



DIOCESE OF
St. Augustine

PROCEDURES
FOR

Creating & Maintaining
a Safe Environment
For Children, Youth
and Vulnerable Adults

..... 2023





“So that they may all be one.”

John 17:21

From the Bishop.....	1
Introduction.....	2
Glossary of Terms.....	3-4
Three-Part Program	
Part One – Education of Adults.....	5
Part Two – Formation of Children and Youth.....	5
Part Three – Keeping the Environment Safe.....	6-10
Standards of Ethical Conduct.....	10-11
Requirements for Using Diocesan Facilities.....	12
Summer Camp Information.....	13
Reporting an Allegation.....	14
Reporting an Allegation of Sexual Abuse by Clergy.....	15-16
Procedures Related to Allegations Abuse by Clergy.....	17
Appendix A List of Disqualifying Offenses.....	18-21



DIOCESE OF ST. AUGUSTINE

OFFICE OF THE BISHOP

THE MOST REVEREND ERIK T. POHLMEIER

The sexual abuse of minors is a grave evil that has caused immeasurable harm. It is with great sorrow that we acknowledge the instances where clergy and other members of the Catholic Church have been guilty of such heinous crimes. Our hearts go out to the victims, and it is our solemn duty to assist them in their process of healing. Equally important is the unwavering commitment to protecting all those who participate in activities within our parishes and schools.

With this in mind, the purpose of this document is to acknowledge past mistakes and ensure that the Diocese of St. Augustine fully complies with the best policies for the care of children and the pursuit of justice in accordance with God's demands.

The Safe Environment Program has been in place in this diocese since 1998 and has evolved and improved continually over the years. As the bishop of the Diocese of St. Augustine, I hereby promulgate and reaffirm, as the official diocesan policy, the elements required by the United States Conference of Catholic Bishops (USCCB) *Charter for the Protection of Children and Young People*. We also adhere to the essential norms derived from the charter's latest revision in 2018, which have received recognition from the Holy See and are considered particular law in all dioceses of the United States. Furthermore, we extend the protections of the charter and norms to vulnerable adults as defined in Florida law, encompassing all dioceses within the Province of Miami.

This policy is also designed to ensure justice by providing clear guidelines on how to respond to perceived risks and initiate investigations when necessary. Striking a balance between taking accusations seriously and protecting the innocence of those falsely accused is indeed challenging, but it is of utmost importance. The individuals entrusted with reporting and investigating take their responsibilities seriously, guided by the Spirit that God provides, in their quest for truth.

The Diocesan Safe Environment Program consists of the following components:

- *LiveScan Background and Screening* – mandatory for all clergy, religious, lay employees, educators and covered volunteers. Diocesan clearance must be obtained before an individual assumes their employment or begins volunteer service. I want to emphasize that there can be no compromises or exceptions concerning this aspect of the Safe Environment Program.
- *The Protecting God's Children 4.0 (PGC) Program* aims to educate clergy, religious, employees, educators and volunteers in establishing and maintaining a safe environment for children and youth. A 30-day compliance window is granted to individuals to complete the PGC program from the date of background screening clearance.
- *The Circle of Grace® Program*, authored by the Archdiocese of Omaha, provides educational tools for children to protect themselves and has been successfully implemented in all diocesan schools and parish religious education programs. Additionally, the VIRTUJS Healthy Relationships for Teens 2.0 Program is designed to help high school youth cooperate in maintaining their personal safety. It is essential that every child and youth in our Catholic schools, parish religious education and youth programs have the opportunity to participate in this critical element of our Safe Environment Program. Here again, there can be no compromise.
- Continuing education through the VIRTUJS online training module titled *A Plan to Protect God's Children 4.0* is required every five years.

By diligently adhering to the components listed above, our diocesan program ensures full compliance with the requirements of the USCCB's Office for the Protection of Children and Young People. I direct that these policies be consistently and thoroughly implemented in each parish, school and agency within our diocese.

May God's guidance and grace be with us as we strive to protect and care for the vulnerable among us, especially our children and young people. Let us learn from past mistakes and uphold justice as we move forward, seeking to serve our communities with love, compassion and integrity.

In Christ,

Most Reverend Erik T. Pohlmeier
Bishop of St. Augustine
January 2023



INTRODUCTION

The *Charter for the Protection of Children and Young People* is a comprehensive set of procedures established by the United State Conference of Catholic Bishops (USCCB) in June of 2002 for addressing allegations of sexual abuse of minors by Catholic clergy. The Dallas Charter as it is commonly known also includes guidelines for reconciliation, healing, accountability and prevention of future acts of abuse. It was revised in 2005, 2011 and 2018. The charter provided a roadmap to guide dioceses in taking significant steps to implement the USCCB's Safe Environment Program and to thereby breathe life into its promise to provide an atmosphere of trust, respect and charity, which should and must exist within the Church.

POLICY

The safe environment program contains all the elements required by the USCCB *Charter for the Protection of Children and Young People* and the Essential Norms deriving from the charter's latest revision in 2018. The Essential Norms, having received the recognition of the Holy See, is a particular law for the bishops of the United States, adopted by the USCCB in order to deal appropriately and effectively with cases of sexual abuse of minors by clergy and other church personnel. In addition to children and youth, all dioceses in the Province of Miami also apply the protections of the charter and norms to vulnerable adults as defined in Florida Law.

The Diocese of St. Augustine is committed to the safety and well-being of all children and vulnerable adults, and implements procedures to build and foster a culture of a safe environment. The diocese does not tolerate abuse or neglect of anyone and will comply with all obligations of civil and canon law.



GLOSSARY OF TERMS

Allegation - An accusation, including an accusation of sexual abuse of a minor, brought against a person by a complainant, which is reported to the diocese or religious institute.

Background Screening - A criminal history record check through the FDLE/FBI to determine if a person has been arrested and/or convicted of a crime. Such background investigation shall include a Level 2 Florida Criminal History Record Check.

Charter - The document revised in 2018, *Charter for the Protection of Children and Young People*, 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 Pornography - Sacramentum Sanctitatis Tutela 2021 Revision Substantive Rules Art. 6. "The most serious crimes against morals, reserved for the judgment of the Congregation for the Doctrine of the Faith, are:

1 ° The crime against the sixth commandment of the Decalogue committed by a cleric with a minor of 18 years or with a person who habitually has an imperfect use of reason; ignorance or error on the part of the cleric about the age of the minor does not constitute an extenuating or exempt circumstance;

2 ° The acquisition, possession, display or disclosure, for the purpose of lust or profit, of pornographic images of children under the age of 18 by a cleric, in any way and with any instrument."

Florida State Statute 777.0847 "Child pornography" means: Any image depicting a minor engaged in sexual conduct; or any image that has been created, altered, adapted or modified by electronic, mechanical or other means, to portray an identifiable minor engage in sexual conduct.

Child/Youth - A person who is under 18 years of age or a person with a physical or mental disability who is under 21 years of age.

Church Personnel - All individuals who are employed, volunteer or minister in any entity of the diocese whose compliance with this policy is required. The term has no legal significance outside the extent of this policy. Church Personnel shall mean all of the following:

- *Clergy*: All bishops, priests and deacons who have faculties to serve in the Diocese of St. Augustine.

- *Consecrated Religious Brothers and Sisters*:

Religious brothers and sisters who are regularly involved in ministry on behalf of an entity controlled or operated by the diocese.

- *Seminarians*: Men enrolled in the program of priestly formation discerning a call to the priesthood for the Diocese of St. Augustine or who are regularly involved in ministry at an entity controlled or operated by the diocese.

- *Employee*: Any lay individual who is employed by or engaged in ministry who is given any form of payment for services 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 persons employed by a diocesan entity that is controlled or operated by the bishop. This definition does not include independent contractors, consultants, vendors or other persons who are not subject to the supervision of the diocese and for whom no such duty to withhold payroll taxes exists.

- *Covered Volunteer*: Any unpaid person who is 18 years of age or older who freely assists with or engages in any diocesan entity, and who is entrusted with the care or supervision of:

1. Children [those below the age of 18]

2. Vulnerable adults ["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.]

Volunteers, by definition, are not paid any form of compensation. A church worker who is paid any form of compensation other than reimbursement for actual out-of-pocket expenses is an employee and not a volunteer.

- *Contract Personnel*: Any non-employed lay individual who is hired or engaged to perform services (for any form of compensation, whether monetary or otherwise) on behalf of the diocese including any parish, school, early learning center, group home or other diocesan entity that is controlled or operated by the diocese.

Credible Allegation - An allegation has been reviewed, determined to be believable, and further investigation is warranted.



Diocesan Review Board - The Diocese of St. Augustine has an independent Review Board that functions as a confidential consultative body established by the bishop to review clergy allegations of sexual abuse of minors and vulnerable adults. The Review Board is comprised of lay men and women not employed by the diocese, and one priest representative. Members of the Review Board have combined expertise in civil and canon law, criminal investigation, psychology, medicine and victim advocacy. The bishop appoints all members of the Review Board to serve a five-year term, which can be renewed at his discretion.

The Review Board assists the bishop in assessing allegations and determining fitness for ministry for those accused. The Review Board meets quarterly or more as needed. The Review Board also consults with the bishop on diocesan policies and procedures for dealing with the sexual abuse of minors and vulnerable adults.

DCF - The Florida Department of Children and Families.

Promoter of Justice - The person appointed in each diocese and in the higher tribunals of the Catholic Church whose responsibility it is to provide for the public good. In penal proceedings, he brings the accusation on behalf of the church and prosecutes it before the tribunal.

Safe Environment Coordinator (SEC) - An employee of a parish, school or diocesan ministry who has been appointed by the pastor, principal or diocesan director and trained by the diocesan Safe Environment Office on clearance compliance. The SEC is responsible for overseeing the VIRTUS portal to ensure background screening is complete before an employee or volunteer is allowed to serve in the diocese.

Safe Environment Office Diocesan Director - An employee of the Diocese of St. Augustine responsible for the adherence to diocesan policies and procedures required to assure a safe environment. This individual maintains all clearance screening records including those required for the annual audit conducted by the United States Conference of Catholic Bishops (USCCB). In the Diocese of St. Augustine, this director reports to the Director of Human Resources, with supervision by the Chancellor.

Sexual Abuse of a Minor - Contact or interaction between a minor and an adult when the minor is being used for sexual stimulation of the adult. This occurs when an adult engages a minor in any sexual activity.

Victim Accompaniment - An individual designated by the bishop to coordinate the pastoral response and subsequent pastoral care to victims of sexual abuse by clergy, consecrated religious or seminarian in the Diocese of St. Augustine.

Victim Assistance Coordinator - An individual designated by the bishop responsible for the initial recording of suspected child abuse, sexual abuse or harassment by any clergy, consecrated religious or seminarian in the Diocese of St. Augustine.

Vulnerable Person - 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 as stated in Florida Statute 415.102.

VOS ESTIS LUX MUNDI: “*vulnerable person*” means any person in a state of infirmity, physical or mental deficiency or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence. Apostolic letter dated 7 May 2019.



THREE-PART PROGRAM

The Diocese of St. Augustine uses the following three components for the Protection of Children, Youth and Vulnerable Adults:

- » Education of Adults: Ensuring and maintaining a safe environment for children, youth and vulnerable adults.
- » Education of Children: Safety curriculum designed to provide children and youth with the knowledge they need to overcome the advances of those who intend to do them harm.
- » Keeping the Environment Safe: Education, background screening, ethical standards and record keeping.

PART ONE - EDUCATION OF ADULTS

The Diocese of St. Augustine uses the *VIRTUS Protecting God's Children* (PGC) Program for Adults. Those who interact most with children become the core of the prevention effort with each parish, school and diocesan entity. This program is a three-hour, informational, in-person class that educates attendees on the following:

- Early warning signs of inappropriate relationships with children
- Appropriate access and communication with children
- Appropriate monitoring of children and children's programs
- Importance of parental awareness and communication with their children
- How to report suspected abuse or boundary violations

It is diocesan policy that all adults who minister to children will attend *VIRTUS Protecting God's Children for Adults*:

- All clergy and consecrated religious who have a ministerial assignment or engage in any ministry in the Diocese of St. Augustine, as well as all seminarians and aspirants for the diaconate
- All lay employees, full or part-time, of a parish, school or diocesan entity
- All covered volunteers in any parish, school or diocesan entity who are entrusted with the care and supervision of children, youth or vulnerable adults

Protecting God's Children for Adults (PGC) sessions are held throughout the diocese. Those who need to attend a PGC session must register online. Registration instructions are on the Safe Environment page of the Diocesan website <https://safe.dosafi.com/virtus-pgc-training-overview/>

Continuing Education - *VIRTUS A Plan to Protect God's Children™ 4.0* is required every five years. Anyone active in the diocese will be required to complete the online module before returning to employment, volunteering or ministry.

PART TWO –FORMATION OF CHILDREN AND YOUTH

In the Diocese of St. Augustine, the formation of children and youth is accomplished in all Catholic schools, parish religious education programs and youth ministry using the *Circle of Grace Program*. This program was adopted July 1, 2022, to provide a more Catholic, value-centered, set of lessons to all children and youth in Pre-K through Grade 12. Families will find this programming fits well into the religion classroom with a focus on Gospel values and well-planned encounters. Lessons will be offered every year; materials are available in English, Spanish and Vietnamese. In addition to the student curriculum, there are family suggestions for each lesson so that the conversations can be reinforced in the home. The program description is available on the Diocese of St. Augustine website on the Safe Environment page under the Safety Curriculum tab.

Guidelines for a non-participating child or youth -

A parent or guardian may refuse to allow their child to participate in the *Circle of Grace Program*, but it must be done on a case-by-case basis. Parents must submit the following in writing with a date and signature:

- Safe Environment training was offered to their child or youth
- They received Safe Environment training materials for their child or youth
- They refused to allow their child or youth to participate in the training

Administrators/Directors will provide the parent or guardian with the age-appropriate lessons and parent packet. A record of the parent or guardians written documentation must be maintained to ensure full accountability. A copy of the documentation must be submitted to the school principal or parish director of religious education where it will be kept on file for audit purposes.

Healthy Relationships for Teens 2.0 Online Module

Expansion with Safe Environment Component was established in 2020 using the VIRTUS online platform to introduce teens to seven safety concerns related to areas including boundaries, saying “no,” reporting inappropriate



including boundaries, saying “no,” reporting inappropriate behavior, intervention, types of abuse, dating concerns, etc. This module is available for teens aged 15-17 who are employed or volunteer at an Early Learning Center (ELC), after school care, summer camp, Vacation Bible School (VBS) and youth ministry.

PART THREE - KEEPING THE ENVIRONMENT SAFE

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. In an effort to ensure a safe environment and guard the safety of children, youth and vulnerable persons under the care of the diocese, concrete actions to help prevent unsafe conditions from ever occurring and to spot potential existing unsafe circumstances before any harm can be done is outlined as follows:

- Oversee the background screening by way of LiveScan fingerprinting of clergy, consecrated religious, seminarians, lay employees and covered volunteers
- Coordinate record-keeping to ensure all requirements are, in fact, being completed
- Monitor record-keeping requirements on the diocesan level
- Establish standards of ethical conduct in accordance with the Catholic principles of morality pertaining to the conduct of right and wrong

Church Personnel Screening Policy of the Diocese of St. Augustine - Diocesan policy states that all church personnel, ages 18 and older, must be background screened.

Church personnel will be required to register online <https://safe.dosafl.com/virtus-pgc-training-overview/> through the VIRTUS portal, with pertinent identifiable information, electronically sign the FDLE VECHS Waiver, Code of Conduct and policy statement and are subject to LiveScan fingerprinting to facilitate an FDLE/FBI background screening. Eligibility for employment, volunteer work or ministry will be contingent upon a satisfactory background screening. This background screening will be updated every five years. This policy applies even if an individual has been previously cleared through an FBI or FDLE check conducted by his or her employer or another entity.

Background screening must be cleared **BEFORE** the person assumes his or her position or begins volunteer service.

There can be no compromises or exceptions regarding this aspect of the Safe Environment Program.

Employees and Volunteers under the age of 18 - Persons under the age of 18 are not allowed to have unsupervised access to children, youth, or vulnerable adults. Anyone under the age of 18 who assist with children, youth, and vulnerable adults must be supervised by an employee or volunteer who themselves have been VIRTUS trained and have successfully completed a LiveScan fingerprint background screening.

- Employees under the age of 18 are subject to LiveScan fingerprint screening.
- Volunteers under the age of 18 are not required to be background screened.

VIRTUS training for employees and volunteers under the age of 18 is available online, *Healthy Relationships for Teens 2.0 Online Module*.

<https://safe.dosafl.com/virtus-pgc-training-overview/>

Safe Environment Education VIRTUS Protecting God’s Children for Adults - All church personnel, ages 18 and over, who are employed, volunteer or minister in any entity of the diocese working with children, youth or vulnerable adults are required to successfully complete VIRTUS Protecting God’s Children for Adults training.

Responsibility of the Chancellor, Pastor, Principal or Administrator - Background screening of church personnel shall be the responsibility of the Safe Environment Office and, when needed, of the chancellor, pastor, superintendent of schools, principal, director of religious education or another 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.

If duties are assigned to any volunteer that includes the care or supervision of children, youth or vulnerable adults or otherwise involve regular contact with children, youth or vulnerable adults, the volunteer is then classified as a Covered Volunteer and the requirements for Covered Volunteer as stated and defined in this policy apply.



“A Person Entrusted with the Care and Supervision of a Child” - A person entrusted with the care and supervision of a child means a person given access to a child by a person responsible for the health, welfare or care of a child for the purpose of providing education, child care, counseling, spiritual guidance, ministering, coaching, training, instruction, tutoring, mentoring or chaperoning of such child.

Merely being in the presence of children or around children in the course of volunteering does not constitute being “entrusted with the care and supervision of a child.” Even occasional, short-term contact with children does not mean that a volunteer has been entrusted with their care and supervision. However, should the contact with a child be frequent, or often repeated, the perception in a child’s mind is the adult volunteer is in some way “in charge,” especially in the case of young children. The question should be resolved in favor of considering the adult to be entrusted with the care and supervision of children. With this in mind and desiring to err on the side of safety and caution, the volunteer must comply with the diocesan background screening policy.

Background Screening - Persons or Roles Requiring Screening - All Diocesan Employees and Covered Volunteers as defined in the Ecclesiastical Province of Miami (All of the dioceses in the state of Florida) are as follows:

- Clergy, consecrated religious, seminarians, directors of religious education, catechists and parish religious education program volunteers, youth ministry directors and volunteers, parish employee full or part-time, music/choir directors (paid or unpaid if minors are involved), vacation bible school programs, children’s liturgy coordinators, altar server coordinators, parish or school youth retreats of any kind, anyone handling money for the parish or school, principals, instructional personnel, school employees, temporary school office personnel, substitute teachers, coaches (paid or unpaid), sports and band volunteers, Early Learning Center (ELC) employees and volunteers, chaperones, classroom volunteers, before and after school programs, counselors of children or vulnerable persons, homeschooling groups using parish facilities, scout programs or any volunteer who will be assisting in any parish or school related functions or activities not in the aforementioned who could reasonably appear to a child or youth to be in a supervisory capacity will be background screened every five years through the FDLE/FBI screening process.

Military and Civilian Law Enforcement Security Clearance and Scouting Program - Because the diocese does not have access to the underlying data upon which a security clearance is granted by the military and civilian law enforcement agencies, or scouting programs, those clearances do not satisfy the requirements of this diocese for background screening.

Not all volunteers need to be background screened. Those volunteers that do not have regular contact with children, youth or vulnerable adults and those volunteers not entrusted with the care or supervision of children, youth or vulnerable adults are not required to have a background screening. Some **examples** of volunteers that do not need to be background screened are:

Parish volunteer roles not requiring LiveScan fingerprinting or VIRTUS Protecting God’s Children:

- Sacristan, unless they are accessible to altar servers
- Extraordinary Minister of Holy Communion serving at Mass only
- Lector
- Cantor, unless practicing and/or performing with minors
- Ushers at Mass only
- Adult choir members, unless practicing and/or performing with minors
- Parish Council members
- Men’s and Women’s adult organizations that do not have unsupervised contact with children, youth or vulnerable adults
- Ministries that do not have unsupervised contact with children, youth or vulnerable adults

School and parish roles not requiring LiveScan fingerprint screening or VIRTUS Protecting God’s Children (if accompanied by an Employee or Covered Volunteer at all times)

- Presenter at an event or meeting (A Letter of Good Standing is required if speaking about subjects on theology and morality)
- Temporary repairperson, i.e.: AC, plumber, electrical, roofer, etc.
- Career Day type of event where participants or person is staffing a booth

It is understood that the above-listed volunteer duties will not involve the care and supervision of children, youth or vulnerable adults or will not involve regular contact with children, youth or vulnerable adults.



Data Collecting, Background Clearances and Protecting God's Children Attendance - All background clearance data is protected in a confidential database within the Safe Environment Office of the Diocese of St. Augustine. As of January 1, 2020, the diocese transitioned to an electronic system of registration and clearance verification using the VIRTUS portal as the means of conveyance. All entities of the diocese are staffed by a trained Safe Environment Coordinator (SEC) who is responsible for monitoring and reporting church personnel's safe environment compliance.

Reporting Requirements - The diocese is required to demonstrate and maintain all levels of background checks and safe environment class training to comply with the USCCB *Charter for the Protection of Children and Young People*. All diocesan entities submit a report twice a year for audits set by the USCCB's audit agents. The Safe Environment Report Form is sent to all entities under separate cover before the semi-annual reporting dates. All information and instructions will be requested well in advance of the date the reports are due to the diocese.

PLEASE NOTE: For the purpose of the Diocesan Safe Environment Report, educator is defined as a teacher, principal or any professional educator staff person in a diocesan school and are accounted for as a separate category. In the parish religious education program, catechist is accounted for as lay employee (if compensated) or volunteer (if not compensated).

Distribution of this Handbook - A copy of this handbook and the procedures for implementation will be distributed to all diocesan entities. All pastors, principals and designated administrators are to be familiar with the handbook and requirements for training and background screening and to fully implement said requirements within their respective entities for all church personnel. The handbook will be posted on the Diocese of St. Augustine public website and the Diocese of St. Augustine intranet site accessible to employees.

New Church Personnel - Before beginning work, ministry or volunteer service, church personnel must complete the appropriate background screening process and receive clearance from the Safe Environment Office. All offers for any employment are contingent upon approval from the Safe Environment Office. All new hires requiring FDLE/FBI screening are subject to LiveScan fingerprinting with an approved diocesan LiveScan vendor.

General Fingerprinting Procedure

- New Church Personnel must register online using the VIRTUS portal. Instructions for New Users can be found on the diocesan website <https://safe.dosafli.com/virtus-pgc-training-overview/>. At the time of registration, a Protecting God's Children for Adults session should be chosen and an appointment made for LiveScan fingerprinting with a diocesan-approved vendor.
- Returning Church Personnel must be re-screened every five years. Instructions for Returning Users can be found on the diocesan website <https://safe.dosafli.com/virtus-pgc-training-overview/>. Returning users must access their current VIRTUS account, update and sign electronically the three required documents, complete a VIRTUS online training module and complete a Level 2 LiveScan fingerprint screening.

To schedule a LiveScan appointment, all applicants must have a code to identify their category of service within the diocese. The parish or school should provide the code, however LiveScan Instructions are on the diocesan website <https://safe.dosafli.com/virtus-pgc-training-overview/> under VIRTUS Quick Links

Instructional School Personnel and Staff Procedures

All instructional school personnel certified through the state of Florida and school staff will be re-screened every five years. This will include the renewal of background screening using the Florida Department of Law Enforcement's FALCON system. The Safe Environment Office will review the screening results for instructional personnel and staff to ensure compliance is maintained.

International Background Check (IBC) - Any prospective church personnel from another country who has not been in the U.S. for at least two years will be required to submit to an International Background Check (IBC). Special forms are required and available through the Safe Environment Office. If a U.S. citizen has been out of the country for more than five years an IBC will be required.

Clearance Process and Results of Background Screening

There are three categories of background checks:

- *Category 1:* Background screening shows no criminal record.
- *Category 2:* Background screening shows a non-disqualifying criminal record, and the record reflects no Category 3 third-degree felony offense.



In *Category 2* situations, the diocesan Safe Environment Office will determine if such church personnel is permitted to work or minister in the diocese in consultation with the diocesan Human Resource Office and/or the diocesan Superintendent's Office. Concerns with background screening results will be shared with the person whose background screening has a blemish. The person will be required to provide a written explanation that will be maintained in his/her safe environment file. The decision to allow the person to work or minister notwithstanding a non-disqualifying criminal history will be communicated to the location SEC of the person concerned.

- *Category 3*: Background screening shows a disqualifying criminal record, a third-degree felony offense

If the church personnel has a prohibited offense as described in Appendix A of this policy, the Safe Environment Office will notify the person, and parish or school administrator, of the disqualification in writing. The person will be notified of an exemption process, if available.

Restriction or rejection notices on employment or volunteer service of any church personnel or applicant at a location are to be kept in a locked, confidential file. When a pastor or administrator is replaced their replacement should review the confidential file to ensure they are aware of any restrictions on church personnel's activities. In addition, he or she should verify, in writing to the Safe Environment Office, that such a review has been completed.

Renewals - All church personnel are required to be re-fingerprinted and screened according to this policy every five years.

Working or Volunteering with Restrictions -

Church personnel may be permitted to work or volunteer with restrictions. For example, if the 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 person's own vehicle.

Disqualifying Offense - 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 a location of the diocese. See Appendix A for a list of disqualifying offenses.

Record Storage - All Criminal Justice Information Services (CJIS) screening results, along with diocesan

recommendations for clearance or denial, are stored on a secure server. By law, when criminal history screening information is stored, the diocese must establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of the information.

State Licensed and Regulated Facilities - Some diocesan 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. Furthermore, if the state requires and performs the background screening, the Safe Environment Office may rely on the state's determination of eligibility and disqualification at those licensed facilities.

Reconsideration or Appeal - Church personnel who are disqualified or placed on restriction will be informed by the Safe Environment Office in writing. Notification of rejection, or limitations, will be sent to the pastor, principal or designated administrator. If the individual believes there is an error, or the facts of the case are not properly known, he or she will be required to provide written documentation to the Safe Environment Office before the decision will be reconsidered. Any cost associated with presenting this written documentation must be borne by the church personnel.

Limitations on Use of Screening Information -

The diocese may not use the background 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 of good moral character or is otherwise qualified for the position sought.

Criteria for Excluding Church Personnel from

Employment/Ministry - Background screenings involve a search of Florida criminal and juvenile records through the Florida Department of Law Enforcement (FDLE) and federal criminal records through the Federal Bureau of Investigation (FBI). Failure to meet the minimum standards of good moral character or the reasonable job-related expectations of the diocese 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 service. If the inaccuracy or misrepresentation is subsequently discovered, the individual may be immediately terminated from employment or volunteer ministry.



All church personnel are 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 expectations have been met, then the church personnel may be disqualified. The decision regarding employment or volunteer service 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, entered a plea of guilty or entered a plea of nolo contendere for any offense listed in 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 diocese. For an exemption to be granted by the diocese, church personnel must demonstrate by clear and convincing evidence that they should not be disqualified from employment or ministry. Church personnel seeking an exemption have 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.

Visiting Clergy/Non-incardinated Clergy

- Clergy entering the diocese for an event or short-term visit, but not on an official assignment within the diocese: a Letter of Good Standing (LOGS) is required from the visiting clergy's bishop or general superior to grant temporary faculties.
- Clergy requesting an official assignment within the diocese must provide a LOGS, submit to FDLE LiveScan fingerprinting, and complete VIRTUS PGC training in accordance with diocesan policy. In the case of clergy entering the United States for the first time, an international background check is also required.
- Clergy who are externs residing in the diocese for all or part of the year (i.e., retired) and wish to assist at a parish, a LOGS and FDLE LiveScan fingerprinting is required as well as proof that safe environment training has been fulfilled.
- The chancellor is responsible for evaluating faculty requests and approving if appropriate.

STANDARDS OF ETHICAL CONDUCT RELATED TO MAINTAINING A SAFE ENVIRONMENT FOR CHILDREN, YOUTH AND VULNERABLE ADULTS

In addition to all the above sections of this diocesan program, the Diocese of St. Augustine strives to create and ensure a safe environment by establishing ethical standards. Ethical standards are not necessarily rules and regulations, although some ethical standards do repeat and reinforce such rules, rather they are guidelines for how we should conduct ourselves in various circumstances.

Standards of Ethical 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 their authority, power and trust and taking advantage of the vulnerability of those they serve. By these unique circumstances, 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. While it is not possible to identify every form of inappropriate conduct that violates a person's boundaries, based on best practices 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
- Threaten or cause personal harm, injury or damage to property
- Smoke or encourage smoking on diocesan property
- 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 administer medical procedures unless properly authorized or required by law
- Administer drugs, including over-the-counter medication, in the absence of express written permission
- Provide massages or other physical therapy or touch an individual inappropriately
- Examine the genitalia of any person, for any reason



- Use the internet or other electronic devices for pornographic access
- Show sexually suggestive objects or pornography
- Never possess, consume or offer alcohol products, tobacco products, or illegal drugs, nor be under the influence of alcohol products or illegal drugs when engaged in ministry to anyone, especially minors or vulnerable adults
- Create, distribute or maintain child pornography in any form as it is a crime in the state of Florida 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 when a brief hug is customary behavior or kiss on the lips
- Invite children or young people to their home unsupervised or for overnight stays, even with the permission of the parent or guardian
- Offer children or young people transportation, even with the permission of the parent or guardian

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

- Over-investment in children; over-identification with children
- Failure to set appropriate limits with children
- Indications of anxiety regarding adult sexuality
- 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
- Allowing special relationships with, or giving gifts to, an individual young person

Youth Ministry

The Diocese of St. Augustine has specific child and youth policies and procedures for those who work or minister with children and/or youth in any diocesan parish or entity. Policies and procedures can be found on the Youth and Young Adult Ministry page on the diocesan website.

<https://youth.dosafi.com/overview-of-youth-ministry/>

Below are the Safe Environment requirements and a list of guidelines to be followed when working with children and youth. This is not meant to be a complete list, but an overview of items of note in relation to children and youth ministry. This document provides best practices and supplements rather than supersedes other diocesan policies, norms or guidelines for those who minister to children and youth. This document should be made available to all

volunteers who work with children and youth in any ministry program. If there are any questions, please contact the Youth and Young Adult Office at (904) 262-3200.

Safe Environment Background Screening: All adults working with or having regular contact with children or youth under the age of 18 must have prior approval. “Regular contact” constitutes more than three hours in a calendar year and includes catechists, core team members, volunteers, chaperones or any other role within the children and youth ministry programs. This involves the completion of the following:

- » VIRTUS Protecting God’s Children (PGC) classroom session
- » Fingerprint LiveScan background screening before serving as catechists, core members, volunteers, chaperones or any other role within youth ministry programs.

The annual orientation for parish youth leaders will include a review of policy and procedures related to abuse prevention and reporting, and the parish youth leader will in turn review with all volunteers annually. The most current documents are on the diocesan website. [Youth & Personal Safety Guidelines - YYAM Portal \(dosafi.com\)](https://youth.dosafi.com/youth-personal-safety-guidelines-yyam-portal) Please be sure that you are using the most current version. Parishes must keep a record of all who attend either as a hard copy sign-in sheet or an online digital sign-in system



REQUIREMENTS FOR GROUPS USING DIOCESAN FACILITIES

Groups that use diocesan facilities and who are not affiliated with the diocese 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 diocesan Non-Exclusive Space Usage Agreement and License. Accordingly, those License-affiliated persons do not have to be screened under this policy, Creating and Maintaining a Safe Environment. The Space Use Agreement and License can be found in the Parish Office Manual, Insurance section or contact the Risk Management Office at the Catholic Center.

Use of Parish Facilities by Homeschooling Families for Social Activities - The Diocese of St. Augustine is charged with ministering to all children, not just to those enrolled in Catholic schools or parish religious education programs, but to homeschooled children as well. Regarding the latter, the following policy will apply:

- Homeschooled children, chaperoned by their parent/guardians or other suitable adults may use parish facilities at the discretion and with the permission of the pastor. The ratios of adults to children should meet the diocesan best practices standard. This is available in the Chancery Policy Manual.
- All adults aged 18 and up must have Safe Environment clearance by the Diocese of St. Augustine. This involves LiveScan background screening and Safe Environment Training.

Summer Camps - The Florida Department of Children and Families (DCF) has strict regulations that apply to all Summer Camp programs. Summer camp programs sponsored by the diocese or diocesan parishes, ministries or schools must comply with these regulations. Florida State screening requirements are in addition to Diocesan Safe Environment screening requirements. All employees and volunteers working with children, youth and vulnerable adults are required to comply with the Diocese of St. Augustine Safe Environment requirements in compliance with the USCCB *Charter for the Protection of Children and Young People*.

The requirements between the diocese and DCF policies differ fundamentally and in complex ways. Because we must comply with both policies, it is unavoidable that some summer camp personnel will be required to follow both protocols.

NOTE:

- Vacation Bible School is not a Summer Camp and does not have to follow DCF screening requirements but must comply with all diocesan safe environment screening requirements.
- Independent Summer Camps that are operated on school/parish/diocesan property, but not sponsored by a diocesan entity, are responsible for compliance directly with DCF. Examples of this are coach-sponsored summer sports camps.

DOSA requirements for summer camp personnel:

- DOSA policies for clergy, employees and covered volunteers who work at a Summer Camp 18 years of age and over must follow all diocesan safe environment screening requirements BEFORE working in a summer camp program:
- LiveScan fingerprint clearance
- VIRTUS Protecting God's Children for Adults session
- DCF requirements as described below



DCF SUMMER CAMP & BACKGROUND SCREENING INFORMATION

Summer day camps and summer 24-hour camps are defined in s. 409.175, F.S. Summer day camps are recreational, educational and other enrichment programs operated during summer vacations for children who are 5 years of age on or before Sept. 1 and older. Summer 24-hour camps are recreational, educational and other enrichment programs operated on a 24-hour basis during summer vacations for children who are 5 years of age on or before Sept. 1 and older, that are not exclusively educational.

All summer camp personnel must be screened, which includes owners, operators, employees and volunteers that provide care for children. Volunteers who assist on an occasional basis for less than 10 hours per month do not need to be screened if a person who meets the screening requirement is always present and has the volunteer in his/her sight. All employees and volunteers under the age of 18 must be screened.

All summer camp personnel must be screened no more than 60 days before they begin employment and must be rescreened annually unless they continually work in a profession caring for vulnerable populations and are not unemployed for more than a 90-day period, and the Level 2 screening was completed within the last five years. International counselors must complete a Level 2 background screening upon arrival in Florida. Although it isn't required by law, a background check from their home country should be requested. Most organizations that assist with identifying international counselors do provide a background check. The requirements for Level 2 Background Screening are found in Chapter 435, F.S., and are as follows:

- **Level 2 Background Screening** requires fingerprinting for statewide criminal history checks through FDLE and national criminal history checks through the FBI and may include local law enforcement checks.
- **Disqualifications** are found in Florida Statute section 435.04 include; anyone who is arrested for and awaiting final disposition of a prohibited offense, regardless of adjudication; anyone who has entered a plea of nolo contendere or guilty to a prohibited offense; and any juvenile adjudicated delinquent in which the record of committing a prohibited offense has not been sealed or expunged.

The Care Provider Background Screening Clearinghouse, created due to changes in the law in 2012, is a single data source for background screening results of persons required to be screened for employment. The clearinghouse allows the results of criminal history screening to be shared among specified state agencies. Screening for summer camp personnel must be processed via the clearinghouse.

Fingerprints must be obtained using LiveScan technology. A listing of LiveScan vendors is available via the clearinghouse. The results from the background screening and an Affidavit of Good Moral Character should be maintained in each personnel file.

The department has the authority to ensure compliance with background screening. Currently, summer camps are only monitored when a complaint is received relating to noncompliance with background screening. Summer Camps are not licensed by the department and no additional training of employees is required.

DOSA Summer Camp Compliance - All teachers, coaches, administrators, operators and volunteers aged 12 and older must comply with DCF screening.

- Screening is through the DCF Background Screening Clearinghouse
- Each parish, school or ministry sponsoring a Summer Camp program will designate a person as DCF Screening Coordinator
- The DCF Screening Coordinator will:
 - » Using ORI# EDCFSC30Z register their camp or camps with the DCF Clearinghouse
 - » Arrange a LiveScan for all who are required to have DCF screening
 - » Maintain records for each employee or volunteer that contain screening results, affidavits and forms as required by DCF
 - » Advise the Diocesan Safe Environment Office of your ORI (Originating Agency Identifier) and OCA (Controlling Agency Identifier) numbers and permit access to your DCF Clearinghouse account when requested
 - » Inform DCF when Summer Camp volunteer hours end through the clearinghouse portal.
- Those who are required to be screened under DCF will contact the parish, school or ministry DCF coordinator to arrange for the screening and complete a notarized Affidavit of Good Moral Character.



REPORTING AN ALLEGATION OF SEXUAL ABUSE OF A CHILD, YOUTH AND VULNERABLE PERSONS

Mandatory Reporting to DCF - In Florida, everyone is a mandatory reporter. Any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned or neglected by a parent, legal custodian, caregiver or other person responsible for the child's welfare is a mandatory reporter. § 39.201(1)(a).

- Child abuse should be reported to the Florida Department of Children and Families (DCF) through either the DCF statewide hotline (call 1-800-96-ABUSE) (1-800-962-2873) or through the DCF website at <http://reportabuse.dcf.state.fl.us> The hotline also accepts faxes at 1-800-914-0004 and web-based chats on their website. § 39.201(2)(a).
- If the abuse is by an adult other than a parent, legal custodian, caregiver or other person responsible for the child's welfare, the report will be transferred by hotline staff to the appropriate county sheriff's office. § 39.201(2)(b).
- If the alleged abuse is by a juvenile or involves a child who is in the custody or protective supervision of the department, the report shall be transferred by the hotline to the county sheriff's office. § 39.201(2)(c)1.

Vulnerable Adult Abuse

- Section 415.1034(1)(a)5 states that any person, including, but not limited to any state, county or municipal criminal justice employee or law enforcement officer, who knows, or has reasonable cause to suspect, that a vulnerable adult has been or is being abused, neglected or exploited shall immediately report such knowledge or suspicion to the central abuse hotline.

Additional Reporting Requirements - If the alleged perpetrator is a teacher, social worker or licensed mental health professional, the event must be reported to the Department of Professional Regulations (DPR) at 1-800-445-6739.

Notification to Pastor, Principal or Superintendent of Schools - Immediately after telephoning DCF, the appropriate law enforcement agency, the individual who learns of an allegation will notify the pastor, school principal, superintendent of schools, director of religious education or other responsible supervisor, as appropriate with confidentiality.

Notification of Parent/Guardian - The Diocese of St. Augustine follows the recommendation by DCF concerning notification of the parent or guardian.

Personnel Record - According to rule 6A-10.084, F.A.C., all school personnel who have been accused or arrested for sexual abuse will be reported to the Office of Professional Practices Services at the Department of Education to be placed on the state disqualification list. The report is made to the FLDOE by the Office of the Superintendent.

Any employee found guilty of child sexual abuse or abuse of vulnerable adult will have this information noted in his or her personnel file. This determination is cause for termination from employment with the Diocese of St. Augustine and prohibits future employment. Inquiries for references in cases of guilty employees should be referred to the Office of Human Resources.



REPORTING AN ALLEGATION OF SEXUAL ABUSE BY CLERGY

Initiating the Investigation

When an allegation of sexual abuse of a minor by any member of the 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 a member of the clergy is found credible, the alleged offender will be temporarily relieved of any ecclesiastical ministry or function, in harmony with canon law. The Diocese of St. Augustine will not interfere with any investigation by law enforcement. When there is a semblance of truth that sexual abuse of a minor by a cleric has occurred, the Dicastery of the Doctrine of the Faith (DDF) shall be notified.

Cooperation with Law Enforcement

The Diocese of St. Augustine will cooperate with public authorities about reporting cases where the person alleged to have been abused is no longer a minor. In every instance, the diocese will notify the diocesan attorney who will, in turn notify proper law enforcement. In addition, the diocese will advise and support a person's right to make a report to public authorities.

Reporting Abuse to a Diocesan Representative

The Diocese of St. Augustine maintains a dedicated hotline for past abuse by clergy 1-800-775-4659, ext. 297 or 904-208-6979, which is broadly advertised and available 24/7 to receive calls.

Responsibility of the Victim Assistance Coordinator (VAC)

The diocesan VAC sees to the immediate reporting and pastoral care of a person who has made a claim to have been sexually abused by a member of the clergy, consecrated religious or seminarians when they were a minor or a vulnerable adult.

Responsibility of the Victim Accompaniment

The diocese is concerned for the spiritual and emotional well-being of alleged victims and is committed to promoting healing and reconciliation. The diocesan victim accompaniment will offer appropriate counseling, spiritual assistance, access to support groups and other agreed-upon social services.

Diocesan Response

The diocese will cooperate with public authorities about reporting cases when the person alleged to have been abused is no longer a minor. In addition, the diocese 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 diocese will communicate 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.

The Diocese of St. Augustine places no deadlines or time limits on reporting the sexual abuse of minors by clergy, religious, seminarians or other church personnel.

Internal Communications

Notification in the form of a bulletin announcement will be given to diocesan entities, clergy, religious, seminarians, lay employees and volunteers. Notifications will be made through a news release provided by the bishop or his representative. These will be made available as soon as feasible.

External Communications

The Diocesan Director of Communications or the spokesperson designated by the bishop for this purpose will answer all media inquiries. No other diocesan church personnel are to respond to the media except and unless specifically directed by the bishop. Every effort will be made to disseminate information in a timely and appropriate manner. To that end, media releases will be made to appropriate individuals as advisable.

Confidentiality Agreements

In cases of child sexual abuse, the Diocese of St. Augustine 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 Bishop

If an allegation is made against the Bishop, the VAC or another person who has received the allegation, informs the Judicial Vicar. The Judicial Vicar notifies the Archbishop of Miami, and in his absence, the most senior bishop by episcopal ordination in the Province of Miami will be notified, of the allegation. The metropolitan will inform the proper law enforcement agency. It is recommended an initial report to a third-party reporting system for allegations of sexual abuse of minors or vulnerable adults, or intentional interference with a civil or church investigation into allegations of sexual abuse committed by clergy or religious by a bishop.

Diocesan Review Board

To assist the bishop in his work, the diocese has a Review Board that functions as a confidential consultative body established by the bishop. 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 diocese; but at least one member must be a priest who is an experienced and respected pastor of the diocese. At least one member should have particular expertise in the treatment of the sexual abuse of minors or vulnerable adults. Members of the Review Board are appointed to serve for a term of five years, which can be renewed at the bishop's discretion. The Promoter of Justice and the diocesan attorney participate in the meetings of the Review Board.

The function of the Review Board includes:

- Advising the bishop in the assessment of allegations of sexual abuse of minors and vulnerable adults and in the determination of suitability for ministry;
- Reviewing diocesan 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 request an independent investigation of the allegations. The results of any investigation must be provided to the Review Board.

Review Board Procedures:

- The Review Board shall develop its own procedures for implementing this policy.
- The chair of the Review Board or designee shall report to the bishop regarding its deliberations. At the bishop's request, the Review Board or its designee and the diocesan attorney shall meet with the bishop 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 diocesan attorney, other members of the review board, and the bishop, unless compelled by law.

Removing Clergy

- Nothing in this section shall be construed to preclude the bishop from temporarily removing or restricting clergy from ministry upon receipt of an allegation, either pending or after the review board's completion of its proceedings.

Summary

When an allegation of child sexual abuse is received the subsequent steps must be followed:

- Florida Reporting Law is followed, the Abuse Registry Hotline at 1-800-962-2873 is notified immediately.
- The diocesan VAC is notified, and a report is made.
- The VAC advises the Bishop, Judicial Vicar, Chair of the Diocesan Review Board, Diocesan Attorney, Promoter of Justice, Chancellor, Director of Communications, and/or other authorized persons regarding the received allegation.
- If an allegation is credible, the individual is removed from ministry pending law enforcement and canonical investigation.
- The Review Board meets as soon as possible.
- The recommendations of the Diocesan Review Board are presented to the bishop for his response.



PROCEDURES RELATED TO ALLEGATIONS OF ABUSE BY CLERGY

Clinical Evaluation

If a credible allegation of sexual abuse of a minor or vulnerable adult has been made against a member of the clergy (priest or deacon), the bishop or his representative will provide the accused with an opportunity to respond to the allegation. He will be advised of his right to seek civil and canonical counsel. In the case of a religious order priest, the allegation will be reported to the provincial of the religious order. The alleged offender may also be asked to voluntarily comply with an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and the accused.

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:

Diocesan policy provides that for even a single act of sexual abuse of a minor the offending priest or deacon will be permanently removed from ministry. At all times, the bishop 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 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 bishop shall exercise his power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

In every case, the processes provided for in canon law must be observed, and its various provisions to be considered (USCCB Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minor by Priests or Deacons Rev 2018; Norms Regarding the Delicts Reserved to the Congregation for the Doctrine of the Faith, Article 6 of Oct. 11, 2021). 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 bishop 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 diocese will supply canonical counsel to a priest.

If or when a member of the clergy is found guilty of sexual abuse, an appropriate penalty will be applied not excluding a dismal from the clerical state. Consequently, the priest will not be permitted to celebrate Mass publicly, to administer the sacraments, to wear clerical attire or to present himself publicly as a priest.

The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

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:

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 bishop 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 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 is not credible, the accused individual will be restored to his former position or be offered placement in another diocesan position.

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

Reference: USCCB *Charter for the Protection of Children and Young People* (Rev. June 2018)
Province of Florida policies
Diocese of St. Augustine Policy on Conduct with Youth & Young Adults (Rev. 2021)



Appendix A

LIST OF DISQUALIFYING OFFENSES

Prohibited Misdemeanor or Felony Offenses	Statute	Origin
Sexual misconduct with certain developmentally disabled clients and reporting of such conduct	Sec. 393.135	435.04 1012.315
Sexual misconduct with certain mental health patients and reporting of such misconduct	Sec. 394.4593	435.04 1012.315
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 1012.315
Domestic violence	Sec. 741.28	435.04
Murder	Sec. 782.04	435.04 1012.315
Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child	Sec. 782.07	435.04 1012.315
Vehicular Homicide	Sec. 782.071	435.04
Killing of an unborn 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
Battery, if the victim was a minor	Sec. 784.03	435.04 1012.315
Kidnapping	Sec. 787.01	435.04 1012.315
False imprisonment	Sec. 787.02	435.04 1012.315
Luring or enticing a child	Sec. 787.025	435.04 1012.315
Taking, enticing or removing a child beyond the state limits with criminal intent pending custody proceedings	Sec. 787.04(2)	435.04 1012.315



Appendix A

LIST OF DISQUALIFYING OFFENSES

Prohibited Misdemeanor or Felony Offenses (continued)	Statute	Origin
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 1012.315
Exhibiting firearms or weapons within 1,000 feet of a school	Sec.790.115(1)	435.04 1012.315
Possessing an electric weapon or device, destructive device or other weapon on school property	Sec.790.115(2)(b)	435.04 1012.315
Sexual battery	Sec. 794.011	435.04 1012.315
Prohibited acts of persons in familial or custodial authority	Sec. 794.041	435.04 1012.315
Unlawful sexual activity with certain minors	Sec. 794.05	435.04 1012.315
Prostitution	Ch. 796	435.04 1012.315
Lewd and lascivious behavior	Sec. 798.02	435.04
Lewdness and indecent exposure	Ch. 800	435.04 1012.315
Arson	Sec. 806.01	435.04 1012.315
Burglary	Sec. 810.02	435.04
Fraudulent acts through mail, wire, radio, electromagnetic, photo electronic or photo optical systems	Sec. 817.034	408.809
False and fraudulent insurance claims	Sec. 817.234	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 1012.315
Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult	Sec. 825.1025	435.04 1012.315



Appendix A

LIST OF DISQUALIFYING OFFENSES

Prohibited Misdemeanor or Felony Offenses <i>(continued)</i>	Statute	Origin
Incest	Sec. 826.04	435.04 1012.315
Child abuse, aggravated child abuse or neglect of a child	Sec. 827.03	435.04 1012.315
Contributing to the delinquency or dependency of a child	Sec. 827.04	435.04 1012.315
Negligent treatment of children	Sec. 827.05	435.04
Sexual performance by a child	Sec. 827.071	435.04 1012.315
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
Resisting arrest with violence	Sec. 843.01	435.04 1012.315
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 1012.315
Encouraging or recruiting another to join in a criminal gang	Sec. 874.05	435.04 1012.315
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 1012.315
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



Appendix A

LIST OF DISQUALIFYING OFFENSES

Prohibited Misdemeanor or Felony Offenses <i>(continued)</i>	Statute	Origin
Harboring, concealing or aiding an escaped prisoner	Sec. 944.46	435.04
Introduction of contraband into a correctional facility	Sec. 944.47	435.04 1012.315
Sexual misconduct in juvenile justice programs	Sec. 985.701	435.04 1012.315
Introduction, removal, possession of contraband at juvenile detention facility or commitment program	Sec. 985.711	435.04 1012.315

Additional Prohibited Felony Offenses	Statute	Origin
Assault, battery and culpable negligence	Ch. 784	435.04 1012.315*
Female genital mutilation	Sec. 794.08	1012.315
Voyeurism	Sec. 810.14	435.04 1012.315
Video Voyeurism	Sec. 810.145	435.04 1012.315
Theft, robbery and related crimes	Ch. 812	435.04 1012.315
Fraudulent sale of controlled substances	Sec. 817.563	435.04 1012.315
Fraudulent use of credit cards	Sec. 817.61	408.809
Exploitation of an elderly person or disabled adult	Sec. 825.103	435.04 1012.315
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) if no minor was involved	Ch. 893	435.04 1012.315

* Limited to Sections 784.021, 784.045 and 784.075