

ARCHDIOCESE OF MIAMI POLICY AND PROCEDURAL GUIDELINE
RELATING
TO SCREENING OF CHURCH PERSONNEL

I. INTRODUCTION

The Archdiocese of Miami, is committed to insure the safety and well being of our students, children, and youth; our elderly and aged; and our disabled. Each individual is created with a God-given dignity. Therefore, the Archdiocese condemns all forms of abuse or neglect of all people of all ages.

II. GLOSSARY OF TERMS

For the purposes of these policies:

A. "CHURCH PERSONNEL" shall mean all of the following:

- 1) **"CLERGY"**: shall mean all priests and deacons who have faculties of the Archdiocese and who shall be subject to background investigation in accord with the Archdiocesan Policy relating to clergy.
- 2) **"EMPLOYEE"**: shall mean any lay individual who is employed by or engaged in ministry who is given payment for services (any form of compensation, whether monetary or otherwise) rendered in which the obligation to withhold for payroll tax (FICA, Medicare and withholding) exists, whether part-time or full-time. This definition shall include all such persons whether employed by the Archdiocese, Parish, School, Early Childhood Center, Nursing Home, Group Home, or other Archdiocesan entity that is controlled by or operated by the Archbishop.
- 3) **"RELIGIOUS BROTHERS AND SISTERS"**: shall mean religious brothers and sisters who are regularly involved in ministry on behalf of an entity of the Archdiocese.
- 4) **"COVERED VOLUNTEER"**: shall mean any volunteer (adult person who donates their personal service) in any Archdiocesan activity, and who comes in contact with children while performing said services.

- 5) **"Independent Contractor"**: shall mean any non-employed lay person hired or engaged to perform services on behalf of the Archdiocese including any Parish, School, Early Childhood Center, Nursing Home, Group Home or other Archdiocesan entity that is controlled by or operated by the Archbishop.

III. POLICY

It shall be the policy of this Archdiocese that abuse or neglect of persons is totally unacceptable behavior by our church personnel. Any such conduct is to be considered by its very nature completely contrary to Christian morality and, therefore, cannot be justified in the employment or ministry of those serving within the Archdiocese. All Church Personnel within this Archdiocese must comply with all State and applicable local or federal laws regarding reporting incidents of actual or suspected abuse or neglect of persons, and with the screening provisions set forth herein.

- A. BACKGROUND INVESTIGATION:** All Church Personnel shall allow an inquiry into their background to assess whether any reason exists that would suggest the person is not suitable for the position sought. Such background investigation may include, but shall not be limited to, a fingerprint screening through local or national law enforcement **AND/OR** an application that identifies three non-family references.
- B. SUPERVISOR RESPONSIBILITY:** The background investigation of Church Personnel shall be the responsibility of the Chancellor, Pastor, Administrator, or other person responsible for hiring or managing the Church Personnel subject to this policy.
- C. USE:** Church Personnel who do not evidence or attest to good moral character, as determined by the Archdiocese will be excluded from employment/ministry as provided in Article V hereof.

IV. GUIDELINES FOR IMPLEMENTATION

- A. DISTRIBUTION OF POLICY AND STATE AND LOCAL LAWS:** A copy of this Policy shall be distributed and applied to all Parishes, Schools, Early Childhood Centers, Nursing Homes, Group Homes, and other Archdiocesan entities, and to all persons identified

as Church Personnel in the Glossary of Terms and to all future Church Personnel. All administrators are to be familiar with these policies and their respective responsibilities in regard to the implementation of background investigation of Church Personnel. Administrators shall conform to all applicable State and local laws, and shall preserve confidentiality to the fullest extent possible.

B. IMPLEMENTATION:

1. Clergy, Employees and Religious Brothers & Sisters: For all Clergy, Employees and Religious Brothers and Sisters ("Religious") a fingerprint screening is required and shall be implemented as follows:

- a. In addition to any employment references that may have been furnished, all Pastors, Administrators, Supervisors, Executive Directors or other persons supervising or accountable for employment within the Archdiocese are required to obtain from the prospective Religious or employee a fully completed fingerprint card at the time of application together with an "Employee Affidavit of Good Moral Character" (a sample form is attached hereto as Appendix "B2"). The Chancellor shall obtain such a completed card from the Clergy.

To obtain a necessary supply of fingerprint cards, contact the Chancellor's office. The cards will be mailed to a designated Administrator at the Parish, School, Early Childhood Center, Nursing Home, Group Home, or other Archdiocesan entity. An instruction sheet will accompany the supply of cards.

Note: Persons who have previously undergone a fingerprint within 7 years need not be re-fingerprinted, but must submit proof of the fingerprinting, and the results thereof. Examples would include teachers, HRS personnel, licensed child care personnel, etc.

- b. Once completed, fingerprint cards shall be collected by the Administrator or Pastor of the Parish, School, Early Childhood Center, Nursing Home, Group Home, or other Archdiocesan entity who shall forward the same to the Chancellor for use in conducting the criminal background investigation. The Fingerprint cards shall be forwarded along with

a check in the appropriate fee (currently \$15.00) per fingerprint card made payable to the Archdiocese.

- c. Any relevant results of the fingerprint screening will be communicated confidentially to the Chancellor, Pastor or Administrator for appropriate action in accordance with the criteria set forth in Article V of this Policy. In the event of any doubt with regard to appropriate action, the Archdiocesan Attorney shall be consulted.

NOTE: The fingerprint cards of teachers and teacher staff will continue to be forwarded through the Department of Schools to the Florida Catholic Conference Office.

- d. The background investigation shall be updated at least every 7 years. However, re-fingerprinting is not required if the Archdiocese has prior fingerprint cards on record that are suitable for resubmission.

2. Covered Volunteers: Covered Volunteers as defined in this policy, shall undergo as a minimum, a criminal background investigation. The policy shall be implemented as follows:

- a. Prior to service, a Volunteer Application (sample form appended hereto as Appendix "A") together with a "Volunteer Attestation of Good Moral Character" (sample form attached hereto as Appendix "B1") should be completed and returned to the Pastor or Administrator. The Volunteer Attestation is not required to be notarized, but notarization is preferred to clearly establish identity of the Volunteer.
- b. The Pastor and/or Administrator shall approve or reject the prospective Volunteer for work/service. If a Volunteer is accepted for work/service, a copy of page (1) of the application must be sent to the Chancellor's office for administrative purposes to conduct a computerized criminal background investigation.
- c. Results of the computerized criminal background investigations shall be returned to the Pastor or Administrator. The Pastor or Administrator shall maintain a record of the criminal background

investigation for a volunteer for so long as the individual remains engaged or involved in the ministry and (5) years thereafter.

- d. Covered Volunteers entrusted with unsupervised care of children, those serving more than 20 hours per week with access to children, all coaches, CCD teachers and youth ministers shall undergo a fingerprint screening. Volunteers who undergo a fingerprint screening need not have a computerized criminal background check. Fingerprint screening of volunteers will be handled in the same manner as that of clergy, employees and religious brothers and sisters.

2. **Independent Contractors:** Independent Contractors entrusted with unsupervised care of children, and those serving the Archdiocese more than 20 hours per week with access to children shall undergo a fingerprint screening. Fingerprint screening of Independent Contractors will be handled in the same manner as that of clergy, employees and religious brothers and sisters.

V. CRITERIA FOR EXCLUDING CHURCH PERSONNEL FROM SERVICE

All Church Personnel shall meet or attest to good moral character. Any person not meeting the Minimum Standards of Good Moral Character attached as Appendices "B1 and B2" hereto must be specifically approved for employment or service by the Archbishop, Vicar General, or Chancellor. If the Pastor, Administrator or other supervisor responsible for implementing this policy is not satisfied with the results of the background investigation, then such services, whether employment or as a volunteer, may be terminated. The decision regarding employment or service as a volunteer shall take into consideration the minimum standards of good moral character which are established under Florida statutes as summarized by the attached Appendices "B1 and B2", or such other matters required to be taken into consideration that are relevant to the work/service of the employee/volunteer.

Appendix "A"
VOLUNTEER APPLICATION
ARCHDIOCESE OF MIAMI

Dear Volunteer:

Thank you for offering your time and talent to work with the youth of our parish/school. Volunteers such as yourself are indispensable to our programs.

We truly dislike troubling you but we know you will understand that we face possible liabilities if we do not make appropriate inquiries of those to whom the care of our young people is committed. Please supply the information requested below and return this form to your Director of Religious Education, your Youth Minister, Principal, or the parish/school office.

PLEASE PRINT

Name _____ Social Security # _____

Address _____

Date of Birth _____ Work Phone _____ Home Phone _____

Driver's License No. _____ State _____

Parish _____

MARITAL AND FAMILY STATUS

() Single () Married () Widowed () Separated () Divorced

If married, please answer the questions below:

Name of Spouse _____

Were you married in the Roman Catholic Tradition? () Yes () No

If yes, please give the parish _____

If no, please give the circumstances _____

This is my () first () second marriage recognized by the Roman Catholic Tradition.

If divorced, has your first marriage been annulled by the Church?
() Yes () No

Explain if necessary _____

RELIGIOUS INFORMATION

Parish

Baptism () Yes () No
First Communion () Yes () No
Confirmation () Yes () No

EDUCATION

Elementary Completed () Yes () No
High School Completed () Yes () No
College () Yes () No
Graduate Work () Yes () No
Specialization _____

DO YOU HAVE ANY HISTORY OF:

Alcohol or drug abuse () Yes () No
Mental Illness () Yes () No
Contagious Disease(s) () Yes () No
Problems with the Law
1. Have you ever been arrested? () Yes () No
2. Have you ever been accused of
child neglect or abuse? () Yes () No
3. Has your driver's license ever
been suspended or revoked? () Yes () No
Probation () Yes () No

Please explain if any answer is "Yes": _____

PRIOR EXPERIENCE WORKING WITH YOUTH: (Please check those that apply)

() Children (5-10) Explain _____

Name, address and phone number of your Supervisor: _____

() Youth (11-14) Explain _____

Name, address and phone number of your Supervisor: _____

() Teens (15-18) Explain _____

Name, address and phone number of your Supervisor: _____

WHAT WOULD YOU SAY ARE YOUR STRONGEST GIFTS?

PLEASE DESCRIBE IN YOUR OWN WORDS WHAT PROMPTED YOU TO VOLUNTEER YOUR SERVICES WITH THIS PROGRAM.

REFERENCES Please list names, addresses, and phone numbers of those who are familiar with your character as it relates to work with youth. Three (3) NON-FAMILY references please (excluding Pastor and Staff).

<u>Name</u>	<u>Address</u>	<u>Phone</u>
_____	_____	_____
_____	_____	_____

II The information that I have provided may be verified, if necessary, by contacting persons or organizations named in this application, or by contacting any person or organization that may have information concerning me. I authorize the Archdiocese of Miami to make inquiries including criminal history and driving history. I hereby release and agree to hold harmless from liability any person or organization, who, in good faith, provides information to complete a background investigation. I also agree to release and hold harmless the local parish, the Archdiocese of Miami, and the officers, employees, and volunteers thereof from any present or future claim of any kind, resulting from any alleged liability for conducting a background investigation which may include, but not limited to, criminal courts, state and county repositories of criminal records.

III In signing this application, I affirm that the information I have given is true and correct. Furthermore, I understand that volunteering is contingent upon a background screening including a criminal background check.

Signature
of Applicant _____

Signature
of Pastor _____

Date: _____

VOLUNTEER DRIVER QUESTIONNAIRE

DRIVER'S NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

* * * * *

INSURANCE CARRIER _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

POLICY NUMBER _____
(attach copy of declaration page)

VEHICLE _____ TYPE _____ YEAR _____

PLEASE CHECK CONDITION OF VEHICLE: () GOOD () FAIR () POOR

TYPE OF LICENSE _____

CAR OWNER'S SIGNATURE

DATE

Appendix "B1"
VOLUNTEER ATTESTATION OF GOOD MORAL CHARACTER
ARCHDIOCESE OF MIAMI

I, _____, a prospective or current volunteer, hereby attest, under penalty of perjury, to meeting the requirements for volunteering, that I am of good moral character, and that I have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense (or attempt or conspiracy thereunder) prohibited under any of the following provisions of the Florida Statutes or under any similar statute of a similar jurisdiction. I also attest that I do not have a delinquency record that is similar to any of these offenses.

1. Sections 782.04, 782.07, 782.071 and 782.09, relating to murder, manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child, vehicular homicide, or killing of an unborn child by injury to the mother;
2. Sections 784.021 and 784.045, relating to aggravated battery or aggravated assault, or simple battery or assault of a minor;
3. Sections 787.01, 787.02 and 787.04, relating to kidnapping, false imprisonment or removing minors from the state or concealing minors contrary to court order;
4. Section 794.011, relating to sexual battery;
5. Chapter 796, relating to prostitution;
6. Section 798.02 and Chapter 800, relating to lewd and lascivious behavior and indecent exposure;
7. Section 806.01, relating to arson;
8. Section 826.04, relating to incest;
9. Sections 827.03, 827.04, 827.05, and 827.07, relating to child abuse, aggravated child abuse, neglect of a child, negligent treatment of children, contributing to the delinquency or dependency of a child, and sexual performance by a child;
10. Chapter 847, relating to obscene literature;
11. Section 415.111, relating to adult abuse, neglect or

- exploitation of aged persons or disabled adults;
12. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor;
 13. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony;
 14. Chapter 776, relating to forcible felony;
 15. Section 784.011, relating to assault, if the victim of the offense was a minor;
 16. Section 784.03, relating to battery, if the victim of the offense was a minor;
 17. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority;
 18. Sections 825.102, 825.1025, and 825.103 relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult, lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult and exploitation of an elderly person or disabled adult, if the offense was a felony;
 19. Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony;

I understand that I must acknowledge the existence of any records relating to the foregoing list of offenses regardless of whether those records have been sealed or expunged. I also understand that I am also obligated to notify my supervisor of any possible disqualifying offenses that may occur while volunteering in a position subject to the screening requirements.

I further attest that:

I have not been judicially determined to have committed abuse, neglect, or exploitation against a child as defined in section 39.01 nor has there been a confirmed report of abuse, neglect or exploitation as defined in 415.102(5) or 415.503, which has been uncontested or upheld pursuant to the procedures of 415.103. I have not committed an act which constitutes domestic violence as defined in 741.30.

Appendix "B2"
EMPLOYEE AFFIDAVIT OF GOOD MORAL CHARACTER
ARCHDIOCESE OF MIAMI

I, _____, a prospective or current employee, hereby attest, under penalty of perjury, to meeting the requirements for employment, that I am of good moral character, and that I have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense (or attempt or conspiracy thereunder) prohibited under any of the following provisions of the Florida Statutes or under any similar statute of a similar jurisdiction. I also attest that I do not have a delinquency record that is similar to any of these offenses.

1. Sections 782.04, 782.07, 782.071 and 782.09, relating to murder, manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child, vehicular homicide, or killing of an unborn child by injury to the mother;
2. Sections 784.021 and 784.045, relating to aggravated battery or aggravated assault, or simple battery or assault of a minor;
3. Sections 787.01, 787.02 and 787.04, relating to kidnaping, false imprisonment or removing minors from the state or concealing minors contrary to court order;
4. Section 794.011, relating to sexual battery;
5. Chapter 796, relating to prostitution;
6. Section 798.02 and Chapter 800, relating to lewd and lascivious behavior and indecent exposure;
7. Section 806.01, relating to arson;
8. Section 826.04, relating to incest;
9. Sections 827.03, 827.04, 827.05, and 827.07, relating to child abuse, aggravated child abuse, neglect of a child, negligent treatment of children, contributing to the delinquency or dependency of a child, and sexual performance by a child;
10. Chapter 847, relating to obscene literature;
11. Section 415.111, relating to adult abuse, neglect or exploitation of aged persons or disabled adults;

12. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor;
13. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony;
14. Chapter 776, relating to forcible felony;
15. Section 784.011, relating to assault, if the victim of the offense was a minor;
16. Section 784.03, relating to battery, if the victim of the offense was a minor;
17. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority;
18. Sections 825.102, 825.1025, and 825.103 relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult, lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult and exploitation of an elderly person or disabled adult, if the offense was a felony;
19. Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony;

I understand that I must acknowledge the existence of any records relating to the foregoing list of offenses regardless of whether those records have been sealed or expunged. I also understand that I am also obligated to notify my employer of any possible disqualifying offenses that may occur while employed in a position subject to the screening requirements.

I further attest that:

I have not been judicially determined to have committed abuse, neglect, or exploitation against a child as defined in section 39.01 nor has there been a confirmed report of abuse, neglect or exploitation as defined in 415.102(5) or 415.503, which has been uncontested or upheld pursuant to the procedures of 415.103. I have not committed an act which constitutes domestic violence as defined in 741.30.

I understand that my employment contract is contingent upon a background screening. I understand that said screening will include, but not be limited to, employment history checks and statewide criminal correspondence checks through the Florida

