

DIOCESE OF MANCHESTER

Screening and Training Protocol **for Church Personnel**

Effective July 15, 2019
Continues to be in effect July 15, 2020



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DIOCESE OF MANCHESTER

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Effective July 15, 2019¹

INTRODUCTION

The whole of the Christian faithful in the Church are responsible for promoting a culture of care and concern and a safe environment for all, and in particular for children and young persons (minors). This screening protocol was developed to contribute to the ongoing promotion of a culture of common accountability and a safe environment for all children and young persons.

The development of a formal structure for the screening of all church personnel has been principally motivated by the commitment of the Diocese to contribute to and provide structures to ensure a safe environment for all children and youth who participate in activities sponsored by the Church. This screening protocol therefore is focused on screening those who have regular contact with minors in their ministry, particularly those who serve as *in loco parentis* (in place of parent) caretakers. However, all bishops, priests, deacons, seminarians, and all employees of the parishes, schools and camps of the Diocese of Manchester are also subject to background screening and training, regardless of whether they have regular contact with minors. The Bishop of Manchester, pastors, Catholic school principals, and institutional directors assume particular responsibilities for ensuring that all employees and all volunteers who have regular contact with minors in the Church in New Hampshire comply with this screening protocol.

DEFINITIONS

1. **“Minor.”** A minor is a person who has not yet attained the age of 18.
2. **“Volunteer.”** A volunteer is a person who performs a Church-related service without promise or expectation of monetary compensation.
3. **“Supervised.”** Supervised means under the direct, visible supervision of another adult who has undergone all screening and training requirements.
4. **“Regular contact with minors.”** A volunteer is considered to have regular contact with minors if:
 - a. The volunteer’s assigned duties include overseeing minors in an unsupervised capacity *even one time*; OR

¹ This *Screening and Training Protocol* replaces and supersedes the *Screening and Training Protocol* made effective on July 1, 2018. This Protocol applies to clerics, seminarians, employees, and volunteers hired or beginning their ministry after July 15, 2019.

- b. The volunteer serves as a chaperone for an overnight trip with minors *even one time*; OR
- c. The volunteer's assigned duties include overseeing minors in a supervised capacity (under the direct supervision of another adult who is screened and trained) three (3) or more times per year.

Note that this definition does not apply to those volunteers who may come in contact with minors but are not directly responsible for overseeing them because the minors are in the care of their parents or guardians (e.g., lectors, Eucharistic ministers, Mass greeters, etc.)

APPLICABILITY

1. Clergy. Because of the nature of their positions, all clergy assigned to ministry by the diocesan bishop in the Diocese as well as those who serve in supply ministry² in the Diocese are subject to these screening and training requirements. Thus, clergy subject to this screening protocol include the following:

- a. Priests and deacons incardinated in the Diocese of Manchester who are assigned to pastoral ministry in the Diocese of Manchester by the diocesan bishop.
- b. Priests who are members of religious institutes or who are incardinated in other dioceses and deacons incardinated in other dioceses who are assigned to pastoral ministry in the Diocese of Manchester by the diocesan bishop.
- c. Priests who are engaged in part-time or supply ministry in parishes in the Diocese of Manchester.³

2. Diocesan Administration Employees
All employees of the Diocesan Administration are subject to this Protocol, regardless of whether they have regular contact with minors.

3. Parish Personnel

- a. Parish Employees
All parish employees are subject to this Protocol, regardless of whether they have regular contact with minors.

² Supply ministry means ministry as a substitute or fill-in where the priest is not assigned by the bishop. For example, a retired priest who celebrates Mass for a priest who is ill or on vacation is serving in "supply ministry."

³ Refer to the *Diocese of Manchester Background Screening and Training Requirements for External Priests and Permanent Deacons* and the *Provincial Agreement Regarding Temporary Ministry and Stable Assignments* for further information regarding requirements for extern priests/deacons who are ordained members of a religious institute or society of consecrated life or incardinated in a diocese other than the Diocese of Manchester.

b. Parish Volunteers

All parish volunteers who serve in an *in loco parentis* capacity and have regular contact with minors (as defined above) are subject to this protocol. Thus, any parish volunteer whose duties include unsupervised contact with minors even one time, serves as a chaperone for an overnight trip even one time, or whose duties include supervised contact with minors 3 or more times per year, is subject to this Protocol.

Examples of parish personnel who must complete screening and training are:

- All parish employees, regardless of position
- Faith formation facilitators, coordinators, directors, teachers, aides, and monitors
- Vacation Bible School teachers and aides
- Pastoral associates and ministers
- Youth ministers and youth ministry volunteers
- Day Care/After School Care employees and volunteers
- Chaperones for overnight trips involving minors
- Youth or Family Choir Directors
- Catholic Youth Organization coaches
- Altar server coordinators/trainers
- Leaders and volunteers of Boy Scout troops and youth organizations sponsored by the parish

4. Diocesan Catholic School Employees

All employees of Catholic schools, regardless of responsibility, are subject to this protocol.

5. Diocesan Catholic School Volunteers

All Catholic school volunteers⁴ who have regular contact with minors (as defined above), are subject to this Protocol. Thus, any school volunteer whose duties include unsupervised contact with minors even one time, serves as a chaperone for an overnight trip even one time, or whose duties include supervised contact with minors 3 or more times per year, is subject to this Protocol.

6. Diocesan Camp Fatima and Camp Bernadette Employees and Volunteers

All employees and volunteers of the diocesan camps who are 18 years old or older on the opening day of the season, regardless of responsibility, are subject to this Protocol.

⁴ Note that college students serving as student teachers, interns, observers, etc. are considered to be volunteers.

7. Seminarians
Men who are sponsored by the Diocese of Manchester to study for the priesthood in a seminary must complete the screening and training requirements upon admission to the seminary.
8. Candidates for the Permanent Diaconate
Men who are sponsored by the Diocese of Manchester to study for the permanent diaconate must complete the screening and training requirements upon admission to the permanent diaconate program.

SCREENING AND TRAINING REQUIREMENTS

The following are the minimum screening standards and training requirements for the various personnel categories. The diocesan administration, parishes, Catholic schools, and other institutions have discretion to implement additional background checks.

These standards are subject to ongoing review and change.

1. Clergy, Seminarians, and Candidates for the Permanent Diaconate

Clergy, seminarians, and candidates for the permanent diaconate are subject to thorough background screening, extensive interviews, reference checking, and psychological examinations prior to acceptance for ecclesiastical studies or ordination. However, in addition to the thorough screening required of priests and deacons, clergy, seminarians, and candidates for the permanent diaconate must undergo or complete the following:

- a. *Screening Form for Clerics and Persons in Ecclesiastical Studies*
- b. At least once every 4 (four) years, State Criminal Records Check (every state in which the individual has resided in the past five (5) years)⁵
- c. VISA if not a citizen of the United States
- d. Check of the National Sex Offender Website⁶
- e. Acknowledgement Form for *Promise to Protect, Pledge to Heal Policy and Serving Christ, Serving Others Code of Ministerial Conduct*⁷
- f. At least once every (4) years, completion of Diocese of Manchester online sexual abuse awareness training⁸
- g. Completion of sexual harassment training

⁵ The procedure for obtaining out-of-state criminal records checks is discussed more fully below.

⁶ The National Sex Offender Website is found on the US Department of Justice website: www.nsopw.gov. The procedure for conducting the National Sex Offender Website check and all other screening checks can be obtained from the Diocese of Manchester Safe Environment Compliance Officer (603-669-3100).

⁷ The Acknowledgement Form is signed electronically when completing online training. Those who complete live training must sign a paper form.

⁸ The sexual abuse awareness training programs that have been approved by the Bishop of Manchester are: *Safe Haven, Shield the Vulnerable; Not on My Watch; Protecting God's Children*; and *Praesidium Called to Protect*.

2. Employees

a. Diocesan Administration Employees and Parish Employees

This category includes all diocesan administration employees and all parish employees. Diocesan administration employees and parish employees must undergo or complete the following:

- i. Diocese of Manchester Employment Application
- ii. At least once every 4 (four) years, State Criminal Records Check (every state in which the individual has resided in the past five (5) years)
- iii. VISA if not a citizen of the United States
- iv. Check of the National Sex Offender Website (www.nsopw.gov)
- v. References check (3 references)
- vi. Face-to-face interview
- vii. Acknowledgement Form for *Promise to Protect, Pledge to Heal Policy and Serving Christ, Serving Others* Code of Ministerial Conduct (see footnote 7).
- viii. At least once every four (4) years, completion of Diocese of Manchester online sexual abuse awareness training (see footnote 8)
- ix. Completion of sexual harassment training

b. Diocesan Catholic School Employees

This category includes all diocesan Catholic school employees.⁹ Diocesan Catholic school employees must undergo or complete the following:

- i. Diocese of Manchester Employment Application¹⁰
- ii. NH Criminal Records Check
- iii. FBI Fingerprint Check (which is a national check)
- iv. VISA if not a citizen of the United States
- v. At least once every 4 (four) years, State Criminal Records Check
- vi. Check of the National Sex Offender Website (www.nsopw.gov)
- vii. References check (3 references)
- viii. Face-to-face interview
- ix. Acknowledgement Form for *Promise to Protect, Pledge to Heal Policy and Serving Christ, Serving Others* Code of Ministerial Conduct (see footnote 7)
- x. At least once every four (4) years, completion of Diocese of Manchester online sexual abuse awareness training (see footnote 8)

⁹ This category also includes coaches that receive a monetary stipend for coaching, even if they otherwise are considered to be volunteers.

¹⁰ The particular employment application depends upon the position for which the individual applies (e.g., Principal, Faculty, or Staff).

- xi. Completion of sexual harassment training

c. Diocesan Camp Employees

This category includes all employees of Camp Fatima and Camp Bernadette. Diocesan camp employees must undergo or complete the following:¹¹

- i. Diocese of Manchester Camp Employment Application
- ii. At least once every 4 (four) years, State Criminal Records Check (every state in which the individual has resided in the past five (5) years)
- iii. VISA if not a citizen of the United States
- iv. Check of the National Sex Offender Website (www.nsopw.gov)
- v. References check (3 references)
- vi. Face-to-face interview (whenever possible)
- vii. Acknowledgement Form for *Promise to Protect, Pledge to Heal* Policy and *Serving Christ, Serving Others* Code of Ministerial Conduct (see footnote 7)
- viii. At least once every four (4) years, completion of Diocese of Manchester online sexual abuse awareness training (see footnote 8)
- ix. Completion of sexual harassment training

3. Volunteers who have Regular Contact with Minors

This category includes all volunteers in parishes, Catholic schools, and diocesan camps who have regular contact with minors as defined above. Individuals in this category must undergo or complete the following:

- a. Diocese of Manchester Volunteer Application¹² (camp volunteers complete the Diocese of Manchester Camp Application)
- b. At least every four (4) years, State Criminal Records Check (every state in which the individual has resided in the past five (5) years)
- c. VISA if not a citizen of the United States
- d. Check of the National Sex Offender Registry (www.nsopw.gov)
- e. Acknowledgement Form for *Promise to Protect, Pledge to Heal* Policy and *Serving Christ, Serving Others* Code of Ministerial Conduct (see footnote 7)
- f. At least once every four (4) years, completion of Diocese of Manchester online sexual abuse awareness training (see footnote 8)

¹¹ Diocesan camp employees may be required by the American Camp Association to conduct additional or more frequent background checks.

¹² Note that parish volunteers (excluding Scout volunteers) who have not been registered in the parish for at least six (6) months must provide a letter of reference from their previous pastor. See Special Considerations section (below).

4. Independent Contractors

Some diocesan schools, camps, and parishes may utilize independent contractors who regularly work with minors (six or more times per year) as cafeteria workers, maintenance personnel, or instructors. Those diocesan schools, camps, and parishes that utilize such independent contractors must include the following language in all contracts with independent contractors that will regularly work with minors:

The [*Contractor*] agrees that it will not assign to work in [*the parish, school, or camp*] any person who has ever been convicted of any of the following crimes that would disqualify them from working in a school under RSA 189:13-a: capital murder, first degree murder, second degree murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault, sexual assault, kidnapping, incest, endangering the welfare of a minor or incompetent, indecent exposure or lewdness in the presence of a minor, prostitution, possession, distribution, or manufacture of child abuse images, computer pornography, certain uses of computer prohibited, and offenses involving obscene matter or any violation or attempted violation of RSA 650:2 where the act involves a child in material deemed obscene. The [*Contractor*] is responsible for conducting all appropriate background checks. The [*Contractor*] agrees that all person(s) it assigns to [*the parish, school, or camp*] will comply with and observe all applicable rules and regulations concerning conduct that [*the parish, school, or camp*] imposes on its employees, including but not limited to, training the employees about reporting suspected child abuse in accordance with New Hampshire law. The [*Contractor*] agrees that upon request, it will submit to [*the parish, school, or camp*] documentation demonstrating that [*Contractor*] has complied with these screening and training requirements.

As an alternative, the school, parish, or camp may require that the contractor undergo the same screening and sexual abuse awareness training requirements applicable to its employees (except for the employment application).

BACKGROUND SCREENING AND TRAINING RESPONSIBILITIES

1. Pastors, Principals, and Diocesan Camp Directors: Pastors, principals, and diocesan camp directors are responsible for ensuring that all employees and volunteers subject to this background screening and training protocol comply with this protocol and are responsible for ensuring that contracts with independent contractors subject to this protocol include the required language. The safe environment coordinators assigned by the pastors and principals may assist the pastors and principals with their responsibilities. Among other duties, pastors, principals, and directors are responsible for the following:

- a. Provide to employees and volunteers subject to this protocol the *Serving Christ, Serving Others* Code of Ministerial Conduct and *Promise to Protect, Pledge to Heal* Policy and the necessary screening and acknowledgement forms¹³;
- b. Submit completed criminal records check forms to the Office for Ministerial Conduct and ensure that individuals subject to this protocol renew their criminal records checks every four (4) years;
- c. Forward to the Office for Ministerial Conduct any completed employment and volunteer applications that indicate that the applicants may have criminal records or were found to have sexually abused a minor (those with “yes” answers to screening questions);
- d. Conduct initial check of the National Sex Offender Website for employees and volunteers subject to this protocol;
- e. Ensure that employees and volunteers subject to this protocol have completed the approved training program(s) and have completed refresher sexual abuse awareness training every four (4) years; and
- g. Maintain records of compliance with this protocol, update the safe environment database, and provide written verification to the Office for Ministerial Conduct upon request.

2. **Safe Environment Office:** The staff of the diocesan Safe Environment Office is responsible for ensuring that all clerics and diocesan administration employees subject to this background screening protocol comply with this protocol. In addition, the staff of the Safe Environment Office is responsible for, among other things, the following:

- a. Assist in processing all state criminal records checks and FBI fingerprinting in accordance with this protocol;
- b. Review and process any employment or volunteer applications in accordance with this protocol;
- c. Update the safe environment database;
- d. Conduct National Sex Offender Website checks on all church personnel subject to this protocol and print the results. Repeat checks of the sex offender registry for active personnel once every 3 years;
- e. Oversee and enforce compliance with this protocol by the parishes, schools, and diocesan camps; and
- f. Serve as the delegate for the Superintendent of Catholic Schools in respect to review and destruction of school employee and volunteer criminal background checks.

SPECIAL CONSIDERATIONS

1. **Parish Volunteers:** Parish volunteers (except Scout volunteers) who have not been registered with their parish for at least six (6) months must obtain a written reference from the pastor of their former parish or a supervisor of the former parish, if the

¹³ Individuals who complete online training are provided with the Code & Policy and acknowledgement form electronically.

individual was in ministry in that parish. If the individual has been a member of the current parish for at least six months but failed to formally register, the individual may be approved if known and approved of by the current pastor.

2. State Criminal Records Checks (Other than New Hampshire): Individuals who reside (or in the last five years have resided) in a state or states other than New Hampshire must undergo a criminal records check in that state(s). For Massachusetts, a CORI is conducted. For all other states, a background check is conducted through an online service. The staff of the Office for Ministerial Conduct may require additional background checks, as necessary. The necessary forms can be obtained from the Office for Ministerial Conduct or online at www.catholicnh.org/child-safety/forms

3. Minors Engaged In Ministry: Minors involved in ministry serving other minors are not required to undergo safe environment screening and training but must be directly supervised by adults who have completed the screening and training requirements for those who regularly work with minors.

4. Deadline/Update: Paid personnel and volunteers subject to the screening and training requirements contained in this protocol must complete all requirements within thirty (30) days of hire or beginning volunteer service. **Failure to complete these requirements within thirty days will render them ineligible for service until the requirements are fulfilled.** All individuals subject to the screening requirements contained in this protocol are required to update the information contained on the screening or application forms and are required to update their criminal history information within fourteen (14) days of any change. Thus, a volunteer arrested, arraigned, indicted for or convicted of a crime after his or her initial application or criminal records check has been received by the Diocese must report the arrest or conviction to the pastor, principal, director, or the Delegate for Ministerial Conduct within 14 days of the arrest or if not arrested, within 14 days of the arraignment, indictment, or conviction (whichever comes first).¹⁴ If the disclosure is made to the pastor, principal, or director, he or she must notify the Delegate for Ministerial Conduct.

5. Title I and other Public School Teachers and Personnel in Catholic Schools:¹⁵ Title I teachers and other personnel assigned by the public schools to work with students in Catholic schools are not considered to be Church personnel and therefore are not subject to the screening and training requirements of this protocol.

6. Sexual Abuse Awareness Training in Another Diocese: Individuals required under this protocol and diocesan policy to complete sexual abuse awareness training can satisfy this training requirement by completing *Safe Haven* online training, attending a *VIRTUS Protecting God's Children* training session, or completing a

¹⁴ Paid personnel and volunteers are not required to disclose arrests or convictions that have been annulled by a court.

¹⁵ Public school personnel undergo criminal records checks and FBI fingerprint checks in accordance with New Hampshire law, RSA 189:13-a.

Praesidium *Called to Protect* training session, for a diocese, eparchy, religious institute, or organization other than the Diocese of Manchester if they submit to the Diocese, parish, school, or camp proof of attendance within the past four (4) years and review the Diocese of Manchester Mandatory Reporting Requirements for Church Personnel with the pastor, principal, director, safe environment coordinator, or Office for Ministerial Conduct staff. Individuals who complete training in another diocese (as described in this section) must acknowledge the Diocese of Manchester Code and Policy by signing an acknowledgement form.

7. Developmentally or Cognitively Disabled Adult Volunteers: Developmentally or cognitively disabled adults occasionally serve as employees and volunteers at parishes and schools. At the discretion of the principal or pastor, developmentally or cognitively disabled adults who are cognitively and socially limited to the extent that they continue to function as a minor are eligible to volunteer, but they must not supervise minors. For example, adults with developmental or cognitive disabilities may act as altar servers or aides in religious education classrooms, but they should never serve in a supervisory capacity over minors. Because developmentally and cognitively disabled adults do not supervise minors, they are not required to complete the safe environment screening or training requirements.

8. Contributions Towards Youth Athletic Teams: From time to time, diocesan schools, parishes or camps may consider contributing money to community youth athletic organizations (such as Little League baseball or softball) to “sponsor” a team. The sponsorship is limited to the donation of the sponsorship fee and naming of the team. “Sponsorship” in these organizations generally means that the school, parish, or camp is listed as a sponsor on billboards or on team shirts or team names, but that the school, parish, or camp is not involved in choosing the coaches, does not offer use of its facilities to the team, and the activity is not considered to be a school, parish, or camp activity. Accordingly, the adults who participate as coaches or other volunteers in the youth athletic organizations are not “church personnel” and are not required to comply with the diocesan screening and training requirements.

9. Sexual Abuse Awareness Training Age Requirement: Sexual abuse awareness training is intended for adults aged 18 and up. However, a 17-year-old may complete online training if parental permission has been granted and may attend *Protecting God’s Children* training if accompanied by a parent or guardian, or if written permission from a parent or guardian is provided to the instructor.

10. Court-Ordered Community Service Work: On occasion, a parish may be approached by a potential volunteer who requests to perform court-ordered community service work at the parish. If a parish wishes to grant this request, the following guidelines must be followed: (1) the volunteer must be a parishioner of a Catholic parish in New Hampshire; (2) if the volunteer is not a parishioner of the parish where he/she will perform the community service work, the volunteer must provide a reference from his or her home parish; (3) the volunteer’s court supervisor (probation officer, prosecutor, etc.) must provide information to the pastor about the nature of the crime so that the person’s

suitability for volunteer work at the parish can be assessed; the pastor should then contact the Office for Ministerial Conduct for guidance/advice; (4) the volunteer may not be assigned to a position working with minors; (5) the volunteer's work at the parish must be supervised and documented.

11. Youth Skill Camps: Youth skill camps include programs that last 8 hours or more in a year for the purpose of teaching a skill to minors. Such camps include, but are not limited to, the teaching of sports, the arts, and scientific inquiry. In accordance with RSA 485-A:24 (II), any adult convicted of (1) causing or threatening direct physical injury to any individual; or (2) causing or threatening harm of any nature to any child or children is ineligible to be employed or to volunteer at any diocesan- or parish-sponsored skill camp. Parishes or schools that sponsor such camps are required to submit a completed certification form annually to the Department of Environmental Services verifying that these requirements have been met.¹⁶

12. Groups Renting Facilities: Parishes, schools, and camps may rent space to outside groups that include or serve minors, e.g., non-parish-sponsored Scout troops, non-parish-sponsored sports teams, etc. The members of such groups are not considered to be Church personnel and therefore are not subject to this screening and training protocol. These groups must enter into an agreement and provide proof of insurance to the parish, school, or camp. Further information and assistance is available by contacting the diocesan risk management provider, Porter & Curtis, at 1-877-409-5655.

13. Supervisory Standards for Field Trips and Outings: On trips, minors must be supervised by adults 21 years or older, and the number of required adults must be the greater of 2 adults or as follows by minor grade level:

Pre-K through 5th: 1 adult to every 5 minors;
6th through 8th: 1 adult for every 8 minors; and
9th through 12th: 1 adult to every 10 minors.

14. Non-Parishioner Volunteers: At times, individuals who are not registered at any Catholic parish may wish to volunteer and work with minors at special events or activities such as mission trips or ecumenical groups sponsored by a parish. If the pastor wishes to allow an applicant who is not registered at any Catholic parish to participate in the event/activity, in addition to completing all necessary safe environment requirements, the individual must provide two (2) professional references. Preferably, one of these references should be from a minister or supervisor at the individual's faith community and the other reference should be from a supervisor at an organization for which the person has previously volunteered. As a general rule, references should not come from friends.

¹⁶ Parishes or schools that sponsor Youth Skills Camps may need to conduct additional or repeat background checks on the employees and/or volunteers before submitting the certification form. Contact the safe environment office for assistance.

ANALYSIS OF SCREENING/CRIMINAL RECORD RESULTS

1. Sex Offender Registry checks:

Any individual identified through the national website or through any state or federal sex offender registry as a registered sex offender is ineligible for ministry in the Diocese of Manchester.

2. Applications and Screening Forms:

Completed screening forms and applications that contain “yes” answers to screening questions indicating that applicants have been investigated by the New Hampshire Division of Children, Youth and Families (DCYF) for suspected child abuse or neglect, have criminal records, or have been found to have abused or sexually abused a minor or vulnerable adult must be forwarded to the Office for Ministerial Conduct. The staff of the Office for Ministerial Conduct will review the forms to determine the category below into which the offense(s) fall and process the forms accordingly.

3. Criminal Records:

Criminal records checks are initiated at the parish, school, camp, or diocesan level. The forms may be found online at: www.catholicnh.org/child-safety/forms

All criminal records check authorization forms are sent by the appropriate entity (parish, school, camp, diocesan office) to the Office for Ministerial Conduct for processing. The parishes, schools, and camps will be required to reimburse the Diocese for the cost of the criminal records checks.

If the criminal records check indicates “no record found,” the Office for Ministerial Conduct will enter the date of the cleared background check into the safe environment database. Criminal records checks that indicate that the applicant has a criminal record will be processed as set forth in number 5 below.

4. Fingerprinting of Catholic School Personnel:

All individuals who are offered employment in a Catholic school must complete both a New Hampshire criminal records check form and be fingerprinted. The fingerprints are processed through the FBI and are a national background check; therefore, no additional background checks are required. The *New Hampshire School Employee Criminal Records Release Authorization Form* (“CRR”) must be signed and notarized and returned to the Safe Environment Office with either (A) the state Applicant/Licensing Livescan Fingerprinting form or (B) an inked fingerprint card. If an inked card is submitted and subsequently rejected by the FBI as unreadable, the school will be notified that a second card is to be submitted at no extra charge. If the second card is rejected, the employee must complete a diocesan out-of-state criminal records check.

5. Process for Criminal Records and Applications and Screening Forms: When the screening form, application, or criminal records check indicates that the applicant has a criminal record or was found to have abused or sexually abused a minor or vulnerable adult, the staff of the Office for Ministerial Conduct will determine the category (A through D below) into which the offense(s) falls. ¹⁷

a. Category A:

Individuals convicted of a crime that would prohibit them from working in a school under New Hampshire law (RSA 189:13-a) are automatically disqualified from being assigned, employed or engaged as a volunteer for the diocese, its parishes, camps, or schools. Thus, individuals charged pending disposition for or convicted of the following crimes in New Hampshire, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, may not be employed or volunteer for the Diocese or its parishes, schools, or camps:

RSA 630:1 Capital Murder
630:1-a First Degree Murder
630:1-b Second Degree Murder
630:2 Manslaughter
632-A:2 Aggravated Felonious Sexual Assault
632-A:3 Felonious Sexual Assault
632-A:4 Sexual Assault
633:1 Kidnapping
639:2 Incest
639:3 Endangering the Welfare of a Child or Incompetent
645:1, II or III Indecent Exposure and Lewdness
645:2 Prostitution
649-A: 3 Possession of Child Sexual Abuse Images
649-A:3-a Distribution of Child Sexual Abuse Images
649-A: 3-b Manufacture of Child Sexual Abuse Images
649-B:3 Computer Pornography
649-B:4 Certain Uses of Computer Prohibited
650:2 Offenses- Obscene matter or any violation or any attempted violation of
RSA 650:2 where the act involves a child in material deemed obscene;

Further, unless the individuals were juveniles at the time of the offense, the following convictions within twenty (20) years of employment or volunteer service will automatically disqualify an individual from working with minors: drug

¹⁷ Note that in accordance with RSA 485-A:24 (II), any adult convicted of (1) causing or threatening direct physical injury to any individual; or (2) causing or threatening harm of any nature to any child or children is automatically ineligible to be employed or to volunteer with minors in a diocesan- or parish-sponsored skill camp.

trafficking, drugs sales, illegal drug manufacturing, and assault resulting in serious bodily injury to another person.

Under limited circumstances, an exception to the foregoing disqualifications may be made with the approval of the Delegate for Ministerial Conduct, the head of the institution (pastor, principal, or director), and the Diocesan Review Board.

The staff of the Office for Ministerial Conduct will notify the pastor, principal, or director (as appropriate) in writing that the applicant is not eligible for ministry. The pastor, principal, or director is then responsible for ensuring that the applicant is not permitted to engage in ministry.

b. Category B:

An applicant convicted of one (1) or more felonies or three (3) or more misdemeanors involving moral turpitude other than those listed in Category A, including but not limited to theft, perjury, assault, and drug-related crimes, may be disqualified from regularly working with minors in the Church.

The staff of the Office for Ministerial Conduct will refer the matter for assessment to an investigator with a law enforcement or human resources background to determine whether the individual poses a safety issue for minors at the school or parish. The investigator will review the record and job position and where appropriate, contact the applicant, pastor, principal, and/or camp director. In order to be considered for ministry, individuals in this category must provide a written reference from the pastor, principal, or director attesting to the character of the applicant.¹⁸ The investigator will give the applicant the opportunity to provide information he or she deems relevant to the inquiry, including written documentation. The investigator will then develop a written recommendation as to whether the individual should be considered eligible for ministry regularly working with minors and forward it to the Delegate for Ministerial Conduct for review. The written recommendation will include all information provided by the applicant.

A Criminal Records Review Committee (“Committee”)¹⁹ will meet to consider the investigator’s recommendations and will make a recommendation as to whether the applicant should be deemed eligible to work or volunteer in the Diocese or Manchester, ineligible, or restricted. The Committee will consider, among other factors, the nature of the crime or offense, the number and nature of the convictions, the date(s) when the incident(s) occurred, the age of the applicant at the time of the offense(s), and the relationship between the crime or offense and the position

¹⁸ Potential Scout volunteers whose records fall into Category B must provide two (2) professional references in order to be considered. One must be from a supervisor within the Scout organization, and the other should be from the pastor (if the person is known to the parish) or another professional source.

¹⁹ The Criminal Records Review Committee will generally consist of the Delegate for Ministerial Conduct, the Diocesan Director of Human Resources, and one other person designated by the Chancellor.

sought. The Committee may, at its discretion, request a review of the matter by the Diocesan Review Board.

The Committee will present the investigator's recommendation as well as the Committee's recommendation to the person designated by the Bishop to review the results.²⁰ This designee will make the final determination of eligibility.

Once a final decision is made, the staff of the Office for Ministerial Conduct or Superintendent of Catholic Schools will notify the pastor, principal, or director (as appropriate) as to whether the applicant is eligible for ministry regularly working with minors. If the applicant is determined to be ineligible for ministry, the pastor, principal, or director is then responsible for ensuring that the applicant is not permitted to engage in ministry regularly working with minors.

c. Category C:

An applicant convicted within ten (10) years of the application or fewer than three (3) misdemeanors involving moral turpitude, including possession of illegal drugs and assault may be eligible for ministry regularly working with minors.

The staff of the Office for Ministerial Conduct will refer the matter for assessment to an investigator with a law enforcement or human resources background to determine whether the individual poses a safety issue for minors at the school or parish. The investigator will review the record and job position and where appropriate, contact the applicant, pastor, principal, and/or camp director. The investigator will give the applicant the opportunity to provide information he or she deems relevant to the inquiry, including written documentation. The investigator will then develop a written recommendation as to whether the individual should be considered eligible for ministry regularly working with minors and forward it to the Delegate for Ministerial Conduct for review. The written recommendation will include all information provided by the applicant.

A Criminal Records Review Committee (see footnote 19) will meet to consider the investigator's recommendations and will make a recommendation as to whether the applicant should be deemed eligible to work or volunteer in the Diocese or Manchester, ineligible, or restricted. The Committee will consider, among other factors, the nature of the crime or offense, the number and nature of the convictions, the date(s) when the incident(s) occurred, the age of the applicant at the time of the offense(s), and the relationship between the crime or offense and the position sought. The Committee may, at its discretion, request a review of the matter by the Diocesan Review Board.

²⁰ Currently, for parish employees and volunteers, the Vicar General; and for school and camp employees and volunteers, the Superintendent of Catholic Schools.

The Committee will present the investigator's recommendation as well as the Committee's recommendation to the Bishop's designee (see footnote 20), who will review the recommendations and will make the final determination of eligibility.

Once a final decision is made, the staff of the Office for Ministerial Conduct or the Superintendent of Catholic Schools will notify the pastor, principal, or director (as appropriate) as to whether the applicant is eligible for ministry. If the applicant is determined to be ineligible for ministry, the pastor, principal, or director is then responsible for ensuring that the applicant is not permitted to engage in ministry regularly working with minors.

d. Category D:

An applicant convicted of fewer than three (3) misdemeanors more than ten (10) years before the application (other than the offenses in Category A) or convicted of one or more violations will not be deemed ineligible for ministry regularly working with minors based on the misdemeanor(s)/violation(s) alone. This category also includes those who have been convicted of one (1) misdemeanor charge of driving while under the influence (DUI/DWI) if the incident occurred more than 3 years prior, upon verification that the applicant currently holds a valid driver's license.

The staff of the Office for Ministerial Conduct will notify the pastor, principal, or director (as appropriate) that the criminal record review did not deem the applicant ineligible for ministry regularly working with minors.

5. Safe Environment Database/Notification: After the appropriate process discussed above is completed, the staff of the Office for Ministerial Conduct will enter in the safe environment database one of the following designations with respect to that cleric, employee, volunteer, or applicant: eligible; ineligible; or restricted. If the designation is ineligible or restricted, the staff of the Office for Ministerial Conduct will also send correspondence to the pastor, principal, or director (as appropriate), notifying him or her of the designation. If the designation is "restricted," correspondence will indicate what restrictions on ministry have been imposed.²¹

CONFIDENTIALITY OF RECORDS

1. Background Check Documentation. Parishes, schools, camps, and the diocesan administration must maintain applications, screening forms, and other personnel records in locked files with access limited only to those with a legitimate need to know. Volunteer applications containing "yes" answers to screening questions will be stored at the Office for Ministerial Conduct. If the parish, school or camp keeps a copy, it must be maintained confidentially.

²¹ Examples of "restrictions" include prohibitions on working with money or having any responsibility over finances, and requiring annual criminal records checks.

2. Confidentiality of Information. Parish, school, and diocesan personnel who have access to personnel information are required to maintain confidentiality and are prohibited from disclosing personnel information to individuals without a legitimate need to know.²²

²² Pastors, principals, safe environment coordinators, and the Office for Ministerial Conduct are permitted to share a list of “eligible” and “ineligible” individuals with those responsible for hiring and assigning volunteers in parishes, schools, camps, and the diocesan administration without running afoul of this provision.