



CATHOLIC DIOCESE  
OF LEXINGTON

Roman Catholic Diocese of Lexington, KY

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POLICIES AND PROCEDURES FOR CREATING A SAFE ENVIRONMENT FOR MINORS AND  
VULNERABLE ADULTS

Revised: January 22, 2025

## **Preamble:**

The purpose of this Policies and Procedures booklet is to provide a set of standards of behaviors for those who act on behalf of the Church where minors and/or vulnerable adults are present. It does not present an exhaustive list of expectations and requirements, rather it accompanies the Code of Canon Law, the Code of Conduct, civil law and other diocesan policies. Church personnel are to be aware of and committed to all of these norms that govern conduct.

For purposes of this policy, the term “Church personnel” includes any person who performs tasks for the Church under the auspices of the Roman Catholic Diocese of Lexington. This includes the Bishop, Priests, Deacons, Seminarians, Men and Women Vowed Religious, Pastoral Ministers, Spiritual Counselors, Educators, Administrators, Lay Employees and Contract Employees who are employed by the Roman Catholic Diocese of Lexington together with those Lay Volunteers/Interns/Practicum Students who provide services to/for the Roman Catholic Diocese of Lexington.

For purposes of this policy, the term “minor” refers to anyone under the age of eighteen (18). The term “vulnerable adult” refers to a person eighteen (18) years of age or older who because of mental or physical dysfunctionality is unable to manage his/her own resources, carry out the activity of daily living or protect his/herself from neglect, exploitation or a hazardous or abusive situation without assistance from others and who may be in need of protective services.

## **Responsibility for Compliance/Enforcement**

The Roman Catholic Diocese of Lexington holds accountable all Church personnel for maintaining the integrity of ministerial and professional relationships. Responsibility for adherence to the Policies and Procedures for Creating a Safe Environment for Minors and Vulnerable Adults rests with the individual. However, the promulgation of this document has legal implications for the conduct of all who serve in the name of the Roman Catholic Diocese of Lexington. Violation of these policies or any other applicable diocesan policy will lead to remedial action. Such action may take various forms, from verbal reproach to civil or canonical disciplinary action. In order to restore justice, reform offenders and repair scandal appropriate action will be taken when any Church personnel disregards or fails to comply with the expectations and behaviors outlined in this document.

## **To ensure compliance, everyone with chaperone and/or supervisory responsibilities in the Chancery, parish, school or affiliated organization will:**

1. ensure that Policies and Procedures for Creating a Safe Environment for Minors and Vulnerable Adults is provided to, reviewed with and accepted by new Church personnel.
2. share and discuss periodically Policies and Procedures for Creating a Safe Environment for Minors and Vulnerable Adults with all personnel within his/her realm of responsibility.
3. immediately and appropriately address questions or issues resulting from application of the standards outlined in Policies and Procedures for Creating a Safe Environment for Minors and Vulnerable Adults.
4. ensure that Church personnel complete mandated Safe Environment training.

**Diocese of Lexington  
VICTIM ASSISTANCE**

Laura Napora, CCSW  
Victim Assistance Coordinator  
(859)338-5695  
victimsassistance@cdlex.org

<b>County</b>	<b>Reporting CURRENT abuse Of MINORS &amp; VULNERABLE ADULTS  Cabinet for Families and Children, Division of Protection &amp; Permanency</b>	<b>Reporting ADULTS who were abused as minors  Commonwealth Attorney</b>
<b>Anderson</b>	<b>(502)839-5176</b>	<b>(502)647-3019</b>
<b>Bath</b>	<b>(606)674-6308</b>	<b>(859)498-0911</b>
<b>Bell</b>	<b>(606)337-6171</b>	<b>(606)248-0224</b>
<b>Bourbon</b>	<b>(606)674-6308</b>	<b>(859)498-0911</b>
<b>Boyd</b>	<b>(606)920-2032</b>	<b>(606)739-5137</b>
<b>Boyle</b>	<b>(859)239-7105</b>	<b>(859)734-0770</b>
<b>Breathitt</b>	<b>(606)666-7506</b>	<b>(606)666-7794</b>
<b>Carter</b>	<b>(606)474-6627</b>	<b>(606)738-5494</b>
<b>Clark</b>	<b>(859)737-7771</b>	<b>(859)624-4728</b>
<b>Clay</b>	<b>(606)598-2027</b>	<b>(606)598-2040</b>
<b>Elliott</b>	<b>(606)738-5176</b>	<b>(606)738-5494</b>
<b>Estill</b>	<b>(606)723-5146</b>	<b>(606)726-0127</b>
<b>Fayette</b>	<b>(859)971-4757</b>	<b>(859)246-2060</b>
<b>Floyd</b>	<b>(606)889-1724</b>	<b>(606)889-1682</b>
<b>Franklin</b>	<b>(502)564-6637</b>	<b>(502)564-4741</b>
<b>Garrard</b>	<b>(859)792-2186</b>	<b>(859)887-2722</b>
<b>Greenup</b>	<b>(606)473-7366</b>	<b>(606)473-7978</b>
<b>Harlan</b>	<b>(606)573-4620</b>	<b>(606)573-6162</b>
<b>Jackson</b>	<b>(606)287-7114</b>	<b>(606)598-2040</b>
<b>Jessamine</b>	<b>(859)885-9451</b>	<b>(859)887-2722</b>
<b>Johnson</b>	<b>(606)788-7100</b>	<b>(606)788-7085</b>
<b>Knott</b>	<b>(606)785-3106</b>	<b>(606)349-6171</b>
<b>Knox</b>	<b>(606)546-5154</b>	<b>(606)330-2035</b>
<b>Laurel</b>	<b>(606)330-2015</b>	<b>(606)330-2035</b>
<b>Lawrence</b>	<b>(606)638-4360</b>	<b>(606)788-7085</b>

Lee	(606)464-8801	(606)726-0127
Leslie	(606)672-2313	(606)598-2040
Letcher	(606)633-0191	(606)633-8121
Lincoln	(606)365-3551	(606)677-4100
Madison	(859)623-1204	(859)624-4728
Magoffin	(606)349-3122	(606)349-6171
Martin	(606)298-7633	(606)788-7085
McCreary	(606)376-5365	(606)539-0800
Menifee	(606)768-2154	(859)498-0911
Mercer	(859)734-5448	(859)734-0770
Montgomery	(859)498-6312	(859)498-0911
Morgan	(606)743-3158	(606)738-5494
Nicholas	(859)289-7123	(859)235-0387
Owsley	(606)593-5191	(606)726-0127
Perry	(606)435-6060	(606)435-6222
Pike	(606)433-7596	(606)433-7500
Powell	(606)663-2881	(606)666-7794
Pulaski	(606)677-4086	(606)677-4100
Rockcastle	(606)256-2138	(606)677-4100
Rowan	(606)783-8555	(859)498-0911
Scott	(502)863-0565	(859)873-4797
Wayne	(606)348-9361	(270)343-4744
Whitley	(606)549-4505	(606)539-0800
Wolfe	(606)668-3101	(606)666-7794
Woodford	(859)873-8041	(859)873-4797

**After hours HOTLINE: 877-597-2331**

**Diocese of Lexington Safe Environment Information**

[www.cdlex.org](http://www.cdlex.org)

>click on Safe Environment icon

**Other Resources**

[www.childhelp.org](http://www.childhelp.org) -> Get Help -> More Resources National Center for

Missing and Exploited Children Cybertipline

NetSmartz.org & KidSmartz.org

## Table of Contents

SECTION 1 – DIOCESAN REVIEW BOARD -----	1
SECTION 2 – VICTIM ASSISTANCE COORDINATOR -----	1
SECTION 3 – SCREENING -----	2
SECTION 4 – SEX OFFENDER REGISTRANTS -----	3
SECTION 5 – SAFE ENVIRONMENT TRAINING -----	4
SECTION 6 – CONDUCT WITH MINORS/VULNERABLE ADULTS IN THE USE OF ALL ELECTRONIC MEDIA -----	5
SECTION 7 – DISCRIMINATION AND HARASSMENT/INTIMIDATION -----	6
SECTION 8 – HUMAN TRAFFICKING -----	7
SECTION 9 – CHAPERONES AND SUPERVISION OF MINORS/VULNERABLE ADULTS -----	8
SECTION 10 – MINORS AS EMPLOYEES OR VOLUNTEERS -----	8
SECTION 11 – TRIPS -----	9
SECTION 12 – REPORTING -----	9
SECTION 13 – ALLEGATIONS OF SEXUAL ABUSE: CIVIL AND CANONICAL PROCESSES -----	11
SECTION 14 – DISCLOSURE AND TRANSPARENCY -----	13
APPENDIX – KENTUCKY STATUTES -----	14
IN BRIEF – EXPECTATION OF CONDUCT WITH MINORS AND VULNERABLE ADULTS -----	23

## **SECTION 1 - DIOCESAN REVIEW BOARD**

*A Diocesan Review Board is established to serve as a confidential consultative body to the Bishop.*

1. The Diocesan Review Board consists of at least five members from various professional and non-professional backgrounds, the majority of whom are lay persons not in the employ of the Diocese. Members are to be of outstanding integrity and good judgment in full communion with the Church. At least one member is a priest who is an experienced and well respected pastor and at least one member should have particular expertise in the treatment of sexual abuse of minors or vulnerable adults. Members are appointed for five year renewable terms. The Promoter of Justice participates in the meetings of the Diocesan Review Board.\*
2. The Diocesan Review Board advises the Bishop in his assessment of allegations of sexual abuse of minors or vulnerable adults and in his determination of suitability for ministry; reviews diocesan policies for dealing with sexual abuse of minors and vulnerable adults; and offers advice on all aspects of the cases presented to it.\*

*\*USCCB Charter for the Protection of Children and Young People, Article 2 and The Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacon, Norms 4 & 5*

## **SECTION 2 - VICTIM ASSISTANCE COORDINATOR**

*The Diocese must have a Victim Assistance Coordinator who coordinates assistance for the immediate pastoral care of persons who report having been sexually abused as minors or vulnerable adults by clergy or other church personnel. (USCCB, Charter, Article 2)*

1. Assistance will be offered with respect and confidentiality to anyone reporting sexual abuse by Church personnel.
2. Contact information for the Victim Assistance Coordinator and civil authorities is readily available in the contact section of this manual. (USCCB, Essential Norms, Norm 3)
3. Contact information is posted in the Cross Roads diocesan newspaper at least twice per year. (USCCB, Charter, Article 2)
4. Anyone making an allegation is treated with dignity and respect, as is the accused, bearing in mind the accused's right to a presumption of innocence.
5. The Bishop or his representative must be informed if a report involves a cleric, employee, volunteer or student of the Diocese.

6. The Victim Assistance Coordinator is also available to offer assistance to anyone needing assistance on their journey toward healing.
7. A pastoral session with Bishop is offered if and when the victim deems it beneficial to his/her healing journey.

### **SECTION 3 - SCREENING**

*All Church personnel shall be in compliance with the current requirements of the safe environment program prior to beginning any service in the Diocese.*

1. The process requirements of the safe environment program for Church personnel are to: fill out appropriate paperwork which is left with the chaperone and/or supervisor for processing; and register at [www.cmgconnect.org](http://www.cmgconnect.org) (open an account), view required videos and submit information for a background check.
2. No person who has been convicted of or pled guilty to a violent crime or a sex crime will be employed or allowed to volunteer. Other offenses, such as multiple DUI 's or fraud, may render a person unsuitable for a particular position or task.
3. Church personnel may be terminated upon receipt of a criminal history background check documenting a record of a sex crime or violent offense and may be terminated for other offenses, such as multiple DUI's or fraud, that would render the person unsuitable for a task.
4. Background evaluations are repeated on a five-year cycle.
5. Background checks are acquired internally with direct access between the Diocese and the vendor. The vendor provides security for the background check information that it acquires. Copies of background checks are not accepted from other sources. Background checks are only shared with authorized personnel.
6. If a potential employee or volunteer refuses to submit to the required background evaluation, that person is not to be employed or allowed to volunteer in any program of the Roman Catholic Diocese of Lexington.
7. All groups working with minors or vulnerable adults while using Diocesan facilities are required to comply with all safe environment requirements.

## SECTION 4 - SEX OFFENDER REGISTRANTS

*Registered Sex Offenders must comply with State and Diocesan requirements.*

1. No registrant as defined by KRS 17.500 shall reside within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned playground or licensed day care facility. (KRS 17.545)
2. No registrant as defined by KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a high school, middle school, elementary school, preschool, or licensed day care facility, except with the advance written permission of the school principal, the school board, or the day care director that has been given after full disclosure of the person's status as a registrant or sex offender from another state and all registrant information as required in KRS 17.500. (KRS 17.545)
3. Registered Sex Offenders who are parents/guardian of Catholic school children/youth must identify themselves to the school principal/pastor.
4. A Registered Sex Offender (RSO) who has a child attending a Catholic school:
  - a. has the legal right to review his/her child's educational record by contacting the principal for an appointment.
  - b. has the right to communicate with his/her child's teacher by phone, mail or email or by making an appointment to see the teacher at a time when no other children are present.
  - c. is not allowed on school premises at any time while children are present. This includes walking his/her child to and from the school building. He/she may pick up or drop off his/her own child as long as the RSO parent remains in the vehicle at all times. No other school children (other than his/her own) may be dropped off or picked up at school by the RSO parent.
  - d. may not volunteer at any school event on or off of school grounds where other children are present. (ex. field trips, sporting games)
5. A Registered Sex Offender (RSO) wanting to attend a parish Liturgy/activity must meet with the pastor who will determine if the he/she is allowed to attend the event with a mutually agreed upon companion. Restrictions apply to any such attendance. Violation of said restrictions could result in the RSO being banned from attending an

activity on diocesan property. The pastor will have full control of any or all restrictions including the right to change any restrictions as needed for safety. The restrictions are as follows:

- a. the RSO may not hold a volunteer or employment position in the parish.
- b. the time of the Liturgy or parish event that the RSO wishes to attend must be specified.
- c. the pastor will communicate the information to persons who can be expected to monitor the RSO's activity. The pastor may require the RSO to provide specific written approval of their participation at the parish Liturgy/activity from the Parole Officer assigned to them.
- d. The RSO and his/her companion must remain in the designated area for the activity.
- e. The RSO and his/her companion must agree to any other restrictions mandated by the pastor.

For additional information:

Sex Offender Alert Line: 1-866-564-5652 [www.kpsor.state.us](http://www.kpsor.state.us)

[www.kentuckystatepolice.org/sor.htm](http://www.kentuckystatepolice.org/sor.htm)

## **SECTION 5 - SAFE ENVIRONMENT TRAINING**

*All schools and parish religious education/CCD programs in the Diocese shall offer parents and students a "safe environment for children" component of the educational program, in keeping with the American Bishops' "Charter for the Protection of Children and Young People."*

1. Schools and Parish Religious Education/CCD programs must offer the Circle of Grace sexual abuse prevention program at least once a year during the first semester of the academic year.
2. Schools and Parish Religious Education/CCD programs must complete and return audit recap forms to the Office of the Chancellor promptly upon completion of the Circle of Grace program.
3. Church personnel are required to complete safe environment training using [www.cmgconnect.org](http://www.cmgconnect.org).

## **SECTION 6 – CONDUCT WITH MINORS/VULNERABLE ADULTS IN THE USE OF ALL ELECTRONIC MEDIA**

*Behavior in the use of all electronic media should reflect a high standard of honesty, respect for appropriate boundaries and consideration for others.*

1. Each Church personnel is personally responsible for the content he/she posts online. Church personnel should be mindful that social media posts may be visible to more than the intended recipient(s) and can be shared by others in ways that cannot be controlled. Consider all content posted as if it were public, and remember that it may permanently remain in the public domain.
2. The establishment of websites apart from [www.cdlex.org](http://www.cdlex.org) and/or social media groups/pages and/or profiles for a ministry of the Diocese must have the prior approval of an immediate supervisor and/or the Director of Communications. All groups or profiles must have at least two pre-approved administrators at all times.
3. Church personnel should remember their association and responsibility with the Diocese in online social environments. Church personnel should ensure their posts are consistent with how they wish to present themselves with colleagues, Church members and the community as a whole. Church personnel should always be respectful of the Church, its teachings and its ministry.
4. The use of social networking sites is not recommended for groups that include minors younger than high school age or vulnerable adults. Preapproval must be given by an immediate supervisor and parents must be informed in writing and copied on communications when social networking sites are used for minors under age eighteen (18) or vulnerable adults.
5. Communications with minors and vulnerable adults must always maintain a proper professional relationship that honors healthy boundaries. Excessive familiarity or “special” relationships between Church personnel and minors and vulnerable adults are not appropriate.
6. Personal accounts should not be used.
7. Parents/Guardians must give written consent before pictures of minors or vulnerable adults can be posted online.
8. Minors and vulnerable adults must not be invited to be a “friend.” The minor or vulnerable adult must make the request.
9. The site administrator(s) should pre-approve and regularly monitor comments and

postings. Any inappropriate content should be deleted, and the person posting it should be contacted and reminded improper content is not acceptable.

## **SECTION 7 – DISCRIMINATION AND HARASSMENT/INTIMIDATION**

*The Diocese is committed to a safe environment in which all individuals are treated with respect and dignity. All forms of discrimination against and/or harassment/intimidation of minors/vulnerable adults, including but not limited to sexual harassment and sexual abuse, are prohibited.*

### **1. Harassment/Intimidation**

- a. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or group of individuals because of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, or citizenship that has the purpose or effect of creating an intimidating, hostile or offensive environment.
- b. Intimidation of minors/vulnerable adults consists of such behaviors as hazing, bullying, menacing, taunting, verbal abuse, physical abuse, or other threatening behaviors.

### **2. Sexual Harassment**

- a. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:
  - 1) unwanted sexual advances or requests for sexual favors
  - 2) sexual jokes and innuendo
  - 3) verbal abuse of a sexual nature
  - 4) commentary about an individual's body, sexual prowess, or sexual deficiencies
  - 5) leering, whistling or touching
  - 6) insulting or obscene comments or gestures
  - 7) display in a ministerial, employment or educational setting of sexually suggestive objects or pictures

8) other physical, verbal or visual conduct of a sexual nature

### 3. Sexual Abuse

- a. Sexual abuse refers to sexual contact between a minor or vulnerable adult and Church personnel.
- b. Questions should be directed to a supervisor, the Victim Assistance Coordinator (859-338-5695) or the Director for Human Resource (859-253-1993 ext. 238).

### 4. Retaliation

- a. Retaliation against an individual for reporting harassment/intimidation, sexual abuse or discrimination or for participating in an investigation of a claim of harassment/intimidation, sexual abuse or discrimination is a violation of this policy and, like harassment/intimidation or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

## **SECTION 8 - HUMAN TRAFFICKING**

*Human Trafficking is a grave violation of a person's human dignity and is expressly forbidden.*

1. Human Trafficking is a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained the age of 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (Trafficking Victim Protection Act <http://www.state.gov/j/tip/laws>)
2. National Human Trafficking Resource Center  
**HOTLINE:** 1(888)373-7888  
**SMS:** 233733 (Text "HELP" or "INFO")  
**Hours:** 24 hours, 7 days a week  
**Languages:** English, Spanish and 200 more languages  
**Website:** [traffickingresourcecenter.org](http://traffickingresourcecenter.org)

## **SECTION 9: CHAPERONES AND SUPERVISION OF MINORS/VULNERABLE ADULTS**

*The “Rule of Two” approach is to be used in all ministry to minors and vulnerable adults. This means that there must always be two or more adults present and within sight of each other at all activities.*

1. Primary chaperones and/or supervisors must be at least 21 years of age and fully compliant with safe environment requirements. Secondary chaperones between the ages of 18 and 20 may assist a primary chaperone and/or supervisor.
2. For youth ministry activities held off campus, a minimum ratio of chaperones to youth is determined by the youngest participant in attendance. The required ratios are as follows:
  - a. Youth aged 0-10: minimum of one adult for every five youth.
  - b. Youth aged 11-13: minimum of one adult for every eight youth.
  - c. Youth aged 14-18: minimum of one adult for every ten youth.

These ratios represent the minimum requirement. A greater number of chaperones and/or supervisors is always preferred. The ratio of male-to-female chaperones and/or supervisors should closely parallel the ratio of male-to-female youths at an activity. This is particularly important on overnight trips.

3. For overnight trips where private rooms are used, a chaperone and/or supervisor may never share a room with a youth unless that chaperone and/or supervisor is the parent or a legally appointed guardian of the youth(s) in the room. No youth is permitted to enter the room of a chaperone and/or supervisor. If a chaperone and/or supervisor must enter the room of a youth, the door must remain open and there must be at least two adult chaperones and/or supervisors present.
4. Age, maturity level, and special needs should be considered when making room assignments for overnight trips.
5. When driving to and from activities, it is best that at least two chaperones and/or supervisors be in the vehicle with the youths. However, one chaperone and/or supervisor is permitted if there are at least 3 (three) people in the vehicle at all times. When possible, vehicles should drive within sight of one another and make all stops together. Only chaperones and/or supervisors may act as a vehicle driver.

## **SECTION 10: MINORS AS EMPLOYEES OR VOLUNTEERS**

*The “Rule of Two” approach is to be used when minors and vulnerable adults are performing volunteer or employment related positions. This means that there must always be two or more*

*adults present and within sight of each other at all times.*

1. Primary Supervisors must be at least 21 years of age and fully compliant with safe environment requirements.
2. Secondary supervisors between the ages of 18 and 20 years of age must assist a primary supervisor.

## **SECTION 11: TRIPS**

*All diocesan, parish, school and mission/service trips, whether local, out-of-state, national or international, must be carefully assessed to ensure the safety and security of all participants. In addition, risk management steps should be taken to aid in the reduction for the potential for liability exposure for the diocese, parish, school or mission.*

1. Maintain adequate supervision by qualified adults.
2. Ensure safe travel outside the Continental US by checking Travel Alerts/Bans/warnings at <https://travel.state.gov/travel>.
3. Ensure that all liability waivers are completed for adults and minors who plan to travel. (applicable forms available on the intranet)
4. Ensure proper proof of insurance is obtained for adults and minors.
5. Obtain proper travel documentation for outside the Continental U.S.
6. All accidents and other adverse incidents must be reported as soon as possible. (applicable forms available on the intranet)

## **SECTION 12: REPORTING**

*The Diocese requires reporting all perceived incidents of discrimination, harassment/intimidation, sexual abuse and retaliation regardless of the offender's identity or position.*

1. Reporting discrimination and harassment/intimidation:
  - a. Individuals who believe they are being subjected to such conduct are encouraged to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem.

- b. Individuals, who believe they have been the victims of conduct prohibited by this policy or who believe they have witnessed such conduct and who do not wish to discuss the issue with the offender, are to contact a person in the next highest position of authority at the location.
- c. Initial reporting of an incident of harassment/intimidation, discrimination or retaliation can be made in person, in writing or via telephone.
- d. Prompt reporting of complaints or concerns is encouraged so that rapid and constructive action can be taken before relationships become irreparably strained.
- e. Any reported allegations of harassment/intimidation, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- f. Confidentiality will be maintained throughout the investigative process to the extent consistent with adequate investigation and appropriate corrective action.
- g. Misconduct constituting harassment/intimidation, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, removal from ministry or termination.
- h. If a party to a complaint does not agree with its resolution, that party may appeal the decision in writing to the Chancellor and then to the Bishop.
  - i.
  - j. False and malicious complaints of harassment/intimidation, discrimination or retaliation, as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

2. Reporting sexual abuse:

*(Contact information for the Victim Assistance Coordinator and civil authorities is readily available in the contact section of this manual.)*

- a. All allegations of sexual misconduct which involve a **minor** or **vulnerable adult** must **first** be reported in accordance with Kentucky laws for mandatory reporting contained in the Appendix.

- b. The Diocesan Victim Assistance Coordinator must also be contacted immediately with all allegations of sexual misconduct which involve a **minor or vulnerable adult**.
- c. Anyone making a report in good faith and with reasonable cause is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. (See Appendix KRS 620.050)

3. Reporting Retaliation:

- a. All instances of perceived retaliation should be reported to an immediate chaperone and/or supervisor or if the immediate chaperone and/or supervisor is the person in question then report to the next highest person in authority.
- b. Any person found to have retaliated against an individual for reporting incidents of suspected sexual misconduct or against those investigating the report is subject to appropriate disciplinary action up to and including termination or dismissal from their position.

**SECTION 13 – ALLEGATIONS OF SEXUAL ABUSE: CIVIL & CANONICAL PROCESSES**

*Any allegation of sexual abuse is a matter of grave concern and responsibility to the Diocese and to civil authorities. The response to allegations of sexual abuse is governed by Civil Law (See Appendix) and Canon Law.*

1. Allegations Against Clerics:

- a. Upon receiving a report, the accuser is advised of his/her right to make a report to civil authorities. The Victim Assistance Coordinator sends a written report to the Commonwealth Attorney or the like outlining the basics of the report. If a civil investigation occurs, the Diocese does not interfere when conducting a concurrent investigation.
- b. The Bishop or his delegate informs the cleric of the report, of his right to canonical and civil counsel, and receives the cleric's response to the allegation. The case is referred to the Diocesan Review Board for recommendation regarding "reasonable cause to believe" the allegation. If an investigation is recommended, the cleric is immediately placed on administrative leave pending the outcome of the investigation. The case is referred to an investigator who gathers information that is then reported to the Diocesan Review Board for a recommendation of the disposition of the case to the Bishop.

- c. If the Diocesan Review Board receives the findings of the investigator and makes its recommendation to the Bishop, and the determination is that the allegation of sexual misconduct is unsubstantiated, the Bishop shall seek to remedy any harm done to the good name and reputation of the accused. A summary of the case with the determination of “unsubstantiated” shall go into the cleric’s personnel file. (*USCCB, Essential Norms, Norm 13*)
- d. If the findings of the investigation substantiate the allegation as “credible” or if the cleric admits guilt, the offending cleric is permanently removed from ministry, and if warranted, dismissed from the clerical state. The offending cleric is offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being. (*USCCB Charter, Article 5; Essential Norms, Norm 8*)
- e. Canonical procedures are followed including reporting the case to Rome and granting the cleric a canonical trial if requested.

## 2. Allegations Against Religious:

- a. Upon receiving a report, the accuser is advised of his/her right to make a report to civil authorities. The Victim Assistance Coordinator sends a written report to the Commonwealth Attorney or the like outlining the basics of the report. The religious superior is informed immediately of the report.
- b. If the religious is in ministry in the Diocese of Lexington at the time the allegation is received or if the person involved was a minor or vulnerable adult in the Diocese of Lexington at the time the allegation was received, the case is referred to the Diocese of Lexington Review Board for recommendation regarding “reasonable cause to believe” and the “credibility” of the allegation.
- c. If the abuse occurred while the religious was in the employ of the Diocese, counseling and a pastoral meeting with the Bishop are offered to the alleged victim. If the abuse occurred while the religious was not in the employ of the Diocese, the case is immediately referred to the religious superior and to the relevant Diocese as well as a report made to the civil authority.

## 3. Allegations Against Lay Employees or Volunteers of the Diocese:

- a. The accusation is reported to civil authorities.
- b. The accused is placed on administrative leave while the Diocesan Review Board makes its recommendations.
- c. The accused is advised to obtain legal counsel and is offered counseling.
- d. If the accusation is substantiated, the accused is subject to any sanction or combination of sanctions including termination of employment or the privilege of volunteering. If the accusation is unsubstantiated, the person is restored to his/her position with a summary of the findings placed in the person's personnel file.

#### **SECTION 14 - DISCLOSURE AND TRANSPARENCY**

*The Bishop or his delegate will disclose substantiated allegations of sexual abuse to any Church leaders with whom the accused seeks a position of responsibility or residence.*

1. Disclosure may include a notice in the Cross Roads diocesan newspaper and/or a letter from the Bishop to be read at the weekend Masses in the affected parish(es).
2. Within the confines of respect for the privacy and reputation of the individuals involved, the Diocese will deal as openly as possible with the members of the parish/school community. This is especially so with regard to assisting and supporting parish communities directly affected by sexual abuse of minors or vulnerable adults. (*USCCB Charter, Article 7*)
3. The Bishop or his delegate will disclose the necessary information regarding any past act of sexual abuse by any cleric who wishes to minister or reside within the Diocese, even for a single act of ministry. The Bishop or his delegate will inform any cleric who wishes to minister or reside within the Diocese, even for a single act of ministry, of the safe environment requirements. (*USCCB, Charter, Article 14; Essential Norms, Norm 12*)
  - a. Clerics and religious seeking work in the Diocese will be subject to the "Proposed Guidelines on the Transfer or Assignment of Clergy and Religious."

## APPENDIX - KENTUCKY STATUTES

### **17.165 Definitions -- Criminal record check for job applicants at child-care centers -- Restrictions on employing violent offenders or persons convicted of sex crimes -- Conviction information for applicant seeking employment as child-serving professional**

(1) As used in this section, "sex crime" means a conviction or a plea of guilty to a sex crime specified in KRS 17.500.(2) As used in this section, "violent offender" means any person who has been convicted of or pled guilty to the commission of a capital offense, Class A felony, or Class B felony involving the death of the victim, or rape in the first degree or sodomy in the first degree of the victim or serious physical injury to a victim.(3) As used in this section, "violent crime" shall mean a conviction of or a plea of guilty to the commission of a capital offense, Class A felony, or Class B felony involving the death of the victim, or rape in the first degree or sodomy in the first degree of the victim or serious physical injury to a victim.(4) As used in this section, "criminal offense against a victim who is a minor" means a conviction of or a plea of guilty to a criminal offense against a victim who is a minor as specified in KRS 17.500(3).(5) (a) Excluding a child care staff member pursuant to KRS 199.8965, the provisions of this section shall apply to all applicants for initial employment in a position which involves care and supervision of a minor as a child-serving professional on or after March 27, 2017. (b) Each employer of an applicant for initial employment in a position which involves care and supervision of a minor as a child-serving professional shall request all conviction information for the applicant for employment from the Justice and Public Safety Cabinet or the Administrative Office of the Courts prior to employing the applicant. (c) This subsection shall not be construed to apply to an employer of a minor.(6) No employee in a position which involves care and supervision of a minor as a child-serving professional pursuant to subsection (5) of this section shall have been convicted of a violent crime, a criminal offense against a victim who is a minor, or a sex crime, or have been found by the Cabinet for Health and Family Services or a court to have abused or neglected a child.(7) Each application form, provided by the employer to the applicant, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A CRIMINAL RECORD CHECK AS A CONDITION OF EMPLOYMENT."(8) Any request for records under subsection (5) of this section shall be on a form approved by the Justice and Public Safety Cabinet or the Administrative Office of the Courts, and the cabinet may charge a fee to be paid by the applicant in an amount no greater than the actual cost of processing the request.

### **158.148 Definition of "bullying" discipline guidelines and model policy -- Local code of acceptable behavior and discipline -- Required contents of code**

(1) (a) As used in this section, "bullying" means any unwanted verbal, physical, or social behavior among students that involves a real or perceived power imbalance and is repeated or has the potential to be repeated: 1. That occurs on school premises, on school-sponsored transportation, or at a school-sponsored event; or 2. That disrupts the education process.  
(b) This definition shall not be interpreted to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process. (2) In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Kentucky Association of Professional Educators, the Kentucky Association of School Superintendents, the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year, beginning August 31, 2008:

(a) Statewide student discipline guidelines to ensure safe schools, including the definition of serious incident for the reporting purposes as identified in KRS 158.444; (b) Recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement; and (c) A model policy to implement the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080. (3) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide guidelines and the recommendations under subsection (2) of this section. (4) Copies of the discipline guidelines shall be distributed to all school districts. The statewide guidelines shall contain broad principles and legal requirements to guide local districts in developing their own discipline code and school councils in the selection of discipline and classroom management techniques under KRS 158.154; and in the development of the district-wide safety plan. (5) (a) Each local board of education shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the board. The code shall be updated no less frequently than every two (2) years, with the first update being completed by November 30, 2008. (b) The superintendent, or designee, shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within each school. Each school council shall select and implement the appropriate discipline and classroom management techniques necessary to carry out the code. The board shall establish a process for a two-way communication system for teachers and other employees to notify a principal, supervisor, or other administrator of an existing emergency. (c) The code shall prohibit bullying. (d) The code shall contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. (e) The code shall contain: 1. Procedures for identifying, documenting, and reporting incidents of bullying, incidents of violations of the code, and incidents for which reporting is required under KRS 158.156; 2. Procedures for investigating and responding to a complaint or a report of bullying or a violation of the code, or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents, legal guardians, or other persons exercising custodial control or supervision of the students involved; 3. A strategy or method of protecting from retaliation a complainant or person reporting an incident of bullying, a violation of the code, or an incident for which reporting is required under KRS 158.156; 4. A process for informing students, parents, legal guardians, or other persons exercising custodial control or supervision, and school employees of the requirements of the code and the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080, including training for school employees; and 5. Information regarding the consequences of bullying and violating the code and violations reportable under KRS 158.154, 158.156, or 158.444. (f) The principal of each school shall apply the code of behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination. (g) A copy of the code of behavior and discipline adopted by the board of education shall be posted at each school. Guidance counselors shall be provided copies for discussion with students. The code shall be referenced in all school handbooks. All school employees and parents, legal guardians, or other persons exercising custodial control or supervision shall be provided copies of the code.

**158.156 Reporting of commission of felony KRS Chapter 508 offense against a student -- Investigation -- Immunity from liability for reporting -- Privileges no bar to reporting**

(1) Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS

Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the principal of the school attended by the victim. The principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The principal shall file with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report a written report containing: (a) The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision; (b) The student's age; (c) The nature and extent of the violation; (d) The name and address of the student allegedly responsible for the violation; and (e) Any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section.

(2) An agency receiving a report under subsection (1) of this section shall investigate the matter referred to it. The school board and school personnel shall participate in the investigation at the request of the agency. (3) Anyone acting upon reasonable cause in the making of a report required under this section in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

(4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding student harassment in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding student harassment.

**209.20 (4) Definition of Adult** means a person eighteen (18) years of age or older who, because of mental or physical dysfunctionality, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services.

**209.020 (8) (9) (16) Definition of abuse, exploitation and neglect** means abuse neglect or exploitation as defined below: (8)"**Abuse**" means the infliction of injury, sexual abuse, unreasonable confinement, intimidation, or punishment that result in physical pain or injury, including mental injury; (9)"**Exploitation**" means obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources;(16)"**Neglect**" means a situation in which an adult is unable to perform or obtain for himself or herself the goods or services that are necessary to maintain his or her health or welfare, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult

**209.30 (2) Who Shall Report:** Any person, including but not limited to physician, law enforcement officer, nurse, social worker, cabinet personnel, coroner, medical examiner, alternate care facility employee, or caretaker, having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation, shall report or cause reports to be made in accordance with the provisions of this chapter. Death of the adult does not relieve one of the responsibility for reporting the circumstances surrounding the death.

**209.30 (5) Investigation Process** Upon receipt of the report, the cabinet shall conduct an initial assessment and take the following action: (a) Notify within twenty-four (24) hours of the receipt of the

report the appropriate law enforcement agency. If information is gained through assessment or investigation relating to emergency circumstances or a potential crime, the cabinet shall immediately notify and document notification to the appropriate law enforcement agency; (b) Notify each appropriate authorized agency. The cabinet shall develop standardized procedures for notifying each appropriate authorized agency when an investigation begins and when conditions justify notification during the pendency of an investigation; (c) Initiate an investigation of the complaint; and (d) make a written report of the initial findings together with a recommendation for further action, if indicated.

**209.30 (8) Investigation Process** Any representative of the cabinet may with consent of the adult or caretaker enter any private premises where any adult alleged to be abused, neglected, or exploited is found in order to investigate the need for protective services for the purpose of carrying out the provisions of this chapter. If the adult or caretaker does not consent to the investigation, a search warrant may be issued upon a showing of probable cause that an adult is being abused, neglected, or exploited, to enable a representative of the cabinet to proceed with the investigation.

**209.30 (9) Investigation Process** If a determination has been made that protective services are necessary when indicated by the investigation, the cabinet shall provide such services within budgetary limitations, except in such cases where an adult chooses to refuse such services.

**209.100 Emergency protective services** (1) If an adult lacks the capacity to consent to receive protective services in an emergency, these services may be ordered by a court on an emergency basis through an order pursuant to KRS 209.110, provided that: (a) The adult is in a state of abuse or neglect and an emergency exists; (b) The adult is in need of protective services; (c) The adult lacks the capacity to consent and refuses to consent to such services; and (d) No person authorized by law or court order to give consent for the adult is available to consent to emergency protective services or such person refuses to give consent. (2) In ordering emergency protective services, the court shall authorize only that intervention which it finds to be the least restrictive of the individual's liberty and rights while consistent with his welfare and safety. Effective: July 15, 1998 History: Amended 1998 Ky. Acts ch. 370, sec. 3, effective July

**209.50 Immunity** Anyone acting upon reasonable cause in the making of any report or investigation or participating in the filing of a petition to obtain injunctive relief or emergency protective services for an adult pursuant to this chapter, including representatives of the cabinet in the reasonable performance of their duties in good faith, and within the scope of their authority, shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or investigation and such immunity shall apply to those who render protective services in good faith pursuant either to the consent of the adult or to court order.

**209.140 Confidentiality** All information obtained by the department staff or its delegated representative, as a result of an investigation made pursuant to this chapter, shall not be divulged to anyone except: (1) Persons suspected of abuse or neglect or exploitation, provided that in such cases names of informants may be withheld, unless ordered by the court; (2) Persons within the department or cabinet with a legitimate interest or responsibility related to the case; (3) Other medical, psychological, or social service agencies, or law enforcement agencies that have a legitimate interest in the case; (4) Cases where a court orders release of such information; and (5) The alleged abused or neglected or exploited person.

**209.990 (1-7) Penalty** (a) Anyone knowingly or wantonly violating the provisions of KRS 209.030 (2) shall be guilty of a Class B misdemeanor as designated in KRS 532.090. Each violation shall constitute a separate offense. (b) Any person who knowingly abuses or neglects an adult is guilty of a Class C felony (c) Any person who wantonly abuses or neglects an adult is guilty of a Class D felony (d) Any person who recklessly abuses or neglects an adult is guilty of a Class A misdemeanor. (e) Any person who knowingly exploits an adult, resulting in a total loss to the adult of more than three hundred dollars (\$300) in financial or other resources, or both, is guilty of a Class C felony (f) Any person who wantonly or recklessly exploits an adult, resulting in a total loss to the adult of more than three hundred dollars (\$300) in financial or other resources, or both, is guilty of a Class D felony. (g) Any person who knowingly, wantonly, or recklessly exploits an adult, resulting in a total loss to the adult of three hundred dollars (\$300) or less in financial or other resources, or both, is guilty of a Class A misdemeanor

**413.249 Action relating to childhood sexual abuse or childhood sexual assault**

(1) As used in this section: (a) "Childhood sexual assault" means an act or series of acts against a person less than eighteen (18) years old and which meets the criteria defining a felony in KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 529.100 where the offense involves commercial sexual activity, 529.110 where the offense involves commercial sexual activity, 530.020, 530.064, 531.310, or 531.320. No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action for redress of childhood sexual assault; (b) "Childhood sexual abuse" means an act or series of acts against a person less than eighteen (18) years old and which meets the criteria defining a misdemeanor in KRS 510.120, KRS 510.130, KRS 510.140, or KRS 510.150. No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action for redress of childhood sexual abuse; (c) "Child" means a person less than eighteen (18) years old; and (d) "Injury or illness" means either a physical or psychological injury or illness. (2) A civil action for recovery of damages for injury or illness suffered as a result of childhood sexual abuse or childhood sexual assault shall be brought before whichever of the following periods last expires: (a) Within ten (10) years of the commission of the act or the last of a series of acts by the same perpetrator; (b) Within ten (10) years of the date the victim knew, or should have known, of the act; (c) Within ten (10) years after the victim attains the age of eighteen (18) years; or (d) Within ten (10) years of the conviction of a civil defendant for an offense included in the definition of childhood sexual abuse or childhood sexual assault.

(3) If a complaint is filed alleging that an act of childhood sexual assault or childhood sexual abuse occurred more than ten (10) years prior to the date that the action is commenced, the complaint shall be accompanied by a motion to seal the record and the complaint shall immediately be sealed by the clerk of the court. The complaint shall remain sealed until:

(a) The court rules upon the motion to seal; (b) Any motion to dismiss under CR 12.02 is ruled upon, and if the complaint is dismissed, the complaint and any related papers or pleadings shall remain sealed unless opened by a higher court; or (c) The defendant files an answer and a motion to seal the record upon grounds that a valid factual defense exists, to be raised in a motion for summary judgment pursuant to CR 56. The record shall remain sealed by the clerk until the court rules upon the defendant's motion to close the record. If the court grants the motion to close, the record shall remain sealed until the defendant's motion for summary judgment is granted. The complaint, motions, and other related papers or pleadings shall remain sealed unless opened by a higher court.

**525.070 Harassment**

(1) A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person, he or she: (a) Strikes, shoves, kicks, or otherwise subjects him to physical contact; (b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; (c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; (d) Follows a person in or about a public place or places; (e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or

(f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event: 1. Damages or commits a theft of the property of another student; 2. Substantially disrupts the operation of the school; or

3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment. (2) (a) Except as provided in paragraph (b) of this subsection, harassment is a violation. (b) Harassment, as defined in paragraph (a) of subsection (1) of this section, is a Class B misdemeanor.

#### **525.080 Harassing communications**

(1) A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she: (a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of electronic or written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication; (b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.

(2) Harassing communications is a Class B misdemeanor.

**600.020 Definition of abused or neglected child** An "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when: (a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child: 1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means; 2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means; 3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child including, but not limited to, parental incapacity due to alcohol and other drug abuse as defined in KRS 222.005; 4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child; 5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child; 6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child; 7. Abandons or exploits the child; 8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child; 9. Fails to make sufficient progress toward identified goals as set

forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) of the most recent twenty two (22) months; or (b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;

**620.020 (20) Definition of dependent child** A "dependent child" means any child other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian or person exercising custodial control or supervision of the child.

**620.020 (26, 48, 60. 61) Definitions of abuse and exploitation** are: (26) "Emotional injury" means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment as testified to by a qualified mental health professional; (48) "Physical injury" means substantial physical pain or any impairment of physical condition; (60) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions in which the parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of the child or responsibility for his or her welfare, uses or allows, permits, or encourages the use of the child for the purposes of the sexual stimulation of the perpetrator or another person; (61) "Sexual exploitation" includes but is not limited to a situation in which a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided for under Kentucky law

**620.030 Duty to report dependency, neglect, abuse, or human trafficking -- Husband-wife and professional-client/patient privileges not grounds for refusal to report -- Exceptions -- Penalties**

(1) Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's attorney or the county attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation. If the cabinet receives a report of abuse or neglect allegedly committed by a person other than a parent, guardian, or person exercising custodial control or supervision, the cabinet shall refer the matter to the Commonwealth's attorney or the county attorney and the local law enforcement agency or the Department of Kentucky State Police. Nothing in this section shall relieve individuals of their obligations to report. (2) Any person, including but not limited to a physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-caring personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer, or any organization or agency for any of the above, who knows or has reasonable cause to believe that a child is dependent, neglected, or abused, regardless of whether the person believed to have caused the dependency, neglect, or abuse is a parent, guardian, person exercising custodial control or supervision,

or another person, or who has attended such child as a part of his or her professional duties shall, if requested, in addition to the report required in subsection (1) or (3) of this section, file with the local law enforcement agency or the Department of Kentucky State Police or the Commonwealth's or county attorney, the cabinet or its designated representative within forty-eight (48) hours of the original report a written report containing: (a) The names and addresses of the child and his or her parents or other persons exercising custodial control or supervision; (b) The child's age; (c) The nature and extent of the child's alleged dependency, neglect, or abuse, including any previous charges of dependency, neglect, or abuse, to this child or his or her siblings; (d) The name and address of the person allegedly responsible for the abuse or neglect; and (e) Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section. (3) Any person who knows or has reasonable cause to believe that a child is a victim of human trafficking as defined in KRS 529.010 shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; or the cabinet or its designated representative; or the Commonwealth's attorney or the county attorney; by telephone or otherwise. This subsection shall apply regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, or person exercising custodial control or supervision. (4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child. (5) The cabinet upon request shall receive from any agency of the state or any other agency, institution, or facility providing services to the child or his or her family, such cooperation, assistance, and information as will enable the cabinet to fulfill its responsibilities under KRS 620.030, 620.040, and 620.050. (6) Any person who intentionally violates the provisions of this section shall be guilty of a: (a) Class B misdemeanor for the first offense; (b) Class A misdemeanor for the second offense; and (c) Class D felony for each subsequent offense.

**620.040 (4) Interference with Reportage** School Personnel and other agencies do not have the authority to conduct an internal investigation in lieu of the investigation process outlined above.

**620.040 (5) Children in Imminent Danger** (a) If, after receiving the report, the law enforcement officer, the cabinet, or its designated representative cannot gain admission to the location of the child, a search warrant shall be requested from, and may be issued by, the judge to the appropriate law enforcement official upon probable cause that the child is dependent, neglected, or abused. If, pursuant to a search under a warrant, a child is discovered and appears to be in imminent danger, the child may be removed by the law enforcement officer. (b) If a child who is in a hospital or under the immediate care of a physician appears to be in imminent danger if he or she is returned to the persons having custody of him or her, the physician or hospital administrator may hold the child without court order, provided that a request is made to the court for an emergency custody order at the earliest practicable time, not to exceed seventy-two (72) hours. (c) Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person exercising custodial control or supervision if there exist reasonable grounds for the officer to believe that the child is in danger of imminent death or serious physical injury, is being sexually abused, or is a victim of human trafficking and that the parents or other person exercising custodial control or supervision are unable or unwilling to protect the child. The officer or the person to whom the officer entrusts the child shall, within twelve (12) hours of taking the child into protective custody, request the court to issue an emergency custody order. (d) When a law enforcement officer, hospital administrator, or physician takes a child into

custody without the consent of the parent or other person exercising custodial control or supervision, he or she shall provide written notice to the parent or other person stating the reasons for removal of the child. Failure of the parent or other person to receive notice shall not, by itself, be cause for civil or criminal liability.

**620.050 (1, 3, 5) Immunity for good-faith actions or reports -- Investigations -- Confidentiality of reports - Exceptions -- Parent's access to records -- Sharing of information by children's advocacy centers -- Confidentiality of interview with child -- Exceptions -- Confidentiality of identifying information regarding reporting individual -- Internal review and report** (1) Anyone acting upon reasonable cause in the making of a report or acting under KRS 620.030 to 620.050 in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action. However, any person who knowingly makes a false report and does so with malice shall be guilty of a Class A misdemeanor. (3) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child. (5) The report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter, except for those records provided for in subsection (6) of this section, shall not be divulged to anyone except: (a) Persons suspected of causing dependency, neglect, or abuse; (b) The custodial parent or legal guardian of the child alleged to be dependent, neglected, or abused; (c) Persons within the cabinet with a legitimate interest or responsibility related to the case; (d) A licensed child-caring facility or child-placing agency evaluating placement for or serving a child who is believed to be the victim of an abuse, neglect, or dependency report; (e) Other medical, psychological, educational, or social service agencies, child care administrators, corrections personnel, or law enforcement agencies, including the county attorney's office, the coroner, and the local child fatality response team, that have a legitimate interest in the case; (f) A noncustodial parent when the dependency, neglect, or abuse is substantiated; (g) Members of multidisciplinary teams as defined by KRS 620.020 and which operate pursuant to KRS 431.600; (h) Employees or designated agents of a children's advocacy center; (i) Those persons so authorized by court order; or (j) The external child fatality and near fatality review panel established by KRS 620.055.

## IN BRIEF – EXPECTATION OF CONDUCT WITH MINORS AND VULNERABLE ADULTS

As someone who ministers where minors/vulnerable adults are present in the Roman Catholic Diocese of Lexington, I will maintain a professional role and be mindful of the trust and power I possess to provide a safe environment by...

1. Treating everyone with respect, loyalty, patience, integrity, courtesy, dignity and consideration.
2. Knowing to whom and for whom I am responsible.
3. Always using a team approach in dealing with minors/vulnerable adults.
4. Working collaboratively to attain the highest level of Christian behavior.
5. Maintaining ongoing communication with my supervisor regarding interactions I have with minors/vulnerable adults.
6. Reporting to my supervisor and letting her/him know if something strange, embarrassing or possibly compromising happens in my ministry.
7. Making a deliberate effort to affirm and include minors/vulnerable adults.
8. Using positive reinforcement rather than criticism, competition or comparison.
9. Being attentive to the warning signs of abuse.
10. Reporting all inappropriate behavior and signs of abuse to the appropriate authority.

In addition, I will **always refrain** from the following...

1. Using inappropriate or suggestive jokes or stories, profanity or foul language with minors/vulnerable adults.
2. Touching a minor/vulnerable adult in an inappropriate manner and never in private.
3. Engaging in physical discipline or in any discipline that frightens or humiliates for behavior management of minors/vulnerable adults.
4. Being alone with a minor/vulnerable adult in a residence, rectory, sleeping facility, vehicle or in any isolated room. If such a situation is absolutely necessary, I will use an office with a window, open door or adult present.
5. Attempting professional counseling unless I am trained as a professional counselor.
6. Taking an overnight trip alone with a minor/vulnerable adult and/or lying in bed with a minor/vulnerable adult.
7. Participating in group activities for minors/vulnerable adults that do not have at least two supervising trained adults present as well as an adequate number of supervising adults.
8. Participating in online chat rooms with minors/vulnerable adults.
9. Possessing a firearm or weapon in the presence of minors/vulnerable adults (excludes federal, state or local law enforcement officer in good standing who is legally carrying a firearm or weapon related to his/her job.)
10. Providing illegal drugs, alcohol or tobacco to a minor/vulnerable adult.
11. Introducing sexually explicit or pornographic topics, vocabulary, music, recordings, films, games, websites, videos, computer software or entertainment to minors/vulnerable adults.
12. Photographing or using photos of minors/vulnerable adults without the explicit written permission of their parent(s) or guardian and the relevant supervisor.
13. Posting compromising, immature, inappropriate material on public web sites accessible to minors/vulnerable adults.
14. Sending electronic communication directly to a minor/vulnerable adult from a personal account rather than through a business account or through parents with the communication being monitored by more than one responsible adult.
15. Giving expensive or inappropriate gifts that single out specific minors/vulnerable adults.