others in the child's presence
 - v. Displaying or distributing to a child any picture, photograph, book, pamphlet, digital image, movie or magazine the cover or content of which is principally made of descriptions or depictions of sex acts or contact, or which is principally made up of descriptions or depictions of sexual acts or contact, or which consists of pictures of nude or partially denuded figures posed or presented in a manner which the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest.
- b. **Physical Abuse** includes any act which:
 - i. Willfully causes or inflicts physical injury to a child or
 - ii. Willfully causes mental injury or psychological injury to a child by intentionally engendering fear of physical injury to that child.



- iii. It is the policy of the Diocese of Great Falls-Billings that corporal punishment of a child is prohibited in all entities under the auspices of the Diocese of Great Falls-Billings.
 - iv. Physical abuse does not include the appropriate physical restraint of a child who is attempting to injure another person or him/herself, or the appropriate physical direction of a child away from danger or the minimum restraint necessary to place a child in “time out” or other appropriate limitation of movement to promote the child’s regaining of safety and emotional control.
- c. **Neglect** includes:
- i. Abandonment of a child by a parent, custodian or guardian
 - ii. Lack of care by not providing appropriate and necessary food, shelter, clothing and education
 - iii. Not providing care or control in respect to physical or emotional health; the refusal or inability to discharge parental or custodial obligations; and expressions of intention by parent, guardian or institution to discontinue care.

1.9. Credible Accusation

An allegation that, based upon the facts of the case, meets one or more of the following thresholds:

- a. Believable and plausible (not manifestly false)
- b. Natural, reasonable and probable
- c. Corroborated with other evidence or another source and/or
- d. Acknowledged/admitted to by the accused.

In making this determination, consideration should be given to the trustworthiness of the source.

1.10. Criminal History Record Check

Depending on the level of ministry, a criminal history record may be obtained by the Diocese.



1.11. Diocesan Personnel

Priests, religious, deacons, lay employees, contract workers and volunteers who have contact (regular and recurring) with children and are subject to the oversight of the Diocese of Great Falls-Billings.

1.12. Exempt Status

Priests, deacons, religious, lay volunteers and/or visitors to the Diocese of Great Falls-Billings who have limited and temporary contact with children are not to be left unattended in the presence of children, and must be accompanied at all times by someone who has completed the necessary background check and is SAFE AND SACRED trained.

1.13. Permanent or Temporary Care or Custody or Responsibility for Supervision of a Child

Temporary care, custody or responsibility for supervision of a child includes all Diocesan personnel or any adult who has been given responsibility for temporary care or supervision of a child. The passing of responsibility may be by a parent, guardian or authorized person, regardless of duration, for a church or school related activity.

1.14. Preliminary Investigation

The preliminary investigation is initiated by the Bishop after an allegation has been received.

1.15. Provisional Status

Employees and volunteers who have not completed background checks (but which are pending), can obtain "provisional status" from the pastor, administrator or principal. In lieu of personnel clearances, appropriate monitoring is provided and provisional status individuals are not left unattended in the presence of children.

1.16. Sexual Assault

For the purposes of this policy, sexual assault will include any listed sex abuse acts committed by an adult who is not a household or family member or responsible for supervision of the child.



1.17. Contact

Contact with children and/or vulnerable adults in which the duration and scope in both time and exposure is regular and recurring, and may occur on a routine and/or ongoing basis. In the context of this Policy contact does not include persons who have isolated or infrequent interaction with a child or children and/or vulnerable adult that is supervised/monitored by an authorized person.

1.18. Volunteer

A person who provides without compensation an ongoing service or activity that is officially sanctioned by the Diocese of Great Falls-Billings and/or Diocesan personnel.



2. Education Principle

The Diocese of Great Falls-Billings is committed to preventing child abuse before it occurs and to identifying child abuse once it has occurred. By raising the awareness and understanding of abuse issues among priests, deacons, religious, staff members, volunteers and other adults who work with or have contact with children and young people under the care of the Diocese, and by increasing their knowledge and ability to deal effectively with child abuse issues once they arise, risks to child safety can be greatly reduced. By educating children on how to be safe and stay safe, the Diocese will enhance the ability of children to protect themselves and encourage an environment that allows children to communicate any potential endangerment.

2.1. Purpose and Objective

This policy applies to the program selected by the Diocese, SAFE AND SACRED, that provides specific training in the prevention, recognition and reporting of child abuse, as well as the awareness training for children. The objective of these programs is to prevent, recognize and appropriately report child abuse through ongoing awareness training. Visit <https://safeandsacred-diocesegfb.org/login/index.php> for more information. Age-appropriate programs for safe environment training for children are available through SAFE AND SACRED and are the only children's training program recognized by the Diocese. This training is:

- a. Required of all Diocesan personnel directly involved or in contact with children
- b. Required of all children and youth who participate in activities, services and programs under the auspices of the Diocese and
- c. Recommended for parents and other adults who participate or have children who participate in activities, services and programs under the auspices of the Diocese.

2.2. Personnel

The following Diocesan personnel must participate in and complete SAFE AND SACRED training:

- a. All priests, deacons and members of religious communities
- b. All Parish Life Coordinators, parish and diocesan employees, volunteers who work with or around children, principals, assistant principals, teachers, guidance counselors, librarians, all volunteers and staff at all levels, including aides, janitors, food service workers, school nurses, and office personnel of all Catholic elementary, middle and high schools



- c. All directors, catechists and staff of religious education programs
- d. All Diocesan personnel providing child care services
- e. All youth ministers, directors/coaches of children's activities (e.g., athletics, scout troops, choir, etc.) and similar Diocesan personnel who provide such services

The Diocesan Director of Safe Environment shall have the authority to direct additional personnel of the Diocese (other than those specified in a. through e.) to attend the education programs.

2.3. Educational Requirements

Complete SAFE AND SACRED training for adults includes annual on-line training.

Pastors/parochial administrators, Parish Life Coordinators, principals and agency directors, with assistance from the SEC (Safe Environment Coordinator) if necessary, will ensure that all personnel required to receive training do so, or are removed from contact with children for failure to attend appropriate training programs. The Diocesan Safe Environment Director monitors all record keeping concerning compliance, and communicates with all persons in supervisory positions on an annual basis to maintain accuracy.

2.4. Educational Curriculum

The SAFE AND SACRED program is required annually and includes the following basic concepts of awareness for all adults (see 2.2. Personnel):

- a. Appropriate boundaries and established prohibitions in ministry
- b. Nature of the child abuse problem
- c. Signs and symptoms of abuse in children and youth
- d. Laws, policies and procedures to report abuse allegations
- e. Policies and procedures to prevent child abuse by clergy, Church personnel or others who come into contact with children
- f. Policies and procedures to prevent child abuse on any Church-owned property or at Church-sponsored events and activities
- g. Types of disclosure and how to respond appropriately



- h. Policies and procedures to respond to allegations of abuse
- i. Ministering to adults and children about the prevention of abuse and exploitation
- j. Ministering to victims of abuse
- k. Penitential privilege and seal of the confessional

Children and young people shall attend scheduled training sessions that include but are not limited to the following subjects:

- a. Basic safety skills
- b. Recognition of dangerous and abusive situations
- c. Appropriate and inappropriate physical contact and other interpersonal boundary violations
- d. Ability to say “no” to unwanted situations
- e. Ability to identify trusting adults with whom to speak
- f. Importance of disclosure if inappropriate or unwanted actions are directed to self or others
- g. Recognition that abusive situations are never the fault of the child.

The Diocese approved resource for parishes and schools to attain compliance in the area of children’s programming (see 2.6.) is located on the SAFE AND SACRED site. Pastors, administrators and school administrators are required to utilize this program **only**.

2.5. Availability of Training

Training is required annually for employees, volunteers and others identified in 2.2 (b).

2.6. Educational Programs for Students in Parochial Schools and Religious Education Programs

The Superintendent of Catholic Schools and Diocesan Director of the Office for Youth and Young Adult Ministry will ensure that age-appropriate abuse prevention education programs are available at both the elementary (K–6th grade) and middle/secondary (7th–12th grade) levels.



Such programs shall be provided annually to children in all grades of every parochial elementary school in the Diocese as well as children participating in parish religious education programs.

Similar programs, age-group appropriate, will be presented on an annual basis in the Diocesan high schools.

2.7. Assessment and Evaluation of Educational Efforts

The Independent Review Board will receive a copy of the annual USCCB Audit report which has details concerning Diocesan compliance. With a view toward assessing the progress of the educational efforts called for by this Policy, records shall be kept of:

- a. The number of training courses offered
- b. The number of training courses completed by:
 - i. Priests, permanent deacons and religious
 - ii. Staff members
 - iii. Volunteers
 - iv. Parents
 - v. Children and youth
- c. The number of web-based training courses



3. Applications and Background Checks: Lay Employees and Volunteers

Principle

The Diocese of Great Falls-Billings recognizes that criminal history record checks are a critical element in ensuring the safety of children and protecting them from inappropriate actions or behaviors of others. Therefore, all employees and volunteers who come into contact with children while working or volunteering for any Diocesan institution and/or program will undergo the relevant state and federal Background Check.

3.1. Completion of Clearance Requirements

The pastor/parish life coordinator, parochial administrator, principal or agency director will ensure that all employees and volunteers in the parish, school or agency have completed the SAFE AND SACRED program which includes a background check **PRIOR** to employees beginning work or volunteers beginning service. The Diocese uses an independent contractor for procuring background checks which includes confidential reporting including Social Security trace, a Court Records Search (Statewide MT Criminal Records and/or State of previous residence) and a National Criminal with Sex Offender Search.

Employees and volunteers who have completed clearance information and are awaiting return of a background check can be granted provisional status by the pastor, administrator or principal. Such individuals shall be appropriately monitored and not left unattended in the presence of children until clearances are received. For questions on clearances please contact the SEC.

The Director of Safe Environment will review all background check results, notify the pastor/ parish life coordinator, parochial administrator, principal or agency director of any derogatory reporting.

3.2. Personnel

Employees of any Diocesan entity who have contact with children must complete and return to the Diocesan Human Resources Office the appropriate Diocesan Application for Employment. Volunteers who have contact with children must complete the Volunteer Application (See Appendix D) which is maintained at the parish/school. Employees and Volunteers must also submit to a background check:

- a. All principals, assistant principals, teachers, contract workers who have contact with children, guidance counselors, librarians, staff (e.g., clerical, teacher aides,



maintenance, food service employees) and all volunteers of all elementary, middle and high schools operated by the Diocese and/or any parish(es)

- b. All directors, coordinators, catechists and staff of religious education programs and all teachers of religious education
- c. All persons providing child care services under the auspices of the Diocese and/or any parish, mission and/or other Catholic organizations which are subject under civil law to the administration, authority and/or governance of the Diocese
- d. All youth ministers, directors/coaches of children's activities (e.g., athletics, scout leaders, choir, etc.) and similar Diocesan personnel having contact with children and who provide such services under the auspices of the Diocese or any parish, mission or other Catholic organizations which are subject under civil law to the administration, authority and/or governance of the Diocese.

3.3. Applicants for Employment or Volunteer Services

All applicants for any position identified in Section 3.2 (a-d) shall complete the appropriate Diocesan Application for Employment Form or Volunteer Application Form (Appendix D-Volunteers should be screened at the parish/school level and references checked as appropriate). In addition, all applicants and volunteers will submit to a background check. Employment or acceptance of volunteer services is contingent upon a favorable result of the background check.

3.4. Authority of the Director of Safe Environment

The Director of Safe Environment shall have the authority to designate additional Diocesan personnel or volunteers who shall be required to complete the SAFE AND SACRED program and submit to a fully executed background check.

3.5. Review and Approval

Completed application forms and background checks shall be reviewed by the Director of Safe Environment. Should an investigation due to information discovered in the application/reference check, criminal history report or at any other point in the screening process be deemed necessary, the pastor/parish life coordinator, parochial administrator, principal or agency director will be contacted immediately. The pastor/parish life coordinator, parochial administrator, principal or agency director will contact the prospective employee or volunteer to clarify questions or findings, and written documentation of the inquiry will be sent to the Director of Safe Environment. Employment or volunteer services may commence only after approval from the Director of Safe Environment. Background checks are maintained within the independent contractor data base with access limited only to the Bishop's designee(s).



3.6. Updating Clearance Information

Diocesan personnel and volunteers are required to update background check information every five years.



4. Background and Reference Checks: Clergy and Religious Principle

The Diocese of Great Falls-Billings recognizes that background checks are a critical element in ensuring the safety of children and protecting them from inappropriate influences. Therefore, all clergy, religious and applicants who come into contact with children while working for a Diocesan entity will undergo the Background Check described in 3.1 above. It is the responsibility of the Bishop or his designee to ensure that all priests, religious and seminarians have completed the appropriate applications prior to beginning their work with children.

4.1. Members of Religious Communities Who Are in the Diocese of Great Falls-Billings

All superiors of religious communities proposing names of individual religious for ministry or residence in Diocesan parishes or other Diocesan institutions, as well as those simply requesting parochial faculties in the Diocese, are required to state clearly in writing to the Bishop, that there is no history which would render the individual unsuitable to work with minors. A religious superior must state in writing that he/she has reviewed employment and background check of the individual proposed for the previous ten years.

The Diocese of Great Falls-Billings will maintain a list of all clergy and religious in the Diocese who have been refused employment or not allowed to provide volunteer services due to the findings of a background investigation.

Additionally, all such religious communities are expected to abide by Diocesan policies and procedures as outlined in this document should allegations of sexual misconduct with minors be made against an individual religious while serving in a Diocesan parish or facility.

4.2. Priests from Other Dioceses Who Are in the Diocese of Great Falls-Billings

Bishops of diocesan priests from other dioceses ministering or residing in a Diocesan parish or institution, as well as those simply requesting priestly faculties in the Diocese, are required to present the same written assurances and background checks, and their priests are required to adhere to the policies and procedures outlined in this document and the guidelines for transfers outlined in the *Essential Norms*.



4.3. Applicants for Priesthood or Permanent Diaconate in the Diocese of Great Falls-Billings

Individuals making application for priestly formation or the permanent diaconate shall be required to complete appropriate application forms with letters of reference, and submit them to the Vocations Director or the Director of the Permanent Diaconate Formation Program. Additionally, these individuals shall receive psychological testing in an effort to determine that they are suitable to work with minors. Priests seeking incardination must submit a Testimonial of Suitability for Priestly Ministry from their bishop or religious superior, and reference contacts for places where the individual has exercised his priestly ministry. The Bishop may also require a psychological examination of the priest who is applying for incardination. All of the above applicants must complete the SAFE AND SACRED Child Protection program which includes a criminal background check.

4.4. Guidelines for Granting Residence or Ministry to Extern Priests or Religious

No pastor/parish life coordinator, parochial administrator, parochial vicar or director of any Diocesan institution or facility in the Diocese of Great Falls-Billings is permitted to grant residence, full-time, part-time or regular weekend ministry to an extern priest or religious until a letter has been received from the Bishop or Chancellor assuring that the required background checks and Testimonial of Suitability for Priestly Ministry have been obtained and are consistent with the Diocese of Great Falls-Billings criminal-free history requirements.²

4.5. Provisional Status

Priests who have a Testimony of Suitability for Priestly Ministry but await the return of the background check will be appropriately monitored and not left unattended in the presence of a child until clearances are received and approved by the Director of Safe Environment.

² The Diocese of Great Falls-Billings requires criminal histories in which there is no occurrence of misdemeanor and/or felony offenses that constitute any form of child endangerment, assault, battery or any other violent crime.



5. Civil Reporting Requirements

Principle

The Diocese of Great Falls-Billings recognizes that the protection of children and young people is a responsibility shared by the entire community, including the Church, parents, teachers, healthcare professionals, public safety officials, public and private social service agencies and the general public. The Diocese is committed to working with civil authorities to protect children by preventing child abuse and neglect, reporting alleged incidents of abuse or neglect, cooperating in investigations of allegations and any resultant judicial proceedings, as well as advising victims of their right to report independently and supporting their exercise of that right, as specified in the *Charter for the Protection of Children and Young People*. The Diocese will act in accordance with standards that will at all times comply with those of civil law, and this policy will be reviewed annually by the IRB to ensure consistency with changes in civil law.

41-3-201. Reports.

- (1) When the professionals and officials listed in subsection (2) know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected, they shall report the matter promptly to the department of public health and human services.
- (2) Professionals and officials required to report are:
 - (a) a physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care, or treatment of persons;
 - (b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;
 - (c) religious healers;
 - (d) school teachers, other school officials, and employees who work during regular school hours;
 - (e) a social worker, operator or employee of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program organized under 52-2-711 or of a child and adult food care program, or an operator or employee of a child-care facility;
 - (f) a foster care, residential, or institutional worker;
 - (g) a peace officer or other law enforcement official;
 - (h) a member of the clergy, as defined in 15-6-201(2)(a);
 - (i) a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of alleged abuse or neglect; or
 - (j) an employee of an entity that contracts with the department to provide direct services to children.
- (3) A professional listed in subsection (2)(a) or (2)(b) involved in the delivery or care of an infant shall report to the department any infant known to the professional to be affected by a dangerous drug, as defined in 50-32-101.
- (4) Any person may make a report under this section if the person knows or has reasonable cause to suspect that a child is abused or neglected.
- (5)
 - (a) Except as provided in subsection (5)(b) or (5)(c), a person listed in subsection (2) may not refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.
 - (b) A member of the clergy or a priest is not required to make a report under this section if:
 - (i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made to the member of the clergy or the priest in that person's capacity as a member of the clergy or as a priest;



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- (ii) the statement was intended to be a part of a confidential communication between the member of the clergy or the priest and a member of the church or congregation; and
 - (iii) the person who made the statement or confession does not consent to the disclosure by the member of the clergy or the priest.
 - (c) A member of the clergy or a priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.
- (6) The reports referred to under this section must contain:
- (a) the names and addresses of the child and the child's parents or other persons responsible for the child's care;
 - (b) to the extent known, the child's age and the nature and extent of the child's injuries, including any evidence of previous injuries;
 - (c) any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of person or persons responsible for the injury or neglect; and
 - (d) the facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect, within the meaning of this chapter is always required.

5.1. Who Must Report?

Any Diocesan personnel, clergy and lay, paid and volunteers, including those who do not work or volunteer with children, who have reason to believe or suspect that any child has been the victim of physical abuse, sexual abuse, sexual assault or neglect shall make a report to the appropriate civil authorities, identified in Sec. 5.3, and to the appropriate Diocesan authorities, identified in Sec. 6. The sole exception is that ordained priests shall not report any information subject to the priest-penitent privilege.

5.2. What Must be Reported?

Any suspected physical abuse, sexual abuse, sexual assault or neglect of a child or young person shall be reported as soon as possible, regardless of where the incident occurred or by whom it was committed. Anyone who is trafficking in or creating child pornography must also be reported to law enforcement (See 5.8).

5.3. To Whom Should Reports be Made?

Reports of abuse alleged to have occurred shall be reported to the local law enforcement agency (sheriff) or the local department of social services. Reports of neglect alleged to have occurred shall be reported to the local department of social services. This reporting is in addition to internal Diocesan reporting requirements (see Section 6).

5.4. What Specific Information Should be Reported?

The person making a report should provide as much information as possible. He/she should not conduct an investigation in order to obtain more information than is readily



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available. It is the responsibility of the civil authority to ascertain whether an investigation is warranted. (See Appendix A)

The following information should be reported to the extent it is known:

- a. Name, address and age of the child
- b. Name and address of the child's parent, guardian or caretaker
- c. Whereabouts of the child
- d. Nature and extent of the alleged maltreatment and any past history of injury possibly occurring from abuse or neglect
- e. Name, address and whereabouts of the person or persons suspected of perpetrating the abuse or neglect, if known
- f. Any other information which might help to determine the cause of the suspected abuse or neglect or the identity of the person responsible.

5.5. Reporting by Victims

In addition to making a report, Diocesan personnel shall inform the adult alleged victim of his/her right to report to the appropriate civil authority. They shall support victims in their exercise of this right.

5.6. Requirements for Further Cooperation

Upon request of any civil authority, Diocesan personnel shall cooperate fully in any investigation of child abuse and/or neglect. This includes investigations of alleged sexual abuse of minors who are now adults. They shall also cooperate in any resulting judicial proceeding.

5.7. Immunity Protections for Those Making a Report

Montana statutes provide civil and criminal immunity to those who are mandated to report suspected child abuse and do so in good faith. Any person who, participating in good faith, makes a report of suspected child abuse shall have immunity from civil and criminal liability. This immunity, in both jurisdictions, extends to investigations and judicial proceedings arising from the reports.

5.8 Reporting Child Pornography

If any responsible adult has evidence that child pornography is being created, viewed, down-loaded, or otherwise accessed by clergy, staff or a volunteer, it is to be reported immediately to the VAC. Refer also to Code of Pastoral Conduct.



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Anyone who accesses or exchanges child pornography must be reported to the local sheriff. Clergy who access or exchange child pornography are to be reported to law enforcement and the Congregation for the Doctrine of the Faith.



6. Internal Diocesan Reporting Requirements³

Principle

The Diocese of Great Falls-Billings believes unconditionally in the dignity of all children and young people and reasserts its condemnation of child abuse. Originating from this belief are expectations that it is (1) the general duty of all to report knowledge or reasonable suspicion of child abuse, regardless of any adverse consequences of such disclosure and (2) the pastoral responsibility of the Diocese to establish, implement and enforce an internal program of clear, practical actions to require the reporting of suspected child abuse.

6.1 All Situations and Every Instance

- a. In addition to reporting to Diocesan officials as identified in this section, any Diocesan personnel, including those who do not work or volunteer with children, who have reason to believe or suspect that any child has been the victim of physical abuse, sexual abuse, sexual assault or neglect shall make a report to the appropriate civil authorities, identified in Sec. 5.3. The sole exception is that ordained priests shall not report any information subject to the priest-penitent privilege.
- b. Any individual who discloses abuse shall be advised to share this information with civil authorities and will be provided with the necessary support and assistance to do so.
- c. The reporting procedures specified below shall be followed regardless of the nature of the offense, the current age of the alleged victim, the position/role of the accused, when the offense allegedly occurred or any other factors that may be deemed to be exceptions to this rule.

6.2 When Abuse is Suspected in a Parochial/Diocesan School or Other Diocesan Setting

- a. Anyone who suspects child abuse in a school shall immediately notify the:
 - i. Principal of the school via telephone or in-person or, in the absence of the principal, the pastor/parochial administrator.

³ These reporting requirements are to be followed by all agents of the Diocese, including clergy, religious, lay employees and lay volunteers.



- ii. The principal or pastor/parochial administrator shall notify the Superintendent of Catholic Schools.
- b. Anyone who suspects child abuse shall immediately notify the following (in a school situation, the principal shall do this notification):
 - i. Pastor/parochial administrator or, in his absence, the parochial vicar via telephone or in-person
 - ii. The Victim Assistance Coordinator, and
 - iii. The Bishop and the Diocesan attorney when the accused individual is a Diocesan priest, deacon, religious, employee or volunteer.⁴
- c. Within 24 hours the person who suspects abuse shall file a written report with the pastor and the Victim Assistance Coordinator, who will forward a copy to the Bishop's office (sample reporting form is attached as Appendix A; additional forms may be obtained from the Diocesan web site).
- d. The VAC will coordinate with civil authorities in furtherance of the requirement in Section 5.6.
- e. The Bishop or his designee will provide a report of the suspected child abuse to the provincial of a religious or the bishop of a diocesan priest who is not a priest of the Diocese of Great Falls-Billings.
- f. The Bishop or his designee shall cause the allegation to be reported to civil authorities in each and every instance.
- g. If the civil authorities choose not to investigate the allegation due to the expiration of the statute of limitations, and if the allegation is not manifestly false, the Bishop, the Victim Assistance Coordinator, and the Independent Review Board (Sec. 7.7) collaborate to decide whether a preliminary investigation should be conducted according to canonical procedures.

6.3 When Abuse by an Individual who has no Association with the Diocese is Suspected

- a. Any Diocesan employee or volunteer who, within the context of his or her duties with a Diocesan school, parish, agency or other entity, suspects child abuse by

⁴ In cases in which the individual designated to receive the report is the accused, the report should be directed to the designee's superior.



an individual not associated with the Diocese (e.g., a child's neighbor or relative), shall notify the:

- i. Civil authorities (Section 5) and
 - ii. Principal, pastor or agency director of the school, parish or agency.
- b. The principal, pastor or agency director shall notify the Victim Assistance Coordinator.

6.4 Record Keeping

Accurate records of reports received, whether supported or not, and all actions taken and notifications by the Diocese and/or other church authorities in response to such reports, and evidence or relevant comments, shall be kept on file in strict and secure confidence. Copies of original statements provided to the police will also be kept on file.

The responsibility for record keeping resides with the Chancellor with records retained in the archives. For the protection of both the involved individuals and institutions, records shall be kept *ad infinitum*. Continuity of information is essential and shall be assured.



7. Internal Diocesan Procedures

Principle

The Diocese of Great Falls-Billings will take all precautions necessary to ensure that children are safe and protected from harm. Despite such preventive measures, allegations of suspected abuse may occur. When allegations of suspected abuse are made against any party, the Diocese will consider the rights and interests of all parties and adhere to procedures that: (1) minimize the potential for further injury, (2) maximize the potential for a speedy and just resolution and (3) remain responsive to the tenets of canon and civil laws. The general presumption guiding the following procedures is that the statute of limitations has not expired.

7.1 Allegations Against a Lay Employee or Lay Volunteer

- a. The pastor of a parish, in response to an allegation of child abuse against a lay employee or volunteer, will:
 - i. Contact the family of the alleged victim and offer spiritual care and support
 - ii. Contact the Diocesan Victim Assistance Coordinator (see Section 9.2) to assure that treatment, support and essential assistance is provided to the victim in a timely manner
 - iii. Inform the alleged victim or, in the case of a child, the alleged victim's family of the availability of assistance through the Victim Assistance Coordinator
 - iv. Function in a strict pastoral nature without regard to the truth of any accusation or to the circumstances surrounding the alleged incident.
- b. The individual against whom an allegation has been made will receive:
 - i. Prompt notification of the general nature of the allegation(s) by the pastor/parochial administrator, principal or agency head
 - ii. Be placed on administrative leave pending outcome of investigations by civil authorities.

Information shared with the accused shall be limited to that which is sufficient to enable the accused to respond to the allegation. Under no circumstances will information be shared that can compromise the civil investigation of the allegation. Whenever possible, civil authorities will be allowed the first contact with the alleged offender, unless such procedure would put the alleged victim and/or others at risk of harm.



The individual against whom an allegation has been made is to be:

- i. Directed to remain away from the school, agency, parish church, worship services or other location(s) which are the subject matter of the complaint until a resolution of the complaint is concluded
 - ii. Directed not to contact or attempt to contact the alleged victim nor the victim's family
 - iii. Informed of the investigative process and the expectations for his/her cooperation and participation in said process
 - iv. Advised of his or her right to obtain his or her own attorney.
- c. If the employee is arrested and charged, a review of the facts will be made to determine if he or she should be continued on administrative leave. Compensation and benefits may be continued for three months or until the preliminary report of the police is made, whichever comes first. Thereafter, compensation and benefits may continue at the discretion of the Bishop.
- d. If a lay employee or volunteer admits guilt, does not contest guilt or there is a finding of guilt in criminal court or of liability in civil court, he or she will be terminated immediately. The pastor/parochial administrator, principal or agency head should notify the Bishop or his designee in writing so that the employee's or volunteer's file may be properly noted and adequate safeguards taken in an effort to ensure that the individual is not employed or utilized by the Diocese of Great Falls-Billings in any capacity. The appropriate documents will be sent to the Diocesan Human Resource Office to be placed in a "Do Not Hire" file for employees and volunteers. This information shall become part of the employee's/volunteer's permanent employment file and may be made available in response to employment-related inquiries.
- e. In instances where allegations of abuse are not supported, a consultation by the pastor /parochial administrator, parish life coordinator, principal or agency head with the Bishop or his designee will take place to determine the most appropriate course of action and the disposition of the accused.

7.2 Allegations Against Clergy or Religious in Service to the Diocese or Residing in an Diocesan Rectory, Convent or Facility

- a. In response to an allegation of child abuse in a parish by a priest, deacon or religious, the VAC will immediately notify the Bishop via telephone or in-person.



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In the light of the principles described in Sec. 6.2.g above, the response on the part of the Diocese may vary, but it generally follows these steps:

- b. The Bishop or his representative will:
 - i. Contact the family of the alleged victim and offer spiritual care and support
 - ii. Contact the Diocesan Victim Assistance Coordinator (see Section 9.2) to assure that treatment, support and essential assistance is provided to the victim in a timely manner
 - iii. Inform the alleged victim or, in the case of a child, the alleged victim's family of the availability of assistance through the Diocesan Victim Assistance Coordinator.
 - iv. Function in a strictly pastoral nature without regard to the truth of any accusation or to the circumstances surrounding the alleged incident.
- c. The priest, deacon or religious suspected of abuse, after civil authorities have been informed, will be:
 - i. Called for an immediate meeting with the Bishop, who will inform him or her of the nature of the allegation(s), unless the civil authorities deem otherwise (Civil authorities will be offered first contact with the accused, except when such procedure would put the alleged victim and/or others at risk of harm).
 - ii. Informed of the process of receiving a credible accusation, the role of the Independent Review Board, and the possibility of a preliminary investigation and the expectations for his/her cooperation and participation in said process.
 - iii. Immediately placed on administrative leave, or, in the light of allegations described in Sec. 6.2.g above, the Bishop may apply other appropriate restrictions on ministry.
 - iv. Advised by the Bishop of his or her right to obtain civil and canonical counsel and
 - v. Requested to seek and voluntarily comply with a comprehensive psychological evaluation (at the discretion of the Bishop).
- d. In response to credible allegations against a Diocesan priest or deacon as determined by the Bishop and informed by the advisory Independent Review



Board (see Section 7.4) at the conclusion of the canonical preliminary investigation, the Bishop will notify the Congregation for the Doctrine of the Faith. The Congregation of the Doctrine of the Faith will determine whether a church tribunal or the Congregation will adjudicate allegations.

- e. A priest or deacon who admits guilt or eventually is found guilty will be permanently removed from the ministry and not allowed to function or represent himself as a priest or deacon and may be laicized. Priests or deacons found not guilty (civilly or criminally) may also be removed from ministry if the Bishop deems them to be a danger to children and young people. These matters may be appealed in accordance with the Code of Canon Law.
- f. In the case of a priest, deacon or religious from another diocese, the Bishop or his representative will, after an allegation of child abuse has been deemed credible, immediately direct the priest, deacon or religious to leave the Diocesan facility(ies) and will notify the appropriate bishop or superior advising of the individual's immediate removal from Diocesan facility(ies).

7.3 Allegations Against Individuals Who have No Association with the Diocese

- a. In response to an allegation of child abuse committed by an individual who has no association with the Diocese, the pastor of the parish should:
 - i. Contact the family of the alleged victim and offer information and support
 - ii. Cooperate with civil authorities as requested
 - iii. Notify the Victim Assistance Coordinator.

All individuals who suspect child abuse and have a duty to report child abuse as defined in civil law (see Section 5.1) should do so in a manner consistent with statutory guidance; in addition, the Victim Assistance Coordinator is to report the allegation to civil authorities in each and every instance.

7.4 Independent Review Board's Role in Receiving Cases

- a. When a priest or deacon of the Diocese is suspected of past or recent child sexual abuse, the Bishop shall consult with the Independent Review Board (see Sec. 7.7). This Board may also be consulted in cases of other forms of child abuse. This Board will perform the following functions in accordance with the policies and procedures articulated in the Guidelines for the Independent Review Board (see Appendix B):



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- i. Assess allegations of sexual abuse of minors by priests and deacons in order to advise the Bishop on the credibility of the allegations and whether the allegations fall within the definition of sexual abuse. Cases of alleged child abuse, other than allegations of sexual abuse, may be referred to the Independent Review Board and assessed in a comparable manner as described above.
- ii. Advise the Bishop in his determination of suitability for ministry on a case-specific basis.

This Board will report to the Bishop directly or through his delegate. The Bishop will review the recommendations made to him by this Board.

In each and every instance, if the Independent Review Board makes a determination that the allegation is credible (not manifestly false) and falls within the definition of sexual abuse or child pornography, the Bishop will make the decision as to whether the person suspected will be relieved of or continued on leave from any ecclesiastical ministry or function, and the preliminary investigation will be conducted according to canonical procedures to determine whether the allegation is credible. The person suspected of abuse will be referred to an appropriate residential facility for evaluation and/or treatment. The Vicar General will be responsible for making these arrangements. The priest or deacon retains the right to refuse the referral for evaluation and/or treatment. Where the Independent Review Board determines that the allegations either are not credible or do not meet the definition of sexual abuse and the Board nonetheless concludes that there remains reason(s) for concern, a consultation between the Bishop and his staff will take place to determine the most appropriate course of action and the disposition of the accused.

- b. If allegations of past misconduct fall outside the canonical statute of limitations, the Independent Review Board will determine whether the allegation is credible and is consistent with the definition of sexual abuse. The Board will develop an advisory recommendation to the Bishop that is consistent with canon law and indicate, in writing, whether the incident exceeds the statute of limitations. If it does, the Bishop shall seek an exception to these limitations. The Independent Review Board may advise the Bishop to conduct a preliminary investigation according to canonical procedures to determine whether the allegation is credible.
- c. The Bishop will forward all credible allegations to the Congregation for the Doctrine of the Faith, which will in turn refer cases to a church tribunal or retain the case and determine the future of the accused.



7.5 Rights of the Alleged Victim and the Accused

Following an allegation of child abuse, the Diocese of Great Falls-Billings shall provide the alleged victim and the person accused with:

- a. A timely response to, investigation of and resolution of the allegation of abuse
- b. An explanation of the Diocese's overall process and specific procedures for dealing with allegations of child abuse, including its policy on reporting to civil authorities
- c. An opportunity to provide comments to the Diocesan Independent Review Board relevant to the nature of the allegations either in person or in writing
- d. Identification and offering of appropriate assistance to help the child/adult victim remediate the abuse experience and to ensure the psychological evaluation and treatment for the accused, as warranted
- e. Discretion in the conduct of the investigation and, to the extent possible, protection of the privacy and good name of both the victim and the accused
- f. Information pertaining to the outcome of the preliminary investigation, once it has been concluded.
- g. The rights of the accused will be observed to the extent that civil law permits.

7.6 Record Keeping

Pursuant to Section 6.4, all records of actions taken and notifications by the Diocese and/or other church authorities in response to such reports, and of evidence and relevant comment, shall be kept on file in strict and secure confidence. Such records, or portions of them, may be required in civil, criminal and canonical proceedings at the time of the allegation or at a later time. Should the case be sent to the Congregation for the Doctrine of the Faith, the acts of the case must include the Bishop's decree to open the preliminary investigation, the testimony of the Promoter of Justice, the findings of the investigator (Canons 1530-1583), the Bishop's decree to close the case, the Bishop's votum, reports from the Independent Review Board throughout the process, and any other related documentation.

7.7 Independent Review Board

The Diocese of Great Falls-Billings established an Independent Review Board in May 2003 to demonstrate its commitment to the safety of all children and to respond to the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual*



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Abuse of Minors by Priests or Deacons that were approved by the U.S. Conference of Catholic Bishops at its November 2002 General Meeting and revised at its June 2005 General Meeting, and revised again at its June 2011 General Meeting.

The Independent Review Board, comprised of no less than five (5) members who serve for five-year terms, reports directly to the Bishop in carrying out its broad mandate. See Appendix B, Guidelines for the Independent Review Board.



8. Diocesan Response to False Allegations

Principle

As in the recognition of significant trauma experienced by abuse victims, the Diocese of Great Falls-Billings recognizes the trauma and harm of false accusations. The Diocese will strive to minimize any personal or professional adverse consequences of unsupported allegations and to preserve the future ministry opportunities of persons falsely accused of child abuse, in accord with canon law.

8.1 Mental Health Services

The Diocese will provide the necessary mental health services to assist individuals wrongfully accused to address the consequences of accusations and to restore the effectiveness in their job duties and/or volunteer services.

8.2 Restoring the Good Name of Someone Falsely Accused

The Diocese will work with the accused to restore his or her good name and reputation and to create a workable plan for the future.

8.3 Informing the Community

The Diocese will, in consultation with and consent from the individual falsely accused, inform the faith communities at large and the local parish of the outcome of the investigative process and of the need for spiritual support and restorative justice in the wake of unsupported allegations.



9. Pastoral Care and Victim Assistance

Principle

The relationship between the Church and its members is sacred. The Diocese of Great Falls-Billings recognizes that this sacred trust is broken and profound harm is done when clergy or other Church personnel abuse children. The Diocese further recognizes the Church's pastoral responsibility to reach out to every person who has been the victim of abuse as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred in the more distant past. In order to repair harm and promote healing, the Diocese will offer compassionate and timely pastoral care to victims of child abuse, the victims' immediate families and the affected faith communities. Through this pastoral care, as well as ongoing education and training for clergy and other Church personnel, the Diocese will work diligently to promote safe, healthy communities of faith.

9.1 Pastoral Outreach to Victims, Families and the Community

The Diocese will provide restorative pastoral responses to victims, families, parishes and communities that are essential to begin the healing process. These may include, but are not limited to:

- a. Open discourse about child abuse that allows education, healing and reconciliation
- b. Expressions of compassion
- c. Acknowledgement and acceptance of feelings of anger, pain and mistrust as part of the healing process
- d. Admission of wrongdoing and apology by the perpetrator and the provision of an unambiguous statement of remorse by a Diocesan official
- e. Education of the parish and the community in order to facilitate their understanding, acceptance and support of victims whose pain may require both immediate and ongoing intervention to repair the harm and promote the healing of their lives
- f. Pastoral counseling for an affected faith community.



9.2 The Victim Assistance Coordinator⁵

The Diocese shall designate a Victim Assistance Coordinator (VAC) who will receive notification of all allegations of abuse, promptly inform the alleged victim of his/her rights and obligations, and who will organize and direct timely and responsive pastoral care provided by the Diocese.

The Diocesan VAC will serve as the liaison with any person who alleges abuse as a minor, will explain Diocesan policies and reporting requirements and will ensure that the person receives appropriate pastoral care. The Diocesan VAC will meet with the victims, their families, the affected parish and faith communities and will monitor their pastoral needs to confirm that ongoing care is available for the appropriate period of time.

9.3 Counseling Assistance for Victims and Their Families

Pastoral care to persons harmed by abuse shall be offered in a variety of ways to bring healing to all those affected including, but not limited to, information about the availability of mental health services and support. The Diocesan VAC, on behalf of the Diocese, will facilitate assessment, counseling and therapeutic interventions by accredited and competent counselors, as mutually agreed upon by the individual receiving pastoral care or the victim's parent/guardian in the case of a minor child and the Diocese. The reasonable cost of assessment and counseling for the victim and, in certain cases, family members will be assumed by the Diocese provided that:

- a. An initial assessment, found acceptable by the Diocese, is made by a qualified professional counselor
- b. The assessment contains recommendations for length of counseling and treatment goals
- c. The recommendations are in accordance with the standard of care practiced in the community
- d. Treatment plans and goals are routinely monitored by a qualified professional counselor and reviewed no less than every six months.

⁵ The designation of a Victim Assistance Coordinator for the Diocese of Great Falls-Billings is responsive to Norm 3 of the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. Norm 3 states, "Each diocese/eparchy 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 priests or deacons."



9.4 Additional Forms of Pastoral Care

Appropriate pastoral care also may include medical evaluation and treatment, spiritual guidance, identification of support groups (where available) and other social services and resources for healing, depending upon the circumstances and particular needs of the victim, which shall be determined and mutually agreed upon by the victim or the victim's parent/guardian in the case of a minor child and the Diocese.

9.5 Measuring Accountability of Victim Assistance and Child Protection Outreach

Progress reports on victim assistance and child protection will be prepared on a biannual basis by the VAC and submitted to the Bishop. These reports will address both case-specific and institutional issues including, but not limited to:

- a. Identification of victims' needs
- b. Availability and provision of services and support that are responsive to the needs of victims
- c. Financial costs accrued to the victim assistance program
- d. Availability and provision of resources for guidance, support and intervention with secondary victims such as family members and friends
- e. Availability of and access to child protection training programs for Diocesan personnel and schools to meet training requisites in collaboration with the Diocesan Director of Safe Environment
- f. Compliance with provisions of this Diocesan Child Protection Policy.



10. Communications

Principle

The Diocese of Great Falls-Billings' policies and procedures governing its internal and external communications should promote the development of cooperative, responsive and candid relationships. The Diocese should engage the community and the media in its efforts to prevent child abuse, protect children, support families and inform the public. Within the confines of respect for privacy of the individuals involved, the Diocese will communicate as openly as possible with the members of the media, faith community and general public regarding allegations of child abuse and related issues. The Office of Communications consists of the Vicar General in collaboration with other appropriate diocesan personnel.

10.1 In all areas of communications, concern for the victims, healing for those affected and the well-being and reputation of all involved is conducted with Christian pastoral sensitivity and care.

10.2 Pastoral outreach to the victims and those affected in the faith communities is critical. Pastoral concern for the reputation of the good name of priests and laity is also critical. Reaching out to the victims is crucial in all that is done.

10.3 A complaint form for allegations is available to parishes, missions, volunteers, staff members, parishioners and all others who need it. It is available on the diocesan web site and at the diocesan pastoral center, as well as in parishes. It will also be published in *The Harvest* at least annually.

10.4 The safe environment called for by the *Charter* is established throughout the Diocese by means of the SAFE AND SACRED Program. Training sessions and information about the program are available on line. Awareness of the program is published and promulgated through *The Harvest*, the diocesan web site, and special mailings. Annual awareness-training for all children (Kindergarten through Grade 12) is coordinated by the Director of Safe Environment (see Article 12).

10.5 Awareness of services provided to victims is available from the Victim Assistance Coordinator. The Communications Officer oversees publicizing available services on the diocesan web site, *The Harvest*, parish bulletins and special mailings.

10.6 When appropriate, the Communications Officer, with approval of the Bishop, and in collaboration with the VAC, prepares a statement for presentation to the affected parish community expressing support for the victims and those in need of healing. The Communications Officer presents the statement at a designated gathering. The statement addresses the services of healing and reconciliation that will



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be made available, as well as other supportive services that the community has need of. These services might be healing and prayer experiences, liturgies, and awareness of counseling and other support services.

10.7 The Diocese strongly encourages people to report allegations of sexual abuse and/or harassment. These allegations will be conveyed promptly to the Bishop and the VAC. Confidentiality and concern for the well-being of all parties involved will be honored.

10.8 Ordinarily the Communications Officer serves as the official spokesperson for the Diocese. He initiates secular press releases. The Bishop may delegate this role if extraordinary circumstances arise. The Vicar General, with approval of the Bishop, oversees the following publication: *The Harvest*.

10.9 The Bishop reserves the right to agree to interviews and serve as spokesperson in situations requiring his presence. The Bishop grants radio, television and press interviews when appropriate.



11. Measuring Progress and Accountability

Principle

In order to maintain the trust and confidence of parishioners, all Catholics and the public at large in the Church's ability to prevent child abuse and identify and heal those who have been abused, the Diocese of Great Falls-Billings shall be accountable for its efforts and performance in these matters. The Diocese shall evaluate the effectiveness of its child protection efforts at regular intervals to determine whether it is meeting the needs of the Church, the faith community and the victims and their families in the most effective and responsive ways possible.

11.1 Responsibility for Implementation of Policy

The Diocese will be responsible for the effective and timely implementation of this policy.

11.2 Evaluation Process

The Bishop or his designee will evaluate the process for the policy with guidance and input from the Independent Review Board (see 11.9 below and the USCCB's Office of Child and Youth Protection). The process will include data needed to assess the effectiveness of the victim's assistance efforts, professional in-service training activities, and supervisory support for the policy, outreach and education programs.

11.3 Measurement of Objectives

The evaluation process will measure both short-term objectives, such as insuring that all employees who interact with children and vulnerable adults have background checks, and long-range desired outcomes, such as an end to child abuse and neglect in Catholic ministries.

11.4 Annual Report

The Director of Safe Environment shall compile data for and produce an annual report that includes allegations that occurred, employee and volunteer training, community education and outreach to victims. The reports shall document full compliance with this policy.



11.5 Policy Compliance

All clergy, employees and volunteers of the Diocese of Great Falls-Billings are expected to adhere to this policy. Failure to adhere to the Child Protection Policy may result in sanction or termination of employment.

11.6 Consultation

In determining the effectiveness of this policy and its related components, the Diocese will consult with victims of abuse, the clergy, victims' assistance programs, educational staff and others directly impacted by the policy.

11.7 Annual Report to the Independent Review Board

The Director of Safe Environment will report his/her findings under this section at an annual meeting of the Independent Review Board. This report generally consists of the annual USCCB Audit Report.

11.8 Annual Report to Parishioners

The Independent Review Board shall present a public report of the status of the Diocesan child protection activities in the Diocesan newspaper.

11.9 Review of Child Protection Policy

The Diocesan Child Protection Policy will be reviewed by the Independent Review Board one year following the date of its enactment and at least every five years thereafter. This review shall include: (1) an assessment of the adequacy of the Diocesan reports and methods that have been implemented to measure progress and accountability and (2) recommendations for amended measures and methods of progress and accountability.



APPENDIX A

Report of Suspected Child Abuse by Diocesan Personnel While Performing the Work of the Diocese

Important!

Send the completed report, in an envelope marked “confidential,” to

Victim Assistance Coordinator
Diocese of Great Falls-Billings
P.O. 1399
Great Falls, MT 59403-1399
Tel.: 406-750-2373
Fax: 406-454-3480

NOTE: Please do not delay in submitting this report even if you cannot fully answer all questions. Additional information can be subsequently provided.

**Report of Suspected Child Abuse by Diocesan Personnel
While Performing the Work of the Diocese**
Please print (or type) and, if possible, use black ink. Thank you.

REPORT DATE: _____

CONTACT INFORMATION:

1. Person submitting this report:

Name: _____

Title: _____

Parish/School/Facility Name: _____

Street Address: _____

City: _____ ST: _____ Zip: _____

Daytime Phone: _____ E-mail: _____

2. Person(s) suspected of misconduct:

Name: _____ Title: _____

Parish/School/Facility Name: _____

Date of Birth (m/d/y): _____ Age: _____ Sex (*circle one*): Male Female

Now deceased? (*circle one*) Yes No

Street Address: _____

City: _____ ST: _____ Zip: _____

Daytime Phone: _____ E-mail: _____

3. Suspected victim(s) of misconduct:

Name: _____

Age Now: _____ At Time of Incident: _____ Sex (*circle one*): Male Female

Street Address: _____

City: _____ ST: _____ Zip: _____

Daytime Phone: _____ E-mail: _____

4. Report to civil authorities:

Agency Name: _____

County/City: _____

Phone: _____

Date of Report: _____

Individual Receiving Report: _____

INCIDENT INFORMATION (please provide on a separate sheet of paper, preferably typed)

- Describe the incident of suspected child abuse, including date, time and location.
- Identify eyewitnesses to the incident, including names, addresses and telephone numbers, when available.
- Provide other information that may be helpful to an investigation.



APPENDIX B

Guidelines for the Independent Review Board

The Charter explicitly requires the Diocese to have an IRB that functions as a confidential consultative body to the Bishop. The majority of its members are to be lay persons not in the employ of the diocese. The role of the IRB is to advise the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. The Bishop and the IRB will regularly review diocesan policies and procedures for dealing with sexual abuse of minors and vulnerable persons and the accessing of child pornography, both retrospectively and prospectively. The IRB will give advice on all aspects of responses in connection with these cases. If not earlier undertaken, a review of these policies and procedures is to take place within five (5) years of the adoption of this current policy and at any other time that the "Charter and Norms" are revisited and revised.

The rules, policies and procedures of the IRB of the Diocese are as follows:

Statement of Policy: The policies of the IRB shall comport with the requirements of the Charter and the Essential Norms promulgated by the United States Conference of Catholic Bishops.

Section 1. Membership, Tenure and Officers

1.1 The Bishop shall appoint members of the IRB.

1.2 The IRB will be composed of at least five persons "of outstanding integrity and good judgment in full communion with the Church." The majority of the IRB will be lay persons. One member will be "a priest who is an experienced and respected pastor who does not serve in the Diocesan administration." One member "should have particular expertise in the area of the sexual abuse of minors." One member should be a parent. Opportunities for ongoing education for IRB members will be provided by the Diocese whenever possible.

1.3 The Bishop, at his discretion, may designate that other persons, including but not limited to the Diocesan attorney(s), VAC, Vicar General, Diocesan Business Manager, Director of Safe Environment, SEC to attend IRB meetings, though they are not voting members. Although the Bishop has the sole discretion to make this designation he shall confer with the Chair to determine if there is any objection to the attendance of these individuals at any IRB meeting.

1.4 To safeguard the canonical integrity of the IRB's work, the Promoter of Justice shall also serve as an "ex-officio" (non-voting) member of the IRB.



1.5 IRB members will be appointed for a term of five years and may be reappointed indefinitely; but all members serve at the pleasure of the Bishop.

1.6 At the expiration of the term of each IRB member, the Bishop shall appoint a successor. The IRB member whose term has expired will continue to serve until a successor is appointed and is able to serve.

1.7 The Bishop may remove any member of the IRB on his own initiative or at the request of the Chair. Any vacancy in the membership of the IRB shall be filled by the appointment of a new IRB member by the Bishop.

1.8 The IRB will select one member to be nominated to serve as Chair and one member to be nominated to serve as Vice-Chair. The names of these nominees will be forwarded to the Bishop who will make the formal appointment or will request additional nominees from whom to make the appointment.

1.9 The Chair and Vice-Chair will serve two-year terms and may be reappointed to a second term as either Chair or Vice Chair but then must sit out a term before again being appointed as either Chair or Vice Chair. Those who have served as Chair or Vice Chair may continue to serve as members of the IRB during the terms during which they are sitting out as Chair or Vice Chair.

1.10 At the final, regularly scheduled meeting of the applicable calendar year (year in which officers' terms are expiring), the IRB will choose its nominees for Chair and Vice-Chair, then forward the nominations to the Bishop. The new Chair and Vice-Chair will assume office January 1 of the following calendar year.

1.11 The official spokesperson for the IRB shall be the IRB's Chair or designee.

Section 2. Meetings, Schedule and Attendance

2.1 A quorum, a simple majority of voting members, must be present to participate or conduct a meeting. A majority of members present can take formal action.

2.2 Non-members may attend the business portions of the meetings only with the permission of the Bishop who shall take into account any objection from the chair and any IRB member; confidential portions of the meetings, those portions in which cases are considered, will be held in closed session. The VAC, the person designated to conduct the preliminary investigation, diocesan civil attorneys, canon lawyers and other Diocesan personnel may attend the closed sessions unless a request is made by any IRB member for them to leave, and the Bishop concurs, in which case they will do so promptly. All present are asked to remain mindful of the significance of the independent nature of the review of the IRB. The IRB or any IRB member may meet



with the Bishop at any time, formally or informally, at the request of the Bishop, the IRB or any individual member. Accusers or the accused may address the IRB.

2.3 The IRB will schedule regular meetings at least three times yearly. Special meetings will be convened by the Chair or Vice Chair whenever necessary to carry out or facilitate the responsibilities of the IRB that cannot be addressed appropriately, optimally or in a timely manner at a regularly scheduled meeting.

Section 3. Purpose of the Regularly Scheduled Meetings

3.1 The IRB will review any investigation and disposition of allegations of sexual abuse of a minor by any personnel that occurred since the last regularly scheduled meeting and which was not completed in a special meeting.

3.2 The IRB will review any modifications or amendments to the Charter or to the Norms promulgated by the United States Conference of Catholic Bishops.

3.3 The IRB will conduct a review of policies and procedures of the Diocese to assure full compliance with the Charter and Norms as needed.

3.4 The IRB will review and subject to approval of the Bishop revise the Rules of the IRB as needed.

3.5 The IRB will conduct other business as needed to fulfill its function as a confidential/consultative body to the Bishop in discharging the Bishop's responsibilities under the Charter and Norms noted above, as well as the "Substantive Norms" issued by the Congregation for the Doctrine of the Faith.

Section 4. Minutes

4.1 The proceedings of all meetings shall be kept in the form of written notes by the Chair's designee. There are no detailed minutes, but summary notes indicating the purpose of the meeting, attendees, decisions made and next steps.

4.2 Needed documents will be circulated in advance of the next meeting to all IRB members; and copies will be maintained in a designated office at the administrative offices of the Diocese. All documents given to the IRB will be collected at the conclusion of each meeting.

4.3 Access to the IRB records shall be available at any time to any IRB member, but members will make no further dissemination without the permission of the Bishop or his designee who will inform the Chair.



4.4 Records of the IRB are designated as confidential and shall not be accessible except as provided for in Canon Law, civil law or applicable policies of the Diocese.

Section 5. Compensation

5.1 The IRB members agree to serve without compensation.

5.2 In accordance with applicable Diocesan policy, IRB members will be reimbursed for travel, lodging, meals or other expenses when such expenses are incurred as part of their services to the Diocese as a member of the IRB.

5.3 IRB members are fully indemnified by the Diocese for their good faith actions in their capacity of service on the IRB.

Section 6. Formal and Informal Proceedings

6.1 The IRB shall have formal and informal procedures for use, as appropriate, in conducting the business of the IRB. There is no difference in the significance or validity of the decisions of the IRB that are made in the formal proceedings, face-to-face meetings, from those that are made in the informal proceedings as set forth below.

6.2 Meetings may also be conducted where some members are present and others participate in the discussions with a telephone conference call or by some other electronic means; all participating duly appointed members may vote.

6.3 When appropriate, IRB business may be conducted informally by use of written correspondence, e-mail, telephone, conference calls, other electronic means, etc. as long as advance notice and an opportunity to participate has been extended to all duly appointed IRB members, and a quorum of the duly appointed IRB members has participated. A majority vote of all participating duly appointed members is required to take action.

6.4 Formal actions of the IRB are those conducted in meetings, regularly scheduled or special, with a quorum of members present at the same site at the same time.

Section 7. ROLE of the IRB in the Investigation of an Allegation of Sexual Abuse of a Minor by a Cleric or Any Other Personnel or Volunteers; Advising the Bishop in the Case of Clerics Involved in Child Pornography



Guidelines

7.1 The Bishop will convene the Independent Review Board after an allegation of sexual abuse of a minor by a priest or deacon of the Diocese of Great Falls-Billings has been received. An allegation is considered “received” after the Victim Assistance Coordinator has presented a report of findings indicating that the allegation is not frivolous. The Bishop will convene the Independent Review Board to examine the allegation.⁶

7.2 The Independent Review Board will receive from the Bishop or his delegate a complete written record of the allegations made against a priest or deacon; a detailed description of the interviews of alleged victims and the response of the priest or deacon in question to the allegations made; and will review any information pertinent to the allegation from the priest’s or deacon’s personnel file. The priest or deacon and his advocate will be informed of the material that will be presented to the Independent Review Board. The priest or deacon and/or the alleged victim(s) may choose to make a presentation in person or in writing to the Independent Review Board.

7.3 The Independent Review Board will be required to assess the credibility of the allegations and whether the allegations conform to the definition of sexual abuse of a minor as outlined in the policy developed and adopted by the Diocese of Great Falls-Billings.

7.4 The Bishop is responsible for initiating the preliminary investigation. The Independent Review Board will review the proofs gathered at the conclusion of the canonical preliminary investigation process carried out by a qualified investigator in accordance with Canon 1717. The Promoter of Justice serves as advocate for the alleged victim during the preliminary investigation. If there is an admission of guilt or if the preliminary investigation indicates culpability, the Bishop sends the acts of the case to the Congregation of the Doctrine of the Faith for a possible penal trial.

7.5 The Independent Review Board may be asked to comment on the suitability of a priest or deacon for future ministry.

7.6 The Independent Review Board is authorized to further investigate allegations and interview alleged victims or witnesses as it deems necessary and appropriate in each particular case.

⁶ The Bishop also may convene the Independent Review Board to assess allegations of all forms of child abuse, including sexual abuse and misconduct, physical abuse and neglect, which means these guidelines extend beyond the provisions of the *Charter for the Protection of Children and Young People* and address the expectations of clerical conduct in harmony with canon law to ensure the protection of children (c. 277, c. 285, c. 1395, c. 1397, c. 1399).



7.7 The Chair of the Independent Review Board will present the recommendations of the Independent Review Board to the Bishop.

7.8 The deliberations of the Independent Review Board will be strictly confidential and no detailed minutes will be taken or maintained. Summary notes indicating the purpose of the meeting, the individuals in attendance, the decisions made and the next steps will be recorded and retained in the office of the Bishop. All documents given to the Independent Review Board will be collected at the conclusion of each meeting.

Steps to be Followed in an Investigation

1. When an allegation of sexual abuse of a minor by a priest or deacon is received, an expeditious determination will be made as to whether the allegation made is credible. The Diocesan legal counsel will be immediately informed and in turn will notify the civil authorities.
2. Civil authorities will be offered first contact with the accused except when such procedure would put the alleged victim and/or others at risk of harm. The Diocese of Great Falls-Billings will, after consultation with civil authorities, confront the priest or deacon unless such authorities deem otherwise. The alleged perpetrator (priest or deacon) will be advised to obtain a civil attorney and a canonical advocate to represent him.
3. The Diocese of Great Falls-Billings will provide the person against whom an allegation has been made an explanation of the overall investigative process and specific procedures for dealing with allegations of child abuse.
4. The Diocese of Great Falls-Billings will initiate an investigation in accordance with canon 1717 of the Code of Canon Law (1983).⁷
5. The alleged perpetrator may be relieved of his assignment and required to leave the parish and be encouraged to obtain the appropriate psychological evaluation at a facility acceptable to the Diocese of Great Falls-Billings.
6. The Independent Review Board will be convened in accordance with the guidelines.

⁷ Canon 1717 reads "Sec. 1: Whenever an ordinary has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances and imputability, unless such an inquiry seems entirely superfluous. Sec. 2: Care must be taken so that the good name of anyone is not endangered from this investigation. Sec. 3: The person who conducts the investigation has the same powers and obligations as an auditor in the process; the same person cannot act as a judge in the matter if a judicial process is initiated."



Child Protection Policy Appendix B

Diocese of Great Falls-Billings

7. If an act of child abuse by a priest or a deacon is admitted or is established at the conclusion of the preliminary investigation, the Bishop will take the appropriate canonical action.



APPENDIX C

Sample Application

If a Volunteer is new to the parish, school or agency, the Volunteer Application form must be used. The Volunteer Application Form is available online at the Diocese of Great Falls-Billings' Web site, www.dioceseofgfb.org under "Safe and Sacred." A sample is included in this Appendix. This form should be utilized by all parishes/schools /agencies under the auspices of the Diocese of Great Falls-Billings when utilizing the services of a volunteer. In addition to compliance with the SAFE AND SACRED program it is important that references be checked and individuals evaluated for the position in which they are volunteering. This Volunteer Application Form should be maintained at the parish/school/agency.



Diocese of Great Falls-Billings

Volunteer Application Form

This form is to be completed, signed and returned to the pastor, principal or diocesan agent at the parish, school or agency at which you are to provide volunteer services. A original of this completed form will be retained in a file on site.

Last Name	First	Middle	Date
Present Street Address	City	State	Zip
			Daytime Phone
			Evening Phone
Permanent Address (if different from present address)			Cell Phone No.
			E-mail Address
Have you ever volunteered for a Diocesan location? <input type="checkbox"/> Yes <input type="checkbox"/> No			Are you 18 years of age or older?
If yes, give details:			<input type="checkbox"/> Yes <input type="checkbox"/> No
I am interested in <u>VOLUNTEERING</u> at <input type="checkbox"/> school: _____; <input type="checkbox"/> parish: _____; <input type="checkbox"/> agency: _____			
Interested in volunteering for <input type="checkbox"/> school activities <input type="checkbox"/> religious education <input type="checkbox"/> youth ministry <input type="checkbox"/> coaching <input type="checkbox"/> other _____			
I am available <input type="checkbox"/> mornings <input type="checkbox"/> afternoons <input type="checkbox"/> evenings <input type="checkbox"/> weekdays <input type="checkbox"/> weekends Date available: _____			
VOLUNTEER ACTIVITIES			
Please list all present and former volunteer activities beginning with your present or most recent position first. Use additional pages if needed. Include all other names worked under if different than the name you used on this form.			
Parish/Company/Organization Name	Phone	From	To
Address	City, State, Zip		
Duties/Responsibilities			
Parish/Company/Organization Name	Phone	From	To
Address	City, State, Zip		
Duties/Responsibilities			
Parish/Company/Organization Name	Phone	From	To
Address	City, State, Zip		
Duties/Responsibilities			
REFERENCES			
Please provide 2 personal/professional references. <i>If you have resided in this area for less than 2 years please provide at least one reference from your previous are of residence.</i>			
Name	City, State		
Phone	Relationship	Years Known	
Name	City, State		
Phone	Relationship	Years Known	

IMPORTANT – PLEASE READ THIS

You **must** complete questions I, II, III & IV *only* if the volunteer position(s) for which you are applying for will involve significant contact with children or other vulnerable individuals, i.e. elderly, mentally or emotionally handicapped, etc. Such positions include but are not limited to catechist, coaching, school volunteer, scout leader, youth minister, counseling, and maintenance.

I. Has a civil or criminal complaint ever been filed against you that alleged **sexual misconduct or child abuse** by you or your participation in or facilitation of such activities (including internal complaints given to management or supervisors at places of employment)? Yes No *If yes, please explain below and attach a separate sheet if additional space is necessary. Please provide the date, nature, and place of the incident leading to the complaint; where the complaint was filed; disposition of the complaint.*

II. Do you presently serve, or have you ever served, as a volunteer for any organization, entity or group in which you had significant contact with children or other vulnerable populations (e.g. elderly, mentally or emotionally handicapped, etc.)? Yes No *If yes, please provide the name, address and phone number of the organization, period of volunteer service, supervisor's name; and briefly describe your activities and/or duties. Attach a separate sheet if additional space is necessary.*

III. Have you ever chosen not to renew or continue any employment or volunteer service, had your employment or volunteer service terminated, or been subject to any disciplinary action, for reasons relating to allegations of sexual misconduct or child abuse by you? Yes No *If yes, please explain below and attach a separate sheet if additional space is necessary. Please include in your explanation the date, nature, and place of the occurrence(s) or allegation(s) and the disposition of the matter(s). Also, identify your employer and supervisor at the time by name, address and telephone number.*

IV. Have you ever been convicted of a crime (felony or misdemeanor) other than a minor traffic violation? Yes No *If yes, please explain below and attach a separate sheet if additional space is necessary. Please include in your explanation the date and place of any conviction, and the crime for which you were convicted.*

IMPORTANT – Please read and sign below

The information provided on this form is true, correct and complete. If accepted as a volunteer, any misstatement or omission of fact on this form may result in termination of my services. I grant permission to check my background and references and release the Diocese of Great Falls-Billings from any and all resultant liability.

I further understand that all persons who will have significant contact with children are required to undergo a state and federal background check before working with children. Other volunteer positions that may require undergoing this clearance process may include, but are not limited to, payroll, bookkeeping, accounting and maintenance.

Print Name: _____ Signature: _____ Date: _____

This section is to be completed by Pastor, Principal or Agency Director only.

The necessity of passing a state and federal criminal background check for positions involving significant contact with children or other vulnerable persons while providing volunteer services has been explained to this applicant. Acceptance of volunteer services is contingent upon the applicant successfully completing the state & federal criminal background check. References will be checked before accepting an applicant's volunteer services. Signed applications are to be retained by the pastor, principal or diocesan agent at your parish, school or agency.

Authorized Signature Date Name of Parish, School, Agency Location # Telephone #



APPENDIX D

Acknowledgement of Receipt and Review of the Diocese of Great Falls-Billings

Child Protection Policy

This is to acknowledge that I have received and reviewed a copy of the *Diocese of Great Falls-Billings Child Protection Policy*.

I understand that I am responsible for complying with the policy as stated and I understand that questions or clarifications regarding this policy should be directed to my immediate supervisor the VAC or SEC.

I further understand that the Diocese of Great Falls-Billings reserves the right to change, modify and/or revise any part of this policy at any time.

Signature: _____

Name (please print clearly): _____

Parish/Assignment: _____

Date: _____

Please return this completed form to the Safe Environment Coordinator.