

**Policy of the Lincoln Catholic Diocese
Regarding the Reporting of Alleged Cases of Child Abuse or Neglect**

The Lincoln Catholic Diocese, its parishes, schools, associated entities, and all clergy and non-clergy administrators, employees and volunteers, whosoever, (hereinafter “Affiliates”) are to report any reasonable allegation of abuse or neglect, including sexual abuse, of a person who is a minor (a “child”) to the public authorities in accord with Nebraska law. All those subject to this policy are to comply with applicable civil laws with respect to the reporting of allegations of abuse or neglect, including sexual abuse, of minors to civil authorities, and cooperate in their investigation in accordance with the laws of the State of Nebraska which are summarized below.

In the event of an allegation of sexual abuse of a person arising after the person is no longer a minor resulting from sexual abuse that occurred while the person was a minor, all of those subject to this policy are to report such allegations to the Diocese of Lincoln and advise the victim, verbally and in writing, of his or her right to make a report to civil authorities, and provide whatever assistance or cooperation is required to allow such a report to be made.

All victims or those reporting to the Diocese or its Affiliates are to be advised of their right to make an abuse or neglect, including sexual abuse, report to civil authorities and are to be provided with such information and assistance as may be necessary for them to make such a report.

**NEBRASKA LAW REGARDING
REPORTING ALLEGED CASES OF CHILD ABUSE**

1. Nebraska law provides that when any person has reasonable cause to believe that a child has been subjected to child abuse or neglect, or has observed such child being subjected to conditions or circumstances which reasonably would result in abuse or neglect, he or she shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the Nebraska Department of Health and Human Services on its toll-free number: 1-800-652-1999 at any hour of the day or night on any day of the week.

“Proper law enforcement agency” includes the police department or town marshal in municipalities, and the sheriff’s office in areas outside of municipalities.

Such report shall be made orally by telephone with the caller giving his or her name and address, shall be followed by a written report, and, to the extent available, shall contain the address and age of the abused or neglected child, the address of the person or persons having custody of the abused or neglected child, the nature and extent of the abuse or neglect or the conditions and circumstances which would reasonably result in such abuse or neglect, any evidence of previous abuse or neglect including the nature and extent, and any other information which in the opinion of the person may be helpful in establishing the cause of such abuse or neglect and the identity of the perpetrator or perpetrators. Neb. Rev. Stat. §28-711.

Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a minor child to be: (a) placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; (d) left unattended in a motor vehicle of such minor child six years of age or younger; (e) sexually abused; or (f) sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions. Neb. Rev. Stat. §28-710.

Child shall include any person under 18 years of age.

Any person participating in an investigation or making a report regarding child abuse as above provided shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements. 28-716 R.R.S., 1943.

Any person who willfully fails to make such a report shall be guilty of a Class III misdemeanor subject to a penalty of up to three months imprisonment, or Five Hundred Dollars (\$500.00) fine, or both. Neb. Rev. Stat. §28-106.

2. Pastoral responsibility and care for all parties concerned demands clear procedures and consistent practice within the Church community itself. In the presence of any suspicion that there exists a reasonable basis for allegations of abuse, the following steps should be taken by the local pastor or administrator in case of an allegation on the parish level or other non-parochial representative regarding a cleric or lay person directly employed by the Diocese.
 - A. The mandated reporter will immediately communicate his/her suspicions of child abuse or neglect to the proper civil and diocesan authorities and allow the authorities to conduct the investigation which is required by law. The reporter is immune from liability provided the report contains no maliciously false statements.
 - B. If there is any indication that an allegation of the child abuse may be founded in fact, the accused should be temporarily suspended (with pay) by means of a written and dated memorandum from his/her job pending fuller investigation. The administrator as well as the accused are advised to seek legal counsel immediately. The parish administrator should consult the parish and diocesan legal counsel (in order to keep diocesan authorities informed) as well as the insurance carrier; the accused should consult other counsel to avoid conflict of interest.

- C. Pastoral care should be extended to the alleged victim as well as to the accused. The actions taken are not an expression of any judgment regarding the matter but rather intended to be of spiritual assistance to the parties.
 - D. Care must be taken to avoid defamation of the character of either the alleged victim or the accused.
3. If the accused is a cleric of the Diocese, the following special steps will be taken by way of recognition of the privileged and trusted role of the clergy and in order to protect the good of the Church and her mission.
- A. If the report has not already been made, the Bishop or his representative will report the matter immediately to civil authorities as stipulated by Neb. Rev. Stat. §28-711.
 - B. If circumstances seem sufficient to raise serious concern about factual validity of the allegation, the Bishop or his representative, in meeting with the accused, will either immediately restrict faculties or invoke an immediate administrative leave by virtue of Canon 1722.
 - C. The accused cleric will be requested to consult with legal counsel immediately and will be required in most cases to move from his rectory or place of residence immediately to a retreat house or other approved location until the conclusion of all legal inquiry. The purpose of this action is to protect the right of all parties, to give evidence of taking the matter seriously, and to provide some support for the accused during the time of evaluation.
 - D. Arrangements will be made to provide professional counseling for the accused.
 - E. The entire process will be conducted in a spirit of charity and compassion for the alleged victim as well as for the accused.
4. The Diocesan Review Board shall be convened to allow the Bishop or his designee to consult with the committee about the course of action that should be undertaken by the Diocese to respond to the claims and needs of the alleged victim.

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