

Provincial Policy for the Protection of Minors and Vulnerable Adults

Table of Contents

I.	Sources.....	3
II.	Policy Orientation and Goals	4
III.	Basic Legal Definitions and Presumptions	5
IV.	Prevention.....	6
A.	Background checks	6
B.	Training	6
C.	Transparency.....	7
D.	Transition Plan	7
E.	Policies for Maintaining Ethical Ministry with Minors.....	7
F.	Use of Social Media.....	11
V.	Response	12
A.	Duty to report	12
B.	Reporting Misconduct with Vulnerable Adults.....	13
C.	Reception of allegations	13
D.	Care for alleged victims.....	14
E.	Care for the accused	14
F.	Response Procedures to Allegations	15
2.	Procedures in cases of established allegations	19
3.	Procedures in cases of non-established allegations.....	19
G.	Allegations involving the Provincial Minister.....	19
H.	Allegations involving employees or volunteers	20
I.	Procedure for Reporting and Responding to Boundary Violations (Standard 9)	20
VI.	Restrictions on Friars with Established Allegations	20
A.	Supervisory framework.....	20
B.	Determination of level of risk of reoffending	22
C.	Evaluation and therapy	22

D.	Place of residence	23
E.	Community Support and Community Roles	23
F.	Work and ministry	24
G.	Contact with Others.....	25
H.	Travel, Vacation, Retreat	25
I.	Driving.....	25
J.	Publication and Publicity.....	25
K.	Internet Use for Friars with Established Allegations	26
L.	Information for Friars and Others.....	26
M.	Safety Plans.....	26
VII.	Policies and Operating Procedures for the Independent Review Board	28
A.	Establishment and Purpose	28
1.	The Provincial Minister will utilize a Review Board for the purpose of providing consultation to the Provincial Minister on the Province’s management of all cases of sexual abuse of a minor by current, former, and/or deceased Members.....	28
2.	The Provincial Minister’s designee, the Safe Environment Coordinator, shall notify the review board:.....	28
3.	The Review Board is responsible for independently reviewing, consulting and advising the Provincial Minister on its considerations and conclusions of the established or non-established nature of all allegations of sexual abuse of minors.....	28
4.	The Review Board is responsible for providing its recommendations and input with respect to the development of new Safety Plans:	28
5.	The Review Board will assist in the review of situations where a Member has engaged in repeated boundary violations with a minor or where a minor is known to be in danger. The Review Board will provide recommendations for the development of a Restriction Plan to help the Member cease the problematic behavior.	28
B.	Review Board Selection	29
C.	Operating Procedures.....	29
1.	Coordinate with the Provincial Minister when an allegation of sexual misconduct is received ensuring that the requirements of the <i>Standards for Accreditation</i> are fulfilled, including: a. report to the local law enforcement authorities unless a report has already been made;	36
b.	notify the accused of the specific allegations reported and of available assistance (i.e. an Advocate for the Accused)	36

Provincial Policy for the Protection of Minors and Vulnerable Adults

I. Sources

When taking on new forms of the apostolate we should show special concern for people who are far from the faith and from religious practice, and for those who are deprived of ordinary pastoral care because of the conditions of their life: the young during moments of crisis in their Christian life... (Constitutions, #149:3).

The evangelical counsel of chastity, which we have voluntarily chosen and promised by vow, draws its sole motivation from the preferential love of God and, in Him, of every person. In a unique way, it confers a greater freedom of heart, through which we are able to cling to God with an undivided love and to become all things to all people. The charism of celibacy, which not everyone is capable of grasping, prophetically foretells the glory of the heavenly kingdom already at work in our midst and transforms the entire human person.¹ It is to be faithfully guarded and assiduously cultivated. With this gift, our brotherhood presents a distinctive announcement of the life to come, in which those who have risen are brothers and sisters in the presence of God, who will be all in all for them (Constitutions, #169:5-6).

Conscious of human frailty, we avoid occasions and conduct that is dangerous or ambiguous to chastity and that may give rise to suspicion. In the areas of affectivity and sexuality, lack of respect for others offends chastity, betrays trust, is an abuse of power, and can seriously harm the dignity of another person. In such cases, ministers and guardians, always after verification, are to intervene with prudence and determination (Constitutions, #172:7).

Let us frequently meditate on the words of Saint Francis in which he encourages his brothers “to put away all care and anxiety, and to serve, love, and adore the Lord God above all creatures with a clean heart, a chaste body and holy activity.” “Let nothing hinder us, nothing separate us, and nothing prevent” the Spirit of the Lord from acting and being manifested in us and in our brotherhood (Constitutions, #174:1-2).

“Wherever the brothers may be..., they can and should have recourse to their ministers. Let the ministers, moreover, receive them charitably and kindly and have such familiarity with them that these same brothers may speak and deal with them as masters with their servants, for so it must be that the ministers are the servants of all the brothers” (Rule, Chapter 10).

“I wish to know...if you love the Lord and me, His servant and yours: not any brother in the world who has sinned – however much he could have sinned – who, after he has looked into your eyes, would ever depart without your mercy, if he is looking for mercy. And if he were not looking for mercy, you would ask him if

¹ Standard 6.3 of Praesidium’s Accreditation Standards.

he wants mercy. And if he would sin a thousand times before your eyes, love him more than me so that you may draw him to the Lord; and always be merciful with brothers such as these” (Francis of Assisi, *A Letter to a Minister*).

The General Minister of the Capuchin Friars Minor, Brother Mauro Johri, recognized the gravity of the need for guidelines to protect young people and vulnerable adults from any kind of abuse. In his report to the General Chapter in 2012, Brother Mauro stated: “The goal we are aiming for is a level of safety such that no child or minor feels threatened in his or her personal and psycho-sexual integrity in places where the brothers operate or have particular responsibilities” (“Report of the General Minister,” 84th General Chapter, #219-221).

II. Policy Orientation and Goals

This policy applies to all friars and employees of the friars or friaries – as well as to volunteers in our friaries and ministries – when someone is accused of child abuse, sexual misconduct involving a minor or other sexual misconduct. The following general guidelines are established:

A. First and foremost, these procedures have as their primary goal, the welfare, the safety and the health of children and the good of their families. At the same time, the procedures are written for the well-being of the individual friar, the Capuchin Province of St. Conrad (Mid-America) and the Church. An allegation of child abuse, sexual misconduct involving a minor or other sexual misconduct puts the accused and the Capuchin Province of St. Conrad (Mid-America) into the legal arena with possibility of criminal charges and/or civil liability suits. Prudence, therefore, demands that once an allegation is made, a reasoned and careful response be given.

B. The entire process of receiving information regarding allegations, consultation with an alleged victim, such person’s family, fact gathering, and other actions regarding the allegations will be conducted in a spirit of fraternal charity and compassion, both for the alleged victim and for the accused person, whether friar, employee, or volunteer. The policy is to be appropriately applied according to the nature of the allegation, the needs of the alleged victim and the circumstances of the accused. In every case, the Province commits itself to dealing pastorally with, and protecting the rights of, all those involved.²

C. We have a tradition in the Province and in the Order of open, frank, and fraternal communication between the individual friar and his Provincial Minister. In the one narrow area concerning allegations of physical or sexual child abuse, however, both the friars and the ministers must not only be attuned and responsible to the pastoral needs of those involved (which is our natural inclination), but to certain legal realities as well.

D. The Capuchin Province of St. Conrad holds every person associated with the Capuchin Province of St. Conrad in an official capacity accountable for maintaining integrity in all ministerial and professional relationships. Any time employees of the Capuchin Province of St. Conrad, while exercising their duties, engage in the harassment of parishioners, clients, employees, co-workers, students or volunteers, they involve themselves in unethical and potentially unlawful acts. The Capuchin Province of St. Conrad will

² Standard 1.1 of Praesidium’s Accreditation Standards.

not tolerate abuse, whether it be child abuse or any other abuse based on sex, race, gender, orientation, religious beliefs or national origin.

E. Although this document contains many suggestions concerning behavior, a comprehensive list of specific acts constituting child abuse and sexual misconduct is impossible. All personnel of the Province must follow common sense in these matters. In their work, personnel of the Capuchin Province of St. Conrad should seek to develop appropriate and healthy relationships and good rapport with minors. However, they must be alert to avoid any type of contact with minors or vulnerable people that might lead to misunderstandings, or be misconstrued by reasonable people. Personnel must remember that the issue is not the intention, but rather how their words and actions might be interpreted by those vulnerable or less aware.

III. Basic Legal Definitions and Presumptions

Although statutes vary from State to State, a practical understanding of the law includes the following notions:

1. "Abuse" minimally includes any or all the following:
 - a. physical or diagnosed mental injury inflicted on a child, which is directly caused by the abuse;
 - b. sexual contact;
 - c. sexual intercourse;
 - d. sexual exploitation. Sexual exploitation is considered to be sexual contact between two people, one of whom has a pastoral and/or professional relationship (see Section IX) with the other. The nature of the relationship is exploitation, regardless of who initiates the sexual contact.
2. "Child" or "minor" is any person under 18 years of age.
3. "Consent" refers to words or overt actions by the person who is competent to give informed consent indicating a freely-given agreement to have sexual contact or sexual intercourse
- 4.. "Physical injury" is that which is inflicted on a person by other than accidental means. It includes, but is not limited to, laceration, fractured bones, internal injuries, severe or frequent bruising or great bodily harm as defined by law.
- 5.. "Sexual contact" means any intentional touching of the intimate parts (primarily the genital area, groin, inner thigh, buttocks or breast) clothed or unclothed, if that intentional touching can reasonably be construed as being for the purpose of intended, real or simulated overt sexual arousal or gratification of either party.
- 6.. "Sexual intercourse" means penetration, real or simulated, whether genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body. Emission of semen is not a criterion.

7. “Vulnerable adult” means a person 18 years old or over who when in the presence of a friar may be considered vulnerable to abuse based on investigative facts and circumstances of the occurrence of alleged abuse.

Note: If a child willingly engages in a sexual act, it does not mean that he/she consents to what is happening. Many states define by law who is and who is not capable of consenting to sexual contact. A child is not legally capable of consenting to any sexual contact or intercourse.

IV. Prevention

A. Background checks

Background checks are required for all who enter the Postulancy of the Capuchin Province of St. Conrad. If there is a history of committing sexual abuse against a minor or vulnerable adult, or a history of viewing child pornography, the candidate will not be admitted to any program of the Capuchin Province.^{3 4}

All friars and employees in the Capuchin Province of St. Conrad undergo background checks. The results of these background checks are placed in the personnel file and renewed every ten years.⁵

B. Training

1. All friars of the Capuchin Province of St. Conrad will receive a copy of this policy and will sign a certification that they have read, understand and agree to follow the terms of these guidelines.⁶ Such signatures will be kept on file in the Provincial Office. All friars and employees will re-certify annually that they have again read, understood and agree to follow these guidelines.⁷ Capuchin Province of St. Conrad will further communicate to its friars of its accreditation status, and any new information regarding any new reports or incidents of abuse that occurred since the last communication, and status of those reports or incidents.⁸

2. Friars and volunteers who work with minors must participate in training and other ongoing training as required, that addresses their role in protecting minors.⁹ These trainings are made available through diocesan programs. Friars are required to participate in the programs offered by dioceses in which they serve. Certificates that confirm their participation shall be kept in their personnel file.¹⁰

3. Capuchin friars from other provinces, whether from the United States or another country, who are accepted to live, work, or study in the Capuchin Province of St. Conrad, are also required to certify initially

³ Standard 5.1-2 of Praesidium’s Accreditation Standards.

⁴ Standard 6.4-5 of Praesidium’s Accreditation Standards.

⁵ Standard 3.5 of Praesidium’s Accreditation Standards.

⁶ Standard 8.4 of Praesidium’s Accreditation Standards.

⁷ Standard 7.3 of Praesidium’s Accreditation Standards.

⁸ Standard 4.1-2 of Praesidium’s Accreditation Standards.

⁹ Standard 5.3 of Praesidium’s Accreditation Standards.

¹⁰ Standard 9.1-4 of Praesidium’s Accreditation Standards.

and annually that they have read, understand and agree to follow these guidelines in their life and ministry.¹¹

4. Friars who are returning from a time of ministry in the Missions or who are returning from some other assignment that has resulted in their living outside the Province for more than a year are required to review this policy promptly upon their return and re-certify that they have read, understand and agree to follow these guidelines. The Province will maintain a list of friars who are performing some other assignment outside of the Province.¹²

5. Capuchin friars who are returning to the Province after ministry outside the Province as well as international friars are required to participate in safe environment trainings that are provided by the Province or by the diocese in which their friary of residence is located.¹³ A certificate noting their completion of the training shall be kept in their personnel file in the Provincial Office.

6. Every year during the annual Visitation, the Provincial Minister will specifically address the possibility of situations from which the friar may be falsely accused of sexual abuse. The Provincial Minister may suggest precautions that the friar should take to avoid these situations.

C. Transparency

The Provincial Minister will give an annual report to the members of the Province communicating the current status of the Province's accreditation and its expiration date, any new allegation reports received or significant changes to previous allegations reports, and any actions or initiatives the Province has taken that show a continued commitment to safe environment standards.

D. Transition Plan

Recognizing the important role played by the Provincial Minister in the prevention of abuse, all newly-elected Provincial Ministers are required to review and complete the tasks set forth in the Province's established Transition Plan, including the oversight of these Policy guidelines, within ninety (90) days of taking office.¹⁴

E. Policies for Maintaining Ethical Ministry with Minors

Abuse of minors is contrary to the teachings of the Church and is prohibited. Friars have a responsibility to protect minors from all forms of abuse.

1. Prohibited Behaviors in all circumstances^{15 16}

- a. Using, possessing, or being under the influence of illegal drugs.

¹¹ Standard 7.6 of Praesidium's Accreditation Standards.

¹² Standard 7.5 of Praesidium's Accreditation Standards.

¹³ Standard 7.7 of Praesidium's Accreditation Standards.

¹⁴ Standard 3.4 of Praesidium's Accreditation Standards.

¹⁵ Standard 8.1 of Praesidium's Accreditation Standards.

¹⁶ Standard 8.3 of Praesidium's Accreditation Standards.

- b. Providing or allowing minors to consume alcohol or illegal drugs.
- c. Swearing or using foul language in the presence of minors.
- d. Speaking to minors in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- e. Discussing sexual activities with minors unless it is a part of a specific assignment made by the friar's superiors (e.g., teaching a high school class on morality).
- f. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics. If youth have further questions not answered or addressed by their individual teachers they should be referred to their parents or guardians for clarification or counseling.
- g. Being nude in the presence of minors.
- h. Possessing sexually oriented or morally inappropriate materials (magazines, cards, videos, films, electronic mail, other electronic images, clothing, etc.).
- i. Sleeping in the same beds, sleeping bags or small tents with minors.
- j. Engaging in sexual contact with minors.

2. Off-site events

- a. Friars are prohibited from transporting minors alone. When transporting several minors, written permission must be obtained from their parents or guardians.
- b. Friars are prohibited from unnecessary and/or inappropriate physical contact with minors while in vehicles.
- c. When the necessary permission has been received, minors should be transported directly to their destination, that is, there should be no unplanned stops.
- d. Friars are prohibited from having minors stay at their residence.
- e. Changing and showering facilities or arrangements for friars must be separate from facilities or arrangements for minors.

3. Friary

- a. No minor may spend the night in any friary or rectory of the Capuchin Province.
- b. Minors may be in a friary to visit or to accompany an adult when the religious superior (guardian) deems it necessary and when the minor is at all times supervised by a non-friar adult.

4. Physical contact

a. Friars are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors.

b. Appropriate affection between friars and minors constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for friars in ministry roles with minors:

- hugs, but only if initiated by the other person;
- hand-shakes;
- “high-fives” and hand slapping;
- verbal praise;
- touching hands, faces, shoulders and arms of minors;
- holding hands while walking with small children;
- sitting beside small children;
- kneeling or bending down for hugs with small children;
- holding hands during prayer
- pats on the head when culturally appropriate.^{17 18}

c. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are not to be used by friars in ministry roles with minors:

- inappropriate or lengthy embraces;
- kissing on the mouth;
- holding minors over four years old on the lap;
- touching buttocks, chests or genital areas;
- showing affection in isolated or private areas such as offices, bedrooms, confessionals, sacristies, staff areas, etc.
- being in bed with a minor;
- touching the knees or legs of minors;
- wrestling with minors;
- swimming alone with minors;
- tickling minors;
- piggyback rides;
- any type of massage given by minor to adult;
- any type of massage given by adult to minor;
- any form of unwanted affection;
- compliments that relate to physique or body development.

¹⁷ Standard 6.2 of Praesidium’s Accreditation Standards.

¹⁸ Standard 8.2 of Praesidium’s Accreditation Standards.

6. Supervision of Programs that Involve Minors

a. Programs for minors in which friars, employees or volunteers are involved, must be supervised by at least two adults.

b. Friars in leadership roles shall be aware of all programs for minors that are sponsored by their diocese, parish, school or agency. A list of these programs shall be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders shall examine these programs and consider whether there is adequate supervision.

7. Identifying the Warning Signs of Abuse by “Preferential Offenders” (those whose tendencies or inclinations are toward minors) and “Situational Offenders” (those whose defenses are compromised by particular situations):¹⁹

a. Warning Signs of Preferential Offenders:

- finds reasons to spend time alone with minors;
- prefers time with minors to time with peers;
- gives gifts to minors, especially without permission of the Provincial Minister;
- goes overboard with physical contact with minors;
- always wants to wrestle or tickle minors;
- shows favoritism toward certain minors;
- treats minors like equals or adults;
- keeps secrets with minors;
- ignores policies about interacting with minors;
- breaks the rules with minors;
- uses inappropriate language with minors;
- tells “off-color” jokes to minors.

b. Warning Signs of Situational Offenders

- excessively using alcohol;
- use of drugs;
- experiencing anxiety or depression;
- having trouble coping with loneliness;
- facing rejection or disappointment;
- coping with personal loss;
- feels unappreciated and unrewarded for hard work;
- becoming increasingly dependent on a “convenient” relationship with a minor.

¹⁹ Standard 10.6 of Praesidium’s Accreditation Standards.

F. Use of Social Media

Recent developments have led the Congregation for the Doctrine of the Faith (CDF) to include illegal involvement with child pornography as a grave offense to be included under the *delicta graviora* of the CDF's document *Sacramentorum Sanctitatis Tutela* (SST). It is considered a grave offense because creating a market for such pornography directly contributes to child abuse and exploitation. Child pornography is an injury to the broader community's value of human life. There is no specific canonical standard establishing which child pornography cases should be sent, but where a civil legal case has been pursued, such facts would warrant review by CDF as outlined in SST.

In the United States it is a federal crime to possess any type of child pornography whether on a computer or in any other form. Any persons knowing of a violation of this law are obliged to report it to the proper authorities. Cyber-sex, including internet pornography, sexual chat-rooms, relationship chat-rooms, internet dating and relationships, "sexting" and sexual e-mails, and instant messaging must be avoided at all times by the friars of the Province of St. Conrad.

All friars should be judicious and cautious when using social media. "Friending" a minor is never a good idea. Restrictions regarding the use of social media, texting, etc., will be placed on friars who have abused on a case by case basis. These restrictions will be listed in that friar's Safety Plan.

Overuse of internet, even for non-sexual activity, can be indicative of a problem. There must be a balance in the use of social media.

If a friar finds that he struggles with inappropriate use of social media:

- His spiritual director would be the first person with whom to discuss the issue and seek help.
- If this is unsuccessful, he should speak with his guardian or provincial if the behavior continues.²⁰

If a friar discovers that another friar is misusing the internet:

- He should first offer fraternal correction to the friar;
- He should then speak with the guardian or Provincial Minister if the inappropriate behavior continues.

If a friar discovers that another friar is engaging in cyber-sex activities he should immediately report this to the guardian and/or Provincial Minister.

Treatment for cyber-sex difficulties may include:

- Spiritual direction and/or counseling.
- Limiting internet access only to computers in common areas in the friary.
- Blocking internet sites.
- Supervision by an appointed friar.
- Prohibiting access to social media.

²⁰ Standard 10.5 of Praesidium's Accreditation Standards.

V. Response

A. Duty to report^{21 22}

In most states, the law requires certain professional persons (this varies from state to state, but generally includes pastoral administrators, teachers, nurses, drug and alcohol counselors, principals, and related professionals, etc.) who, in the course of professional duty have reasonable cause (evidence which would cause a reasonably prudent person to conclude that abuse or neglect has occurred or will occur) to suspect child abuse or neglect, or who have reason to believe that a child has been threatened with abuse and that the abuse will occur, to report that case immediately (usually within 24 hours) by telephone or personal visit to the pertinent county or city agency or law enforcement officials.²³ Failure on the part of those professional persons to report makes them liable to a fine and/or prison term. Generally, the law grants immunity from all civil and criminal actions to the person (and institutions) who report a suspected case of child abuse whatever the outcome of the investigation.

Regardless of the civil jurisdiction's mandatory reporting requirements, friars are obliged to report all allegations of known or suspected sexual abuse of a minor to the proper authorities. The same obligation to report applies to past cases of sexual abuse if the survivor is still a minor, regardless of who the perpetrator was alleged to be. Friars who know of or suspect someone of possessing, distributing, downloading or viewing images of child abuse must also report it to the appropriate civil authorities.

Any friar with knowledge or suspicion of current abuse of a minor or vulnerable adult shall report it within 24 hours to the Safe Environment Coordinator^{24 25}, the Response Coordinator, or to the Provincial Minister and then to appropriate government authorities, whether or not it has already been reported. The Provincial Minister or Safe Environment Coordinator will convey to the proper authorities what the protocol of the Capuchin Province of St. Conrad is as directed by this Policy.

If the friar feels uncomfortable with reporting to the Provincial Minister, he has the option of reporting to the local Guardian (for purposes of this policy, the local Guardian is the superior of the friary) or any member of the Provincial Council, or any member of the Independent Review Board. The person receiving the report must notify the appropriate Safe Environment Coordinator or Response Coordinator immediately.

An anonymous, specific and verifiable letter of concern may be sent to any of the above.

If an allegation of child abuse or other sexual misconduct is made to a friar from a second or third party (not the victim him/herself), concerning another friar, volunteer or employee, the friar receiving such information must immediately report the same to the Safe Environment Coordinator, Response

²¹ Standard 12.1-4 of Praesidium's Accreditation Standards.

²² Standard 13.1-2 of Praesidium's Accreditation Standards.

²³ Standard 10.1 of Praesidium's Accreditation Standards.

²⁴ Standard 10.2 of Praesidium's Accreditation Standards.

²⁵ The Safe Environment Coordinator is a part time employee who receives reports of alleged sexual misconduct by personnel, helps coordinate the response of the Province to such reports, and maintains appropriate records.

Coordinator, or the Provincial Minister. The friar is not to investigate the matter, nor is he to assess the truthfulness of the allegations before reporting it.

B. Reporting Misconduct with Vulnerable Adults

1. Friars are responsible for insuring that the ethics of ministry in the Province are followed. Communication regarding misconduct by friars in ministry with vulnerable adults is essential for continuing the integrity of these ministries.

2. Friars shall report misconduct with vulnerable adults as listed below. Reports of suspected or known misconduct with vulnerable adults may be made confidentially (unless otherwise required to be disclosed by canon law) to any of the following:

- a. The local Guardian;
- b. The Provincial Minister;
- c. Any member of the Provincial Council;
- d. Any member of the Independent Review Board;
- e. Any member of the Safe Environment personnel.

3. An anonymous, specific and verifiable letter of concern may be sent to any of the above. Anonymous concerns should be investigated to the extent that is feasible based on known information.

C. Reception of allegations

Any individual who needs to report a case of abuse is encouraged to contact the Province at **303-477-5436** and speak to the Safe Environment Coordinator, the Response Coordinator, or the Provincial Minister who will receive the information with compassion and understanding for the needs of the alleged victim and the gravity of the situation. The individual who receives the initial report of abuse or another one of the Safe Environment personnel will explain what the reporting process entails, which is fully outlined within this *Provincial Policy for the Protection of Minors and Vulnerable Adults*.²⁶ The individual making the report will be advised of his/her right to report to civil authorities and will be encouraged to make a direct report to authorities.²⁷

When the Safe Environment personnel or the Provincial Minister receive an allegation, whether first-hand or through a third party, he/she will consider the report seriously and begin the process of responding to the allegation. All Safe Environment personnel, following their particular responsibilities, will respond to all allegations of sexual misconduct in a pastoral and compassionate manner.

Files of current allegations of sexual abuse will be created at the time the allegation is received and will contain information about how the allegation was handled. These files will be kept in the Provincial Office.

²⁶ Standard 1.3 of Praesidium's Accreditation Standards.

²⁷ Standard 1.5 of Praesidium's Accreditation Standards.

In the event that the Provincial Minister is aware of any allegation or instance of nonconsensual sexual misconduct, including any instance of sexual misconduct involving a minor or other person under any incapacity, by any member of the Province and such member is high on the list of balloting for a Provincial leadership office, the Provincial Minister must provide that information to the President of the Chapter prior to the election for appropriate action by the President of the Chapter. The accused friar should be informed prior to the informing of the President.

D. Care for alleged victims

The Response Coordinator and, if necessary, the Provincial Minister, recognizing the gravity and injury that abuse can cause, will contact the alleged victim and convey the concern of the Province; explain the alleged victim's right to contact law enforcement; obtain any additional information about the alleged abuse from the alleged victim; and offer him or her options to connect with Victim's Advocates who will be available to meet with an alleged victim, assist him or her with the reporting process and help convey his or her needs and/or questions to the Province. If the alleged victim has legal representation, representatives of the Province will notify the Province's legal counsel who will contact the alleged victim's legal counsel to extend an offer for the Safe Environment Coordinator, Response Coordinator and/or Provincial Minister to call or meet with the individual in the presence of their legal counsel.²⁸ If this is not desirable or possible, the Province will maintain documentation of the reason(s) the offer was declined.

When the Victim's Advocate meets with the alleged victim, if the alleged victim so desires, he/she will discuss ways in which the Province may offer help to the alleged victim. When appropriate, help may include assisting the alleged victim in finding a competent psychological or spiritual counselor at their expense while the Province's investigative process through the Independent Review Board proceeds.

The Victim's Advocate will follow up with the alleged victim by writing a letter to him/her that recounts the meeting and explains once more the policies and procedures of the Capuchin Province.

A meeting should be held, no later than one month from when the initial allegation was received, between the Safe Environment Coordinator, the Response Coordinator, the Victim's Advocate, and the Chairperson of the Independent Review Board, to make an initial assessment of next steps to make sure the allegations are addressed and the needs of the alleged victim are known and recognized.

E. Care for the accused

The friar who has been accused of sex abuse of a child or vulnerable adult should notify the Safe Environment Coordinator, Response Coordinator, legal counsel to the Province or the Provincial Minister and state "I have been accused of sex abuse and I need legal representation." No further statement is required to be made without legal counsel.²⁹

²⁸ Standard 1.2 of Praesidium's Accreditation Standards.

²⁹ In civil law, the communication between a friar and his minister is not privileged unless it is within the Sacrament of Reconciliation. Therefore, it is important to keep in mind that a prosecutor or counsel representing an alleged victim could subpoena the Provincial Minister and/or local minister or any other friar (other than one's confessor) to testify, under oath, to what he has been told by an accused about what happened. Statements volunteered to one's superior or fellow friar are generally not privileged.

In current cases of sexual abuse, the Provincial Minister, if necessary assisted by the Safe Environment Coordinator, will assist the accused friar in identifying and retaining an attorney experienced in representing people accused of sexual abuse. The attorney will advise the friar on how to deal with other lawyers, appropriate authorities, the media, etc. If it is not a current case of sexual abuse, the accused friar will be assisted in identifying and retaining a canon lawyer (i.e. an Advocate for the Accused) to help advise the friar during any internal investigation.

F. Response Procedures to Allegations³⁰

1. Initial Notices and Reports

The Provincial Minister, assisted by the Safe Environment Coordinator, shall first consult with legal counsel to determine to whom new allegations of sexual abuse should be reported, utilizing the following guidelines when applicable:

- Allegations against current or former friars of current sexual abuse should be reported to appropriate governmental authorities regardless of whether the person making the accusation is a minor or a vulnerable adult at the time the allegation is received, regardless of whether the allegations have “a semblance of truth”³¹ at the time they are received.
- In consultation with the Province legal counsel and Safe Environment Coordinator, notify the diocesan bishop and/or the organization where the alleged abuse took place and where the friar is currently working or residing when:³²
 - A report or allegation is received;
 - An investigation is initiated;
 - An investigation is complete; and
 - When an allegation is determined established.
- The Response Coordinator will coordinate with the Provincial Minister to inform the friar of the specific allegations that have been made against him.
- After consulting with the Province’s legal counsel, the Chairperson of the Independent Review Board and the Provincial Council, the Provincial Minister may inform the Capuchin Province of St. Conrad, the faith community in which the alleged abuse took place and, if advisable, the local public, in an appropriate manner.³³

If the alleged victim of current sexual abuse is a minor at the time the allegation is received, his or her identity will be provided to the appropriate governmental authorities. If the alleged victim of current sexual abuse is a vulnerable adult at the time the allegation is received and consents to the revealing of his or her identity, then his or her identity will be provided to the appropriate

³⁰ Standard 11.1-4 of Praesidium’s Accreditation Standards.

³¹ “Semblance of truth” is a standard and required to be considered by the Provincial Minister in a preliminary investigation by Standard 14 of the Praesidium’s 2024 Accreditation Standards for Catholic Men’s Religious Institutes. It is defined as “not manifestly false or frivolous.” A Resource for Canonical Processes for the Resolution of Complaints of Clerical Sexual Abuse of Minors (USCCB, Nov. 2003).

³² Standard 15.1-3 of Praesidium’s Accreditation Standards.

³³ Standard 1.4 of Praesidium’s Accreditation Standards.

authorities. If the alleged victim of current sexual abuse is a vulnerable adult at the time the allegation is received and does not consent to having his or her identity revealed, the alleged victim's identity will not be disclosed, unless otherwise required by appropriate law in the state in which the alleged abuse occurred or is reported.

2. Preliminary investigation ³⁴

Upon receipt of an allegation of sex abuse of a minor the receiving person, if not the Safe Environment Coordinator, shall report the allegations along with any contact information of the alleging person to the Safe Environment Coordinator to commence a preliminary investigation. The preliminary investigation will constitute, primarily, assembly of all facts available from the alleged victim, the person reporting the allegations to the Province if different from the alleged victim, the accused and any other pertinent factual information and perspectives available. The Safe Environment Coordinator shall arrange to gather sufficient information to complete as thorough an initial report as possible, including, at a minimum, the following: name, age, and contact information of the alleged victim; name of alleged perpetrator; approximate dates of alleged abuse; nature, type and location of alleged abuse; any additional relevant details.³⁵

The Safe Environment Coordinator will share all information received related to the allegations with the Provincial Minister and the Chair of the Independent Review Board. If the alleged victim is represented by legal counsel, the Province's legal counsel will also be consulted. Based on the information received from the preliminary investigation and any other relevant facts he is able to learn, the Provincial Minister will make an initial determination of whether the allegation bears "a semblance of truth."³⁶ Anonymous concerns should be investigated to the extent that is feasible based on known information.

If at any time during the course of implementing these procedures, civil or criminal proceedings are initiated against the accused friar or the Capuchin Province of St. Conrad, the procedures outlined here may, in whole or in part, be suspended immediately, to be resumed, if deemed necessary, only after the completion of the civil or criminal proceedings. The Province will cooperate fully with investigations by appropriate governmental authorities. The Provincial Minister, if necessary assisted by the Safe Environment Coordinator, will contact legal counsel to represent the interest of the Province.

During the investigations by the appropriate governmental authorities or during any internal investigation, the friar or person who is the subject of the investigation will be suspended from performing any public ministry and from any other responsibilities and duties, excepting, of course, the prayer schedule of the friary and other religious life and vowed obligations.

³⁴ Standard 14.1-5 of Praesidium's Accreditation Standards.

³⁵ Standard 10.3 of Praesidium's Accreditation Standards.

³⁶ "Semblance of truth" is defined as indicating "the possibility that there could be truth in the facts and circumstances" and not being "manifestly false or frivolous." *A Resource for Canonical Processes for the Resolution of Complaints of Clerical Sexual Abuse of Minors* (USCCB, November 2003).

All reports of allegations with “a semblance of truth” involving an individual friar will be directed for an additional “formal” investigation and review under processes of the Independent Review Board and placed in the permanent record of the individual friar.

3. Formal investigation³⁷

If the preliminary investigation concludes that there was “a semblance of truth” in the allegation, the Safe Environment Coordinator will proceed with notifying the Chair of the Independent Review Board and will commence a formal investigation by an independent third party investigator.

The Safe Environment Coordinator will present this information to a trained, independent third-party who will conduct the investigation.

All investigations will be documented. Documentation of these investigations will be stored in the archives of the Province. A summary of the investigation findings will be stored in the personnel file of the friar who is the subject of the investigation.

The Advocate for the Accused and, if necessary, the Provincial Minister, will maintain contact with the accused friar throughout the process of investigation.

In general, the Provincial Minister will keep the local Ordinary informed of everything that is transpiring with the investigation.

When he has received the completed investigation report, the Provincial Minister will present the results of the investigation to the accused friar, the Advocate for the Accused, the Safe Environment Coordinator and the Chair of the Independent Review Board for review and consideration. A copy of the response, in written form, will be given to the Independent Review Board as part of its formal review.

a) Independent Review Board

The Safe Environment Coordinator will report all allegations to the Independent Review Board within 30 days of receipt of an allegation. The Safe Environment Coordinator and the Chairperson of the Independent Review Board shall establish a schedule for a meeting of the Independent Review Board to review and consult on all active allegations and investigations.

The Safe Environment Coordinator, Response Coordinator and the Provincial Minister and his Council will document in writing all meetings and correspondence that they may have with the alleged victim and the accused friar. The documentation shall be shared with the Independent Review Board for its consideration along with all other information relevant to allegations and kept on file in the Provincial Office.

All Safe Environment personnel and the Provincial Minister and his Council will keep confidential all information received, except as otherwise provided in this policy statement or disclosures required by law.

³⁷ Standard 14.1-5 of Praesidium’s Accreditation Standards.

At all times, all Safe Environment personnel and the Provincial Minister and his Council will endeavor to respect the rights of the alleged victim and the accused friar.

b) Determination of allegation

At the conclusion of a formal investigation and the assembly of all other relevant information, the Independent Review Board will review, consider and advise the Provincial Minister of its opinion of the case and advise of its conclusion that the allegation is “established” or “not established.”

An “Established Allegation” is defined as follows:

Based upon the facts and the circumstances, there is objective certainty that the accusation is true and that an incident of sexual abuse of a minor has occurred.

The judgment of the major superior must be based upon facts and circumstances discovered during the course of the investigation, not on simple opinion.³⁸ An Established Allegation is not based upon a “preponderance of the evidence,” i.e. more likely to be true than not, which may be established by 51% or more of the evidence. Established Allegation is in keeping with the canonical standard of “moral certitude” which states that the major superior recognizes that the contrary (that the allegation is false) may be possible, but is highly unlikely or so improbable that the major superior has no substantive fear that the allegation is false.³⁹

The major superior shall have the requisite education, training, and/or experience in the impact of child sexual abuse and how to promote healing for survivors.⁴⁰ The Major Superior shall be able to describe Capuchin Province of St. Conrad’s civil and ecclesiastical reporting requirements.⁴¹ The Major Superior shall be able to describe how he collaborates and communicates with the review board.⁴³

The Provincial Minister, in consultation with the Provincial Council, will decide on the course of events after receiving the advice of the Independent Review Board.

In all instances, the final disposition of the matter rests with the Provincial Minister ~~and his Council~~, always recognizing the friar’s right to appeal to the General Minister. It is the Provincial Minister’s responsibility to communicate his decision to the person who made the complaint, to the friar involved, and to other parties, including the General Minister, as necessary and appropriate, and this response will be documented.

When there is evidence of inappropriate behavior which does not constitute child abuse, or when there is corroborating evidence of abuse or sexual misconduct with someone other than a minor or a vulnerable

³⁸ Standard 3.6 of Praesidium’s Accreditation Standards.

³⁹ Conference of Major Superiors of Men (CMSM) *Instruments of Hope and Healing - 2016 Standards for Accreditation*.

⁴⁰ Standard 3.1 of Praesidium’s Accreditation Standards.

⁴¹ Standard 3.2 of Praesidium’s Accreditation Standards.

⁴² Standard 7.1-2 of Praesidium’s Accreditation Standards.

⁴³ Standard 3.3 of Praesidium’s Accreditation Standards.

adult, even though it may not be sufficient to lead to an actual conviction in a court of law, actions should be taken regarding the accused friar or the accused volunteer or employee, not excluding termination of employment for the employee and dismissal of the volunteer. Such action will be taken by the Provincial Minister and his Council with the advice of legal counsel.

2. Procedures in cases of established allegations

If, after a thorough investigation, the Provincial Minister determines that an allegation of sexual abuse against a minor is established, appropriate governmental and ecclesiastical authorities shall be re-contacted and a follow-up report will be submitted, if requested.

Concerning the survivor, the Capuchin Province of St. Conrad (Mid-America) will offer the assistance of a Victim's Advocate, who will encourage and make available appropriate pastoral care to both the survivor and his/her family. The Provincial Minister will personally visit with the survivor and/or family if requested. The Victim's Advocate should accompany the Provincial Minister on such a visit. If the survivor is currently a minor, a parent or guardian also must accompany him/her.

The Province will not enter into confidentiality agreements in settlements of civil lawsuits over alleged or established child abuse unless requested by the alleged victim or survivor.⁴⁴

The Provincial Minister will inform the leadership of all organizations with which the friar has been involved that the friar has admitted to or has been determined that, he has sexually abused a minor.

Every established allegation, along with the name of the perpetrator and a description of the abuse, will be sent to the General Minister in Rome. The General Minister will then report that information to the Holy See.

Restrictions will be placed on the friar with established allegation and he will be assigned to live in a supervised setting (see Section VI: Supervision). The friar may also receive canonical penalties, up to and including dismissal from the Capuchin Order and, where applicable, the clerical state.

3. Procedures in cases of non-established allegations

If the Provincial Minister decides that the report of abuse is not an established allegation, appropriate governmental and ecclesiastical authorities will be contacted and provided this additional information.

The Provincial Minister will then coordinate communication with all appropriate parties in order to promote reconciliation and to repair the damage to reputations.

G. Allegations involving the Provincial Minister

Allegations of sexual abuse of a minor perpetrated by the Provincial Minister should be reported to the Safe Environment Coordinator and the Provincial Vicar. The Provincial Vicar should notify the General Minister of the allegation and proceed as directed by the General Minister.

⁴⁴ Standard 1.6 of Praesidium's Accreditation Standards.

H. Allegations involving employees or volunteers

If allegations are made against an employee or volunteer of the Capuchin Province of St. Conrad who is not a friar, the accused employee/volunteer will be placed on a temporary leave of absence, with or without pay at the discretion of the Provincial Minister, until sufficient information has been obtained to determine if the allegations are established. A Victim's Advocate will be appointed. If the allegations are established, counseling services may be offered to the alleged victim and his/her family at the expense of the Capuchin Province of St. Conrad, and the employee will be dismissed.

I. Procedure for Reporting and Responding to Boundary Violations (Standard 9)

A situation may arise where a friar either observes or becomes aware of inappropriate behaviors or boundary violations by another friar. The behavior would not be classified as sexual abuse of a minor or a vulnerable adult, and so, does not require the necessary mandatory reporting to civil authorities. However, the behavior must still be addressed, as boundary violations are contrary to the ethical and spiritual care with which friars are entrusted.⁴⁵ If not properly addressed, boundary violations may evolve into a situation in which the friar may find himself being accused of more serious misconduct or even sexual abuse itself.⁴⁶

Any friar who becomes aware of a boundary violation by another friar must report it to the Guardian of the friary where the friar engaged in the behavior lives. The Guardian will confer with the Provincial Minister to determine the best course of action and whether the behavior warrants intervention from the Guardian solely or from the Provincial Minister himself.⁴⁷

The Provincial Minister shall document all reports, interventions, plans for remedial actions, and any restrictions or conditions placed on the friar.

The Provincial Minister will inform the Safe Environment Coordinator of the reported boundary violation and the outcome of the intervention. The Safe Environment Coordinator will maintain a file with the relevant documentation mentioned above.⁴⁸

The Safe Environment Coordinator will inform the Independent Review Board of the boundary violation and the Province's adherence to required policies and standards for safe environments in its ministries and communities.

VI. Restrictions on Friars with Established Allegations

A. Supervisory framework

These procedures describe the elements of a pastoral care framework that will be developed for each friar of the Province about whom an established allegation of sexual abuse has been made (referred to

⁴⁵ Standard 6.1-2 of Praesidium's Accreditation Standards.

⁴⁶ Standard 9.1-4 of Praesidium's Accreditation Standards.

⁴⁷ Standard 10.3 of Praesidium's Accreditation Standards.

⁴⁸ Standard 10.6 of Praesidium's Accreditation Standards.

sometimes as “restricted friars”). Most of these procedures address cases where the allegation is that of abuse of a minor or vulnerable person.

The purpose of this framework is to:

- assure the Church and the public, especially minors, of all reasonable measures to prevent any future occurrence;
- provide a structure within which the friar can continue his life in the Order as a vowed friar of a religious community;
- provide appropriate care for the friar and the opportunity for such personal conversion and rehabilitation as may be needed;
- guide the Provincial Minister, the friar, and others in determining work, place of residence, and other activities;
- encourage friar communities in welcoming and supporting the friar in his desire to continue his life as a friar within this framework; and
- assure the friar’s own communities of both proper care and appropriate limits with respect to their brothers in the Order.

It is intended that all of the elements below be adapted in a Safety Plan for each friar about whom an established allegation of sexual abuse has been made, depending on such factors as severity and number of instances of the abuse, age and health of the friar, and the recommendations of the Independent Review Board. The framework, however, sets out the elements to be developed in writing for each friar, reviewed by the Independent Review Board, and shared with the friar and his supervisor, the Provincial Minister and his Council, and as appropriate, members of his local community. The Safety Plan shall be signed by the friar and the Provincial Minister as well as the designated supervisor.

The friar who has abused is to have a supervisor in the friary who will be physically and emotionally capable and adequately trained in supervision regarding people who have been accused of sexual abuse. The supervisor will ordinarily be the Guardian of the friary. He will have access to all pertinent information that is not otherwise privileged about the friar who has abused. The Provincial Minister will meet with the supervisor at least twice each year and with the friar himself at least once a year.⁴⁹

The supervisor will submit an annual Safety Plan Compliance Report to the Provincial Minister and the Independent Review Board for each friar under his supervision. Besides noting any instances of non-compliance with a Safety Plan, the report should mention the frequency of meeting between the supervisor and friar, the frequency of meeting between the Provincial Minister and the supervisor; and a summary of the friar’s current strengths and challenges under the Safety Plan. The Provincial Minister with his Council and the Independent Review Board will monitor compliance with individual Safety Plans and make recommendations as appropriate to update Safety Plans, as needed, annually.

If deemed necessary, a supervisory team may be set up for an individual friar. This team will ordinarily consist of: the designated supervisor, Guardian (if he is not the supervisor), Vicar, and a friar of the accused

⁴⁹ Standard 20.1-7 of Praesidium’s Accreditation Standards.

friar's choosing (should he desire), subject to the approval of the Provincial Minister. This supervisory team will meet at least quarterly to discuss the progress of the friar who has abused.

The friar who has abused a minor or vulnerable adult:

- is required to have spiritual direction regularly as determined by the Provincial Minister in consultation with the supervisor. His Safety Plan must be shared with the spiritual director.
- must participate in therapy as determined by the initial assessment.
- must attend a support group program if advised by his therapist.
- may seek medication from a psychiatrist as part of the treatment program at the advice of and pursuant to the direction of a therapist authorized to do so.
- may be required by his spiritual director to keep a journal to be reviewed by that same spiritual director.
- will meet with a supervisor as identified in the individual Safety Plan. After the meeting there will be documentation placed in the friar's permanent file.

B. Determination of level of risk of reoffending

A friar about whom an established allegation has been made will be asked to submit to a professional evaluation as to his psychological condition and proclivity to harmful behavior in the future. Assessment and treatment can help determine the mental health status of the friar and provide support dealing with the crisis as well as direction regarding future placement in a friary or other supervised residence. Through the friar's signing of a release, the information resulting from such evaluation, treatment and correspondence shall be provided to the Provincial Minister.

Based on the professional assessment and the recommendation of the Independent Review Board, the Minister Provincial will make an initial determination of the risk of re-offending on the part of a friar who has an established allegation of sexual abuse of a minor. He will be assigned a category of "high risk", "medium risk", or "low risk" for reoffending, which will be documented in the Safety Plan. This determination of risk guides the details of the restriction in the Safety Plan, and may change year to year on account of the friar's growth or changing circumstances.

A friar who refuses to undergo a professional risk assessment may be given the category of "provisional high risk" for reoffending.

C. Evaluation and therapy

If requested, the friar will undergo further evaluations, arranged for by the Provincial Minister or his delegate.

Subsequent to that evaluation, the friar may be asked to participate in such inpatient and/or out-patient treatment as recommended by the evaluation professionals, as well as such other physical, psychological, and spiritual rehabilitation as may be determined appropriate by the Provincial Minister or recommended by such professionals or the Independent Review Board, as well as the terms of the Safety Plan.

The friar may be required to report to the Provincial Minister in writing periodically (e.g., monthly, quarterly or annually, as appropriate to the situation), describing his progress in terms of work, therapy, spiritual direction, community life, and such other matters as may be appropriate.

Information necessary to implement the Safety Plan shall be provided to the friar's supervisor and the Independent Review Board.

Any information about a friar who has been accused of abuse shall be kept confidential by those receiving it, except as required by law to be revealed.

D. Place of residence

Once the evaluation has been made, the friar will be stationed in a friary or other appropriate supervised place of residence, in accordance with the direction given by the professional evaluation and as determined by the Provincial Minister and his Council with permission of the local Ordinary.

The friar should be assigned to reside only at a facility suitable to protect the public, given the risk of possible future harm. That residence/facility should never be less than 1000 feet from a grade school, secondary school, children's playground, or child care center. The Provincial Minister may determine exceptions to this can be made on the basis of a "low" risk assessment and the special needs of the friar or the fraternity. In case of exceptions, the Safety Plan must note the Provincial Minister's approval of an exception, the reasons and the endorsement of the Independent Review Board.

No separate apartment, private home, or other domicile will be allowed as a permanent residence for a friar who has had an established accusation.

E. Community Support and Community Roles

The local community can and should play an important part in helping a friar who has been restricted and who wishes to continue his life as a friar.

After a friar has submitted to an evaluation and appropriate treatment, the local communities should welcome the restricted friar as a brother.

It may also be appropriate for a mentor to be appointed for the friar who would assist and support him in his efforts to maintain his program of care and treatment.

A restricted friar, as allowed by Canon Law, will be permitted to celebrate the Eucharist with only friars present, lead community prayer, hear confessions of friars only, and perform community jobs and other responsibilities.

A restricted friar will not be allowed to serve as Provincial Minister or hold any other office of jurisdiction in the Province or Order. He may be elected to the House Council in his friary only with permission of the Provincial Minister and his Council.

Upon the recommendation of the Provincial Minister, the local Guardian shall, as appropriate, inform all or part of the community in which such a friar shall live of the fact that a friar is so restricted and the appropriate specific terms of his Safety Plan, so that the community can assist him in achieving its goals.

Communities may need the advice and consultation of appropriate professionals to assist the community in preparing itself to receive the restricted friar and to provide him the necessary care and support.

F. Work and ministry

In accord with the requirements established by the Praesidium's Standards for Accreditation, an ordained friar with an established allegation of abuse of a minor or vulnerable person will not be allowed to function publicly as a priest or deacon. This includes any public celebration of the sacraments and use of the title "Father" or "Reverend" in public communications.

In the case of a non-ordained friar, he may not be allowed to function publicly in external ministry associated with a religious congregation (e.g., school teaching, coaching, parish staff work) or use of the title "Brother" in public.

A friar or brother who has abused a minor may be forbidden to wear clerical or distinctive religious attire in public, according to his level of risk.

The Provincial Minister and his Council will determine removal from, or restrictions on, public ministry for a friar with an established allegation of sexual abuse of or sexual misconduct with an adult. The determination is made after consideration of the accused friar's risk level, among other factors that the Provincial Minister deems relevant, which may include appropriate psychological testing and advice received from psychologist. If it is determined that the friar can do ministry, the consent of the local Ordinary is required.

If physically and mentally able, the friar who has been removed from public ministry should engage in appropriate work in support of the ministries of the Province or in other service to people in need.

Such employment might include the following:

- internal service in a community of the Province, such as a retirement place;
- administrative work for the Province;
- remunerative non-ministerial work to support the ministries of the Province;
- service to people in need such as writing to prisoners, taping books for the sight impaired;
- telephone reassurance programs for shut-ins, or some other form of supervised service.

Where appropriate, friars restricted or removed from public ministry may need vocation assessment and/or occupational counseling to assist in determining meaningful and useful work. The Provincial Minister should consult with the friar involved to determine his interests and capacities and to promote his initiative in developing work opportunities.

In all cases, the ministry of prayer for the Order and the Church on the part of the restricted friar is a valuable contribution to the Province and the Order.

If a friar on a Safety Plan is assigned to work with an outside organization, the Provincial Minister will notify the organization in writing of his situation, including a history of the problem behaviors, his current

restrictions, and the name and contact information of the Provincial Minister and Safety Plan Supervisor. Documentation of this notice will be kept in the files of the Safe Environment Coordinator.⁵⁰

G. Contact with Others

Under no circumstances will a friar with an established allegation of abuse of a minor be allowed contact with minors without the ongoing supervision of other adults present at all times when minors are present.

This prohibition includes meals in restaurants, going to the movies, riding in automobiles, or private conferences in parish or community offices, community parlors, bedrooms of friars, etc.

Similar prohibitions may be applied to a friar with an established allegation of abuse of an adult, depending on circumstances and as determined by the Provincial Minister and his council.

Ordinarily, a friar who has had an established allegation of sexual abuse, whether of an adult, minor, or other vulnerable person, should not be assigned to a formation fraternity.

H. Travel, Vacation, Retreat

Vacations alone or with minors, even supervised, are not permitted for a friar with an established allegation of sexual abuse. Individual friars' Safety Plans will indicate restrictions for travel, vacation, and spiritual retreat.

Retreats made alone in solitary locations are not permitted for medium or high-risk friars. Normally, retreats made by friars with imposed restrictions under this Policy (Restricted Friars) should be made in Capuchin retreat facilities. Permission can be given for Restricted Friars to make retreats in other Catholic facilities as long as the retreat director of the facility is made aware of the friar's restrictions.

Other travel may be restricted to that related to assigned work or family visits; if appropriate, a friar companion for travel also may be required. The supervision of travel is decided on a case-by-case basis. Additional specific permissions for travel may be required from the Provincial Minister. Doubts about specific travel should be referred by the local Guardian to the Provincial Minister. Similar prohibitions may be applied to a friar with an established allegation of abuse of an adult.

I. Driving

Restrictions may be placed on driving alone or having use of a personal vehicle.

Some Restricted Friars may be required to request specific permissions for use of house cars from the local Guardian, to keep a driving log or to only drive with other friars.

J. Publication and Publicity

Restrictions on publications, letters to the editor, web pages, radio and television appearances, and email may be appropriate for a Restricted Friar. If permitted, the friar may not identify himself as a religious or priest in any of these writings and appearances.

⁵⁰ Standard 7.4 of Praesidium's Accreditation Standards.

Sensitivity for victims would dictate caution with regard to photographs of Restricted Friars displayed in friar publications and institutions, especially those in service to minors.

In some cases, a Restricted Friar's use of mail and phone may need regulation.

K. Internet Use for Friars with Established Allegations

The friar, in consultation with the Provincial Minister and with positive recommendations from the Independent Review Board and personal counselor, may have the use of the Internet.

The Provincial Minister and the Independent Review Board will require appropriate "blocks" and other supervisory measures which will be stated in the Safety Plan.

L. Information for Friars and Others

The Provincial Minister, in consultation with his Council and the Independent Review Board, will determine whether and/or how to inform the Province membership – in general terms – of those friars who have been restricted.

M. Safety Plans

Individual Safety Plans will be comprised of the appropriate directions from this Policy and any other directions that the Provincial Minister and his Council will make. The Independent Review Board will review the individual Safety Plans annually and make recommendations to the Provincial Minister for appropriate revisions. An individual Safety Plan may be modified by the Provincial Minister and his Council, if necessary. Any modifications that are made should have the endorsement of the Independent Review Board.

A. Information to be in Safety Plan⁵¹

The following information shall be included in every Safety Plan:

1. Name of accused friar, his age, current residence, provincial assignments and fraternal services.
2. Short narrative history of friar's accusation(s), including the number of survivors, their gender and their age at the time of the alleged abuse(s).
3. Professional evaluations, risk assessment and treatment history.
4. Restrictions, limitations and other strategies of risk-reduction, including Parole/Probation/Registry requirements if necessary, and changes in risk-level assessment based on age and other circumstances.
5. Ministerial assignment or activities, if applicable.
6. Requirements and programs for growth and conversion, including spiritual direction, supervisory meetings, counseling/therapy, and fraternity-based opportunities of personal development and service.

⁵¹ Standard 17.1-3 of Praesidium's Accreditation Standards.

7. How the Province will address issues of aging as they relate to risk.
8. The person responsible for each risk-reduction strategy.
9. Consequences for non-compliance with the Safety Plan.
10. Signatures: Individual friar, Provincial Minister, Supervisor, Chairperson of the Independent Review Board, and Safe Environment Coordinator.
11. Date last reviewed by the Independent Review Board.

B. RESTRICTIONS FOR ALL FRIARS ON SAFETY PLANS (which may vary according to the level of risk)⁵²

1. The friar who has abused is prohibited from any one-on-one contact with minors: face-to-face, telephone, letters, and email. This prohibition includes holding any position which allows access to minors, including any position within a parish or school. Any exception to this for low-risk friars must be approved by the local Ordinary, Provincial Minister and the Independent Review Board, and such permission is to be documented in the friar's individual Safety Plan.
2. The friar who has abused may not have his picture in any major publication.
3. The friar who has abused may not participate in external pastoral ministry.
4. The priest friar who has abused may preside or concelebrate at a Mass that is celebrated with only friars present.
5. The friar who has abused may leave the friary only with another friar, or with the permission of his supervisor for low risk friars.
6. The friar who has abused should always communicate with his supervisor regarding visitors prior to their arrival. When this is not possible, the restricted friar should inform his supervisor of the visit and the visitors as soon as it is reasonably possible.
7. The friar who has abused may have a vacation, with permission of the Provincial Minister and with appropriate supervision, approved by his Supervisor, for his travel and time on vacation.
8. The use of money shall be monitored by the bursar of the friary or a qualified designee.
9. If the friar who has abused attends funerals, weddings, etc. in his immediate family, he may wear his habit only with permission of his supervisor and if other friars in habit are present.
10. If a priest-friar who has abused attends funerals, weddings, baptisms, etc., in his immediate family, he cannot concelebrate at the liturgy. Any exceptions to this must be approved by the Provincial Minister and must conform to the standards of the diocese in which the liturgy takes place.

⁵² Standard 18.1-4 of Praesidium's Accreditation Standards.

C. FOR FRIARS OF HIGH RISK FOR REOFFENDING LIVING IN A CERTIFIED TREATMENT CENTER

The Provincial Minister and his Council in consultation with the friar's psychological team may choose a treatment center for the friar with high risk. In this case, the friar will follow the rules of supervision of the treatment center and the rules for every Safety Plan.

VII. Policies and Operating Procedures for the Independent Review Board⁵³

A. Establishment and Purpose

The Provincial Minister will utilize a Review Board for the purpose of providing consultation to the Provincial Minister on the Province's management of all cases of sexual abuse of a minor by current, former, and/or deceased Members.

The Provincial Minister's designee, the Safe Environment Coordinator, shall notify the review board:

- a) Within 30 days of when an allegation or report of sexual abuse of a minor is received;*
- b) When the preliminary investigation is complete; and*
- c) When any final investigation is complete.*

The Review Board is responsible for independently reviewing, consulting and advising the Provincial Minister on its considerations and conclusions of the established or non-established nature of all allegations of sexual abuse of minors.

The Review Board is responsible for providing its recommendations and input with respect to the development of new Safety Plans:

- a) The Review Board will review all Safety Plans at least annually.*
- b) The Review Board will provide recommendations about any modifications that should be made to Safety Plans.*

The Review Board will assist in the review of situations where a Member has engaged in repeated boundary violations with a minor or where a minor is known to be in danger.⁵⁴ The Review Board will provide recommendations for the development of a Restriction Plan to help the Member cease the problematic behavior.

⁵³ Standard 16.1-10 of Praesidium's Accreditation Standards.

⁵⁴ Standard 10.4 of Praesidium's Accreditation Standards.

B. Review Board Selection

The Provincial Minister shall appoint members of the Review Board by letter of appointment signed by the Provincial Minister. A member of the Review Board may be removed at the discretion of the Provincial Minister in consultation with the chair of the Review Board. Members shall be removed by letter of removal signed by the Provincial Minister. The Review Board exists solely to provide advice and has no independent power or authority.

C. Operating Procedures

The Review Board shall have its own operating procedures, approved by the Provincial Minister in consultation with his Council.

1. Confidentiality

a. Review Board Members shall sign a confidentiality agreement and undergo a criminal records check.

b. The records and other information received by the Review Board shall be treated as confidential, subject to the requirements of governmental authorities, local and federal court rules, this Policy and the policies of the Province.

c. The Review Board's advice to the Provincial Minister regarding particular cases shall be confidential; provided, however, that the Provincial Minister may, at his discretion, disclose the advice he receives from the Review Board.

d. The Province recognizes that the Review Board may receive confidential and sensitive information that could be used to injure the reputations of individuals. At the same time, the Province recognizes that the Review Board's records may contain information relevant to civil and criminal law investigations.

e. It is the policy of the Province to cooperate fully with all legal requirements and governmental agencies while, at the same time, respecting any applicable civil and canon law rights and requirements of confidentiality, attorney-client privilege and privacy for the Province and its friars.

f. Federal and state law prohibits the disclosure of certain protected health information. The Review Board shall endeavor to protect the confidentiality of such information, consistent with applicable law and the terms of its Confidentiality Agreement with the Province and as applicable to each friar, which it may receive by way of appropriate releases of information, to the fullest extent of the law.

2. Composition of the Board

a. The Review Board shall consist of not less than five (5) individuals; of which no more than two (2) individuals on the Review Board may be Members of the Province. Any change in the maximum number of individuals on the Review Board shall be decided by the Provincial Minister, in consultation with his Council.

b. The Review Board shall include representation from the following groups:

- i. professionals from the social sciences, (psychologists, counselors, survivors' advocates, and/or social workers);
 - ii. representatives from the legal or law enforcement profession or state protective services; and
 - iii. persons from the lay community and up to two friars.
- c. While it may occasionally be acceptable for an individual on the Review Board to also be an employee of the Province, it is preferable for the individuals on the Review Board not to be employees of the Province. At no time may the majority of Review Board Members be employed by the Province.
- d. All Review Board members shall be over the age of twenty-one (21) years.
- e. The survivor assistance coordinator/counselor or legal representative/counsel of the Province cannot be a member of the Review Board. The survivor assistance coordinator will be provided with written guidelines for fulfilling their role. Further, the major superior may participate in providing a pastoral response, he shall not serve as the survivor assistance coordinator/counselor.⁵⁵
- f. Members of the Review Board should be mindful of not taking on responsibilities for the Province that may create a dual role that also presents a conflict of interest and challenges the independent nature of the Review Board.

3. Terms of Membership

- a. Individuals shall be appointed for a term of five (5) years by the Provincial Minister in consultation with his council and may be reappointed indefinitely.
- b. Any member may resign at any time by giving a written notice of such resignation to the Provincial Minister or the Chair of the Review Board.
- c. Any vacancy on the Review Board occurring during the year, including a vacancy created by an increase in the number of individuals, may be filled by an appointment by the Provincial Minister for the unexpired portion of the term. Those appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the unfinished term and may then be reappointed to a full term at the discretion of the Provincial Minister.
- d. In exceptional cases, an individual may request a leave of absence from the Board. Such a request is ordinarily directed to the Provincial Minister or Chair of the Review Board.
- e. The Review Board Members may serve as volunteers or as paid professionals.
- f. The Province shall reimburse individuals on the Review Board for reasonable expenses incurred in attending meetings of the Review Board or in otherwise performing their duties on the Review Board.

⁵⁵ Standard 2.1-3 of Praesidium's Accreditation Standards for Catholic Men's Religious Institutes.

g. The Province indemnifies and holds harmless all individuals on the Review Board for any and all claims, lawsuits, damages or other actions, including but not limited to reasonable costs of defense, which may arise from their service on the Review Board.

h. The Province does not indemnify individuals on the Review Board for their intentional tortuous or criminal acts.

4. Conflict of Interest

a. Any individual on the Review Board who is related by blood or marriage to, or, in any kind of employment, financial or business relationship with, in any kind of professional or spiritual counseling relationship with, or who would have any other conflict of interest or the appearance of a conflict of interest with an alleged victim or an accused friar or other affiliate of the Province, shall inform the Chairman of the conflict and recuse himself or herself from all deliberations concerning the particular matter in question.

b. Any individual on the Review Board who determines that he or she has a conflict of interest or the appearance of a conflict of interest with the Province itself or with the work of the Review Board, shall inform the Provincial Minister and the Chairperson of the conflict and shall resign from the Review Board.

5. Frequency of Meetings

a. There shall be at least an annual meeting of the Review Board to be held as designated by the Chair of the Board.

b. Special Meetings: A special session of the Review Board may also be held at any time on the call of the Chair, the Safe Environment Coordinator, the Province's attorney, or any three (3) individual board members, with the concurrence of, or at the recommendation of the Provincial Minister, or as new cases and/or special need arises.

c. Notice of Meeting: Notice of all meetings shall be given to the members of the Review Board via email by either the Provincial Minister, the Safe Environment Coordinator, or Chair at least fourteen (14) days before the meeting.

d. Supporting materials for meetings shall be provided at least one week prior to a scheduled meeting.

e. The notification period may be shortened if it is deemed necessary for any urgent matters.

f. Manner of Meetings: The Review Board may meet in person, by conference call, or web conferencing. The Chair shall call the meeting to order and introduce the Provincial Minister, his representative, the Safe Environment Coordinator, the Investigator and other guests to present the matter(s) brought before the Review Board. Regardless of the manner of the meeting, the Review Board shall discuss the matter at hand as a group before submitting any advice, recommendations or feedback to the Provincial Minister.

6. Annual Meeting Requirements

a. Safety Plan Review

i. The Review Board will receive annual reports from the Supervisor of the Members on Safety Plans including:⁵⁶

1. The Member's overall response to the Safety Plan;
2. Information about any violations of the Safety Plan; and
3. Information about any other boundary violations of misconduct.

ii. Safety Plans will be reviewed annually and at least within thirty (30) days of the Safety Plan's development.

iii. The Review Board will document recommendations offered to the Provincial Minister.

7. Media Communications

a. The members of the Review Board shall abstain from answering any inquiries made by the media or others with respect to matters related to the Province, unless expressly authorized to do so. All media inquiries should be directed to the Director of Communications.

8. Records Retention

a. The files of the Review Board are the property of the Province. The Provincial Minister and all current Review Board Members shall have access to the Review Board's files. The Review Board's files shall be stored at a place designated by the Provincial Minister.

b. The Safe Environment Coordinator shall create a file on each case or matter it considers. Each file shall contain:

- i. A written description of the matter presented to the Review Board;
- ii. a written summary of the advice given by the Review Board;
- iii. a written summary of the action ultimately taken by the Provincial Minister in light of the Review Board's advice; and
- iv. such other information as the Review Board determines to be relevant to any future consideration of the case or matter by the Review Board or the Province.

9. Required training for Review Board Members

a. The individuals on the Review Board are provided initial formation for their unique role in providing confidential consultation to the Provincial Minister.

b. These individuals are provided copies and an explanation of the following documents:

⁵⁶ Standard 19.2-6 of Praesidium's Accreditation Standards.

- i. Charter for the Protection of Children and Young People;
 - ii. Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons;
 - iii. Motu Proprio, “Sacramentorum Sanctitatis Tutela (SST)”;
 - iv. 2002 CMSM Statement of the Assembly;
 - v. Province’s Policies;
 - vi. Praesidium Accreditation Standards;
 - vii. Motu proprio, “Vos estis lux mundi.”
- c. The Province shall provide individuals on the Review Board with on-going formation regarding best practices in the disposition of cases of sexual abuse of minors by Members.
10. How information will be disseminated to Review Board members
- a. When considering the disposition of a case of sexual abuse of a minor by a Member, the individuals of the Review Board are given the following:
 - i. Initial report of allegation and documents, such as in-take forms, letters, e-mail, etc.⁵⁷
 - ii. Documentation of notice to civil authorities;
 - iii. Written report of the Investigation;
 - iv. Any other cases of sexual misconduct by the Member, including with adults;
 - v. Other relevant disciplinary actions against the Member and the reasons for the actions.
 - b. The Provincial Minister or his representative may present information in any form, oral, written, graphic or recording for the Review Board’s consideration. After the presentation, the Review Board Members may:
 - i. Ask questions;
 - ii. Request additional information; and/or
 - iii. Discuss the matter with the Provincial Minister or his representative.
 - c. After the question and answer period or discussion is completed, the Members shall deliberate and formulate their advice outside the presence of the investigator. Deliberations may take place in the presence of the Provincial Minister or his representative, at the discretion of the Review Board. After the

⁵⁷ Standard 1.7 of Praesidium’s Accreditation Standards.

Review Board receives the presentation and information from the Provincial Minister or his representative, the Board shall carefully consider and deliberate over the information.

d. Possible alternatives for the disposition of cases

i. After carefully reviewing all the information, the Review Board makes a recommendation to the Provincial Minister regarding:

1. The assessment of the allegation of sexual abuse allegedly committed by a Member and;

2. The suitability for ministry for the accused Member.

ii. Based on the facts and circumstances, an allegation of sexual misconduct can be established only when there is objective certainty that the accusation is true and that an incident of sexual abuse of a minor has occurred by the Member accused.

iii. After hearing the Review Board, the Provincial Minister alone judges whether an allegation of sexual abuse of a minor by the Member has (or has not) been established.

iv. The judgment of the Provincial Minister must be objective, i.e., based on facts and circumstances discovered in the course of the investigation. The judgment of the Provincial Minister admits to the contrary (falsity of the accusation) is indeed possible but highly unlikely or improbable, to the extent that the Provincial Minister has no fear of the contrary (falsity of the accusation) may be true.

e. Timeframe allotted for providing a response once an allegation has been received by the Review Board;

i. Option A: The Review Board will provide a response and recommendations regarding an allegation the same day on which they meet to decide the matter.

ii. Option B: The Review Board will provide a response and recommendation regarding an allegation within one week after meeting and receiving all relevant information.

Previous Revisions and Dates of Approval

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Approved by Provincial Council: July 2019

Revised in April 2025

Approved by Independent Review Board: April 2025

Approved by Legal Counsel: March 2025

Approved by Provincial Council: April 2025

SCHEDULE A

Safe Environment Positions & Duties

(Revised April 2025)

Safe Environment Coordinator – A part time employee who receives reports of alleged sexual misconduct by personnel, helps coordinate the response of the Province to such reports, and maintains appropriate records. His/her duties include:

1. Coordinate with the Provincial Minister when an allegation of sexual misconduct is received ensuring that the requirements of the *Standards for Accreditation* are fulfilled, including:
 - a. report to the local law enforcement authorities unless a report has already been made;⁵⁸
 - b. notify the accused of the specific allegations reported and of available assistance (i.e. an Advocate for the Accused)
 - c. notify the local bishop where the alleged abuse took place;
 - d. if the allegation has been established, notifying the leadership of the organization/ministry where the alleged abuse took place;
 - e. consult with the Province's legal counsel about the report;
 - f. notify the Chairperson of the Independent Review Board;
 - g. work with professionals to conduct a thorough independent investigation of the allegation (a Canonical Preliminary Investigation);
 - h. maintain an accurate and complete case file regarding the allegation;
 - i. give copies of the case file to the Independent Review Board and to the Province's attorney;
 - j. forward the case file, when determined to be an established allegation, to the General Minister in Rome.
2. Maintain all records for the accrediting agency, including documentation of background checks, safe environment training, and fulfillment of the *Standards for Accreditation* and other Safe Environment requirements;
3. Work with the supervisors of friars on Safety Plans to conduct reviews of compliance with each Safety Plan;

⁵⁸ Standard 6.6 of Praesidium's Accreditation Standards.

4. Provide to the Independent Review Board and Provincial Minister written compliance reports, which are kept in the records of each friar on a Safety Plan;
5. Maintain an accurate filing system with records related to all allegations, past and present;
6. Coordinate with the Chairperson of the Independent Review Board regarding meeting agendas;
7. Attend Independent Review Board meetings.

Response Coordinator – A designated friar who receives reports of any allegation from the Safe Environment Coordinator, Provincial Minister, or directly. His duties include:

1. Contact the victim and convey the concern of the Province; explain the victim's right to contact law enforcement; obtain any additional information about the alleged abuse from the victim; and notify the victim that the Victim's Advocate will be contacting him/her if the alleged victim so desires;
2. If the assistance of a Victim's Advocate by the alleged victim is declined, help the victim, when appropriate, in finding a competent psychological or spiritual counselor.
3. Contact the Victim's Advocate;
4. Provide any necessary documents or records to the Safe Environment Coordinator as part of his/her responsibility to maintain an accurate case file of the allegation, including copies of relevant correspondence, a report from the Victim's Advocate, which describes all assistance provided to the victim to date; any evaluation report prepared by a professional consulted by the Province, except for the underlying health records;⁵⁹
5. Attend Independent Review Board meetings at the invitation of the Chairperson.

Victim's Advocate – A volunteer who assists persons that allege that they were sexually abused by a friar or Province employee. She/he shall treat the victim with respect, maintain a professional relationship with the alleged victim for as long as appropriate, and shall not serve as therapist, attorney, or spiritual director for the alleged victim. His or her duties include:

1. Upon receiving a report of suspected sexual abuse of a child, the Victim's Advocate shall contact the victim and make clear the concern of the Province;
2. Assure them that the report will be investigated promptly and thoroughly and that the province will deal appropriately with the accused;

⁵⁹ Standard 1.7 of Praesidium's Accreditation Standards.

3. State that they are not being requested to give up any legal rights against the accused or the Province; that sexual abuse is a crime and they may wish to pursue criminal proceedings without interference from the Province;
4. Inform them whether a report has been made to law enforcement authorities;
5. Help the victim, when appropriate, in finding a competent psychological or spiritual counselor.
6. Advise them of the Province's general policy of confidentiality unless they choose to address the alleged abuse publicly, in which case the province may, in the interest of justice and fairness, reveal information that might otherwise be held in confidence; and
7. Offer to be present during any meetings between the alleged victim and other Province representatives responding to the claim.
8. Advise the Response Coordinator of the victim's response to the Victim's Advocate's actions and any help requested by the victim in finding a competent psychological or spiritual counselor.
9. Submit recommendations to the Response Coordinator about support for the victim;
10. Assess, after consultation with the Response Coordinator, any special needs of affected entities and to recommend any actions or programs to help promote healing and understanding within those entities;
11. Perform other tasks that may be assigned by the Response Coordinator on a case by case basis.

Independent Investigator – A contracted qualified professional who conducts a thorough investigation into any allegation of a friar or staff member, when there is no admission of guilt and civil authorities choose not to conduct their own investigation. The investigator will submit his/her report to the Safe Environment Coordinator, who forwards the report, along with the case file, to the Provincial Minister and Independent Review Board.

Advocate for the Accused – A canon lawyer who is contracted to represent the accused friar or staff member to ensure due process.

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge that on _____ I received a copy of the Capuchin Province of St. Conrad's (Mid-America) Provincial Policy for Protecting Children, Youth, and Vulnerable Adults, updated as of April 2025.

I further declare that I have read the Policy, that I understand its meaning, and that I agree to conduct myself in conformity with the Policy. I understand that this acknowledgement will be kept on file in the Provincial Office and will be renewed in each triennium. If the document must be amended significantly in the future (as determined by the Provincial Minister and his Council), I understand that I may have to agree to a new document.

Print Name

Signature

Date

**CAPUCHIN PROVINCE OF
ST. CONRAD (MID-AMERICA)
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