

# ARCHDIOCESE OF DETROIT

## CODE OF PASTORAL CONDUCT

### **Table of Contents**

I. Preamble and General Definitions	2
II. General Principles of Ethics and Integrity	2-5
III. Pastoral Standards	5-13
1. Conduct for Pastoral Counselors and Spiritual Directors	5-6
2. Confidentiality	6-7
3. Conduct with Youth and Vulnerable Adults	7-8
4. Sexual Conduct	8-9
5. Harassment	9-10
6. Parish, Religious Community/Institute and Organizational Records and Information	10
7. Conflicts of Interest	10-11
8. Obligation to Report Ethical or Professional Misconduct	11-12
9. Administration	12-13
10. Staff or Volunteer Well-Being	13
IV. How To Report Misconduct or Request Information	13

## **I. Preamble**

Priests, deacons, pastoral ministers, administrators, teachers, and staff in our parishes, seminarians, religious communities/institutes and organizations (herein “clergy and staff”) must uphold Christian values and conduct. This Code of Pastoral Conduct for clergy and staff provides a set of standards for conduct in certain pastoral situations, and a framework for appropriate behavior throughout the Archdiocese of Detroit.

This Code of Pastoral Conduct is intended to complement, rather than supersede, existing policies of the Archdiocese of Detroit. To the extent that terms of this Code of Pastoral Conduct may conflict with those of another Archdiocesan policy, the terms of that other policy shall control. This Code of Pastoral Conduct is not all inclusive and not intended to supersede or replace the duties and responsibilities of the laws of the Church, and the laws, regulations and ordinances of the federal, state and local government.

For purposes of this Pastoral Code of Conduct, the following definitions apply:

- 1) Priests and Deacons (Clerics) means those who have received Holy Orders and include:
  - a) Clerics incardinated in the Archdiocese of Detroit.
  - b) Clerics who are members of religious institutes or other forms of consecrated life, and who are assigned to pastoral work or are otherwise engaged in the care of souls, the public exercise of divine worship, and other works of the apostolate. (see Can. 678)
  - c) Clerics of other jurisdictions who are assigned to pastoral work in this Archdiocese, whether seeking incardination within the Archdiocese or not.
  - d) Clerics who otherwise legitimately reside within the Archdiocese, including retired clerics and those engaged in part time ministry and temporary help.
- 2) Seminarians and Religious include
  - a) All seminarians legitimately enrolled in the seminary programs of the Archdiocese or within the Archdiocese.
  - b) Those admitted in the permanent diaconate formation program.

- c) Members of religious institutes or societies of apostolic life who are working for the Archdiocese, its parishes, schools, agencies, or who are otherwise engaged in the care of souls, the public exercise of divine worship, and other works of the apostolate. (see Can. 678).
  - d) Hermits and consecrated virgins legitimately residing within the Archdiocese of Detroit.
- 3) Lay Faithful include:
- a) All paid personnel whether employed in areas of ministry or other kinds of services by the Archdiocese, its parishes, schools or other agencies.
  - b) Those who contract their services to Catholic Church agencies.

## **II. General Principles of Ethics and Integrity**

As representatives of the Roman Catholic Church, the Archdiocese or any affiliated Archdiocesan organization, all clergy and staff will act responsibly in a manner that expresses the Truth of the Gospel and reflects the dedication of the Archdiocese to further the teachings of Jesus.

### **Types of Misconduct**

For purposes of this Code of Pastoral Conduct, misconduct includes but is not limited to:

- 1) Immoral Conduct. Conduct that is contrary to the discipline and teachings of the Roman Catholic Church and/or which may result in harm to a minor, a vulnerable adult, or any of the faithful. This includes conduct or behavior which may result in scandal to the faithful and /or harm to the ministry of the Roman Catholic Church.
- 2) Exploitation: The taking of advantage of a pastoral relationship for the benefit of the clergy or staff involved.
- 3) Abuse of minors and/or vulnerable adults which is further defined in Article III.

The public and private conduct of clergy and staff can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy and staff must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

**Accordingly, clergy and staff will:**

1. Conduct themselves in a manner that is consistent with the teachings of the Roman Catholic Church as enunciated by the Holy Father and the Bishops in communion with him
2. Accept, rely upon, and defer to the teaching authority of the Archbishop in all matters of faith and morals.
3. Continually exhibit the highest Christian ethical standards and personal integrity.
4. Disclose any past or present accusations, disciplinary actions or findings of misconduct by any civil, professional or ecclesiastical authority whether at the time of application, volunteering or in the course of service.
5. Continually and objectively examine and prayerfully evaluate their actions and intentions to ensure that their behavior promotes the welfare of the Archdiocese, the faithful, and affiliated organizations exemplifying the moral traditions of the Church.
6. Comply in good conscience with applicable civil law.
7. Conduct their relationships with others in a manner that promotes the dignity of the human person as taught by the Church and is free of deception, manipulation and/or exploitation.
8. Conscientiously avoid the appearance of impropriety.
9. Be responsible stewards of the resources, human and financial of the Archdiocese and any affiliated organization with which they are associated, observing both canon and civil law, and making decisions concerning the disposition of resources that reflect Catholic social teaching.
10. Share concerns about suspicions of inappropriate behavior with the appropriate supervisory or management representative(s).

**Further, clergy and staff will NOT:**

11. Use their position to exercise unreasonable or inappropriate power, influence or authority.
12. Solicit nor accept inducements or gratuities that can subject them or the Archdiocese or any affiliated organization to criminal or civil penalties.
13. Authorize or participate in payment of Church funds knowing that any part of the payment shall be used for any purpose other than what is described in the documents supporting the payment and the services and/or materials provided.
14. Make public speculations or accusations against another and shall avoid insinuations of bad behavior against another.

**Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. This responsibility extends to participation and observance of the Archdiocese's "Safe Environment" policies and programs. Those who disregard this Code of Pastoral Conduct do so at their own risk and will be held accountable by the Archdiocese, the parish, the religious community/institute, the schools and others. Corrective action may take various forms depending on the specific nature and circumstances of the offense and the extent of the harm.**

### **III. Pastoral Standards**

#### **1. Conduct for Pastoral Counselors and Spiritual Directors**

Pastoral counselors and spiritual directors will respect the rights and advance the welfare of each person. An "individual" means the counselee or directee.

- 1.1 Pastoral counselors and spiritual directors will not step beyond their competence in counseling situations and will refer individuals to other professionals when appropriate.
- 1.2 Pastoral counselors and spiritual directors-will not audio record or videorecord sessions.

1.3 Pastoral counselors and spiritual directors will never engage in sexual intimacies with the individuals they counsel. This includes consensual and nonconsensual contact, forced physical contact and inappropriate sexual comments.

1.4 Pastoral counselors and spiritual directors will not engage in sexual intimacies with individuals who are close to the individual, such as relatives or friends of the individual, when there is a risk of exploitation or potential harm to the individual. Pastoral counselors and spiritual directors will presume that the potential for exploitation or harm exists in such intimate relationships.

1.5 Pastoral counselors and spiritual directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

1.6 Physical contact of any kind – touching, hugging, holding – between pastoral counselors or spiritual directors and the individuals they counsel can be misconstrued and will be avoided.

1.7 Sessions will be conducted in appropriate settings at appropriate times.

1.7.1 No sessions will be conducted in private living quarters.

1.7.2 Sessions will not be held in places or at times that would tend to cause confusion about the nature of the relationship for the individual being counseled.

1.8 Pastoral counselors and spiritual directors will maintain a log of the times and places of sessions with each individual being counseled.

## **2. Confidentiality**

Information disclosed to a pastoral counselor or spiritual director during the course of counseling, advising or spiritual direction will be held in the strictest confidence possible.

2.1 Information obtained in the course of sessions will be confidential, except for compelling professional reasons or as required by the child and vulnerable adult protection laws, other civil laws, and as permitted by canon law.

2.1.1 If there is clear and imminent danger to the individual or to others, the pastoral counselor or spiritual director may disclose only the information necessary to protect the parties affected and to prevent harm.

2.1.2 Before disclosure is made, if feasible, the pastoral counselor or spiritual director will inform the individual being counseled about the disclosure and the potential consequences.

2.2 Pastoral counselors and spiritual directors will discuss the nature of confidentiality and its limitations with each individual in counseling and/or spiritual direction.

2.3 Pastoral counselors and spiritual directors should keep minimal records of the content of sessions.

2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

2.5 While counseling a minor or vulnerable adult, if a pastoral counselor or spiritual director discovers a serious threat to the welfare of the minor or vulnerable adult and that communication of confidential information to lawful civil authority is required by the mandatory reporting laws, the pastoral counselor or spiritual director will make disclosure of the threat to the appropriate party.

Consultation with the appropriate Church supervisory personnel, if possible, is required at the time of disclosure of any such confidential matter.

**THESE OBLIGATIONS DO NOT SUPERCEDE THE SACRAMENTAL SEAL OF THE CONFESSIONAL. UNDER NO CIRCUMSTANCES WHATSOEVER CAN THERE BE ANY DISCLOSURE—EVEN INDIRECT DISCLOSURE—OF THE PENITENT AND ANY INFORMATION RECEIVED THROUGH THE CONFESSIONAL.**

### **3. Conduct With Youth and Vulnerable Adults**

Clergy and staff working with youth and vulnerable adults will maintain a trustworthy relationship between youth and adult supervisors

3.1 Clergy and staff will maintain a heightened awareness of their own and others' vulnerability when working alone with youth or vulnerable adults. As a general course of action clergy and staff will use a team approach to manage activities.

3.2 Physical contact can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.

3.3 Clergy and staff will refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) the use of recreational drugs and alcohol.

3.4 Clergy and staff will not allow individuals to stay overnight in their private accommodations or residence.

3.5 Clergy and staff will not provide shared and/or private overnight accommodations for individuals, including, but not limited to, accommodations in any Church owned facility, private residence, hotel room or any other place where there is no additional adult supervision present.

3.5.1 In rare, emergency situations when accommodations are necessary for the health and well-being of the individual, the clergy and staff will take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

3.5.2 Clergy and staff will use a team approach to manage emergency situations.

3.5.3 Clergy and staff will not possess, display and/or disseminate child pornography or pornographic images or engage in offensive or suggestive communications and media.

#### **4. Sexual Conduct**

Clergy and staff will not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

4.1 Clergy and staff who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

4.2 Clergy and staff will behave in a professional manner at all times.

4.4 Allegations of sexual misconduct will be taken seriously and reported to the appropriate person in the parish (pastor), community/institute (religious superior), and the *Archbishop's Delegate and Episcopal Vicar for Clergy Misconduct and Office for Child and Youth Protection* and to the appropriate civil authorities if the situation involves a minor or vulnerable adult.



4.4.1 Canon and civil law procedures shall be observed to protect the rights of all involved.

4.5 Clergy and staff will review and know the contents of the child abuse regulations and reporting requirements for the State of Michigan and local public authorities and shall follow those mandates.

A list of statutory list of mandatory reporters and mandatory reporting is attached to this Code of Pastoral Conduct. Additional information regarding this subject can be found at [https://www.michigan.gov/mdhhs/0,5885,7-339-73971\\_7119\\_50648---,00.html](https://www.michigan.gov/mdhhs/0,5885,7-339-73971_7119_50648---,00.html).

## **5. Harassment**

Clergy and staff will not engage in physical, psychological, written or verbal harassment of staff, volunteers or parishioners and shall not tolerate any such harassment by other Church staff or volunteers.

Harassment encompasses a broad range of physical, written or verbal behavior, including, but not limited to, the following:

\_\_\_ Physical or mental abuse.

\_\_\_ Racial insults.

\_\_\_ Derogatory ethnic slurs.

\_\_\_ Unwelcome sexual advances.

\_\_\_ Sexual comments or sexual jokes.

\_\_\_ Requests for sexual favors used as: a condition of employment, or to affect other personnel decisions, such as promotion or compensation.

\_\_\_ Display or dissemination of offensive and/or pornographic materials.

Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive or intimidating work environment.

5.1 Clergy and staff will provide a professional work environment that is free from physical, psychological, written or verbal intimidation or harassment.

5.2 Allegations of harassment shall be taken seriously and reported immediately to the appropriate person in the parish (pastor), community/institute (religious superior), Office of the Archbishop's Delegate for Clergy Misconduct and/ or the organization (director).

5.3 Canon and civil law procedures will be followed to protect the rights of all involved.

## **6. Parish, Religious Community/Institute and Organization Records and Information**

Confidentiality will be maintained in creating, storing, accessing, transferring and disposing of parish, religious community/institute or organization records.

6.1 Sacramental records are to be regarded as confidential. When compiling and publishing parish, religious community/institute or organization statistical information from these records, great care is to be taken to preserve the anonymity of individuals.

6.2 Sacramental records older than 70 years may be open to the public, subject to the policies of the Archdiocese and the mandate of the Archdiocesan Archivist.

6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.

6.2.2 Only staff members who are authorized to access the records and supervise their use are to handle requests for more recent records.

6.3 Parish, religious community/institute or organization financial records are confidential unless review is required by the Archdiocese of Detroit, the supervising institution or an appropriate government agency. *(Contact the Office of Child and Youth Protection of the Archdiocese of Detroit or the supervising institution upon receipt of any request for release of financial records.)*

6.4 Individual contribution records of the parish, religious community/institute or organization are to be regarded as private and will be maintained in strictest confidence.

## **7. Conflicts of Interest**

Clergy and staff will avoid situations that might present a conflict of interest or the appearance of impropriety. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

7.1 Clergy and staff will disclose all relevant factors that potentially could create a conflict of interest to their supervisor or the appropriate ecclesiastical authority.

7.2 Clergy and staff will inform all parties when a real or potential conflict of interest arises.

Resolution of the issues must protect the person receiving ministry services.

7.2.1 No clergy or staff will take advantage of anyone to whom they are providing services in order to further their personal, religious, political or business interests.

7.2.2 Pastoral counselors and spiritual directors will not provide counseling services to individuals with whom they have a business, professional or social relationship. When this is unavoidable, the individual must be protected. The counselor shall establish and maintain clear, appropriate boundaries.

7.2.3 When pastoral counseling or spiritual direction services are provided to two or more individuals who have a relationship with each other, the pastoral counselor or spiritual director will:

- \_\_\_ Clarify with all individuals the nature of each relationship.
- \_\_\_ Anticipate any conflict of interest.
- \_\_\_ Take appropriate actions to eliminate the conflict.
- \_\_\_ Obtain from all individuals written consent to continue services.

7.3 Conflicts of interest may also arise when the independent judgment of a pastoral counselor or spiritual director is impaired by one of the following circumstances:

- \_\_\_ Prior dealings.
- \_\_\_ Becoming personally involved.
- \_\_\_ Becoming an advocate for one individual against another.

In these circumstances, the pastoral counselor or spiritual director will advise the individuals that he or she can no longer provide services and refer them to another pastoral counselor or spiritual director.

## **8. Obligation to Report Ethical or Professional Misconduct**

Clergy, seminarians, religious and staff have a duty to report their own ethical or professional misconduct and the misconduct of others.

8.1 Clergy, seminarians, religious and staff will hold each other accountable for maintaining the highest ethical and professional standards. Indications of illegal actions by clergy, staff or

volunteers are to be reported immediately to the proper civil authorities, as well as to *Archbishop's Episcopal Vicar for Clergy Misconduct and the Office for Child and Youth Protection*, the Archdiocese Director of Human Resources, Pastor of the Parish, Religious Superior of the religious community/institute or Director of the organization.

8.2 When an uncertainty exists about whether a situation or course of conduct violates this Code of Pastoral Conduct or other religious, moral or ethical principles, clergy, seminarians, religious and staff will consult and seek the advice of one or more of the following:

\_\_\_ Supervisory Personnel.

\_\_\_ Ecclesiastical Authorities knowledgeable such ethical issues.

\_\_\_ Archdiocese Director of Human Resources or the responsible administrative authority for the religious community/institute or organization.

\_\_\_ *Archbishop's Episcopal Vicar for Clergy Misconduct and the Office for Child and Youth Protection*

8.3 When it appears that a member of the clergy, a seminarians, religious, staff or a volunteer has violated this Code of Pastoral Conduct or other religious, moral or ethical principles:

\_\_\_ Report the issue to a supervisor or next higher ecclesiastical authority, or

\_\_\_ Report the matter directly to *Archbishop's Episcopal Vicar for Clergy Misconduct and the Office for Child and Youth Protection* or the responsible administrative authority for the religious community/institute or organization.

8.4 The obligation of pastoral counselors and spiritual directors to report the individual's misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health or well-being of any of the persons involved except as provided for in Section 2.5.

## **9. Administration**

Employers and supervisors shall treat clergy, seminarians, religious and staff and volunteers justly in the day-to-day administrative operations of their ministries.

9.1 Personnel and other administrative decisions made by clergy, seminarians, religious and staff will meet civil and canon law obligations and also reflect Catholic social teachings and this Code of Pastoral Conduct.

9.2 No clergy, seminarians, religious and staff will use his or her position to exercise unreasonable or inappropriate power and authority.

## **10. Staff or Volunteer Well-Being**

Clergy, seminarians, religious and staff have the duty to be responsible for their own spiritual, physical, mental and emotional health.

10.1 Clergy, seminarians, religious and staff will maintain a proper awareness of warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.

10.2 Clergy, seminarians, religious and staff will seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.

10.3 Clergy, seminarians, religious and staff will address their own spiritual needs. Support from a spiritual director is highly recommended.

10.4 Inappropriate or illegal use of alcohol and drugs is prohibited.

## **IV HOW TO REPORT MISCONDUCT OR REQUEST INFORMATION:**

### **Report Abuse**

The Archdiocese of Detroit encourages individuals to report clergy sexual abuse of minors and others directly to law enforcement – no matter when the abuse occurred.

Individuals may also contact the Archdiocese of Detroit. We place no deadlines or time limits on those who wish to come forward for help; be it five, 15, or 50 years later, our diocese accepts and responds to all reports.

The Archdiocese of Detroit reports every complaint it receives, regardless of its source or the date of the alleged activity, to civil authorities. No complaints are held back, pre-screened or disregarded. This is done in accordance with voluntary agreements signed in the spring of 2002

by the Archdiocese and prosecutors from all six counties within its boundaries. As a result of the agreements, the archdiocese shared case files of priests accused of sexual misconduct in previous years and committed to turning over all complaints in the future.

## **WHEN TO REPORT**

The following may be indicators that someone is being abused or neglected:

### **Children:**

- Sudden and unexplainable changes in behavior, mood and/or school performance,
- increased patterns of fears,
- increased avoidance and withdrawal from previously established relationships,
- unusually compliant or passive behavior, and/or resistance to going home or into certain situations (i.e. rectory or parts of church or school grounds, etc.),
- an awareness of medical conditions going untreated,
- a seeming lack of adult supervision with the child not having a purpose to be somewhere,
- signs of dehydration or malnutrition,
- lack of appropriate clothing for the weather.

### **Adults:**

- Sudden changes in physical behavioral or financial status of elderly or someone with a developmental disability,
- Being left in front of a TV all day,
- dehydration or malnutrition.

## **HOW TO REPORT**

**Emergencies** If you suspect someone is in immediate danger, call **911**.

### **Law enforcement**

Individuals who suspect clergy sexual abuse of children or vulnerable adults are encouraged to contact the Michigan Attorney General's Office by calling its toll-free reporting hotline at (844)

324-3374 (Monday through Friday, 8 a.m. to 5 p.m.) or by emailing [aginvestigations@michigan.gov](mailto:aginvestigations@michigan.gov). Individuals also may contact their local police department.

### **Mandated reporting**

Mandated reporters in Michigan must make an immediate verbal report to the CPS Centralized Intake for Abuse & Neglect at (855) 444-3911, followed by a written report within 72 hours. Reports also can be [made online](#). (See below for [more information](#) on mandated reporters.)

### **Archdiocese of Detroit**

The Archdiocese of Detroit's Victim Assistance Coordinator, can be reached at **(313) 237-6060** or toll-free at **(866) 343-8055**. Individuals also may email [vac@aod.org](mailto:vac@aod.org). The Victim Assistance Coordinator works to receive and respond to all complaints. All calls and messages regarding complaints of sexual abuse will be returned in a timely manner. Callers will be asked to provide their name and telephone number.

This contact information is shared as part of an effort by the archdiocese to protect children, young people and other vulnerable people in our schools, parishes and ministries. They are for reporting suspected sexual misconduct or child abuse within archdiocesan institutions and ministries only.

More information about the reporting process from *Detroit Catholic*: **For archdiocese's victim assistance coordinator, helping survivors is a ministry of compassion.**

Please note that this article references a former Victim Assistance Coordinator who retired after serving for many years in the role of Victim Assistance Coordinator for the Archdiocese of Detroit.

### **REPORTING A BISHOP**

The **Catholic Bishop Abuse Reporting Service (CBAR)** has been established to receive reports of sexual abuse and related misconduct by bishops and to relay those reports to proper Church

authorities for investigation. To make a report, visit [ReportBishopAbuse.org](http://ReportBishopAbuse.org) or phone (800) 276-1562. When a report includes a crime, such as the sexual abuse of a minor, it will also be reported to civil authorities. Otherwise, reports will be kept confidential.

Reports of sexual misconduct by other Church personnel — priests, deacons, laypersons — should be reported in using the means described in the above sections.

## WHO SHOULD REPORT

**Anyone** who suspects abuse – of any kind – should immediately make a report with local law enforcement.

The Michigan Child Protection Law, 1975 PA 238, MCL 722.621 et. seq., requires the reporting of child abuse and neglect by certain persons (called **mandated reporters**) and permits the reporting of child abuse and neglect by all persons. The Child Protection Law includes the legal requirements for reporting, investigating and responding to child abuse and neglect.

Mandated reporters are an essential part of the child protection system because they have an enhanced capacity, through their expertise and direct contact with children, to identify suspected child abuse and neglect. For more information, including to view the list of mandated reporters in the State of Michigan, please [click here](#).

For more information, see the Mandated Reporter's Resource Guide and/or download the DHS-3200 Report of Suspected or Actual Child Abuse or Neglect Form.



Attachment 1. Mandated Reporters

**CHILD PROTECTION LAW (EXCERPT)**

**Act 238 of 1975**

**722.623 Individual required to report child abuse or neglect; report by telephone or online reporting system; written report; contents; transmitting report to centralized intake; copies to prosecuting attorney and probate court; conditions requiring transmission of report to law enforcement agency; pregnancy or presence of sexually transmitted infection in child less than 12 years of age; exposure to or contact with methamphetamine production.**

Sec. 3. (1) An individual is required to report under this act as follows:

(a) A physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider who has reasonable cause to suspect child abuse or child neglect shall make an immediate report to centralized intake by telephone, or, if available, through the online reporting system, of the suspected child abuse or child neglect. Within 72 hours after making an oral report by telephone to centralized intake, the reporting person shall file a written report as required in this act. If the immediate report has been made using the online reporting system and that report includes the information required in a written

report under subsection (2), that report is considered a written report for the purposes of this section and no additional written report is required. If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made, and shall make a copy of the written or electronic report available to the person in charge. A notification to the person in charge of a hospital, agency, or school does not relieve the member of the staff of the hospital, agency, or school of the obligation of reporting to the department as required by this section. One report from a hospital, agency, or school is adequate to meet the reporting requirement. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for making a report required by this act or for cooperating in an investigation.

(b) A department employee who is 1 of the following and has reasonable cause to suspect child abuse or

child neglect shall make a report of suspected child abuse or child neglect to the department in the same

manner as required under subdivision (a):

(i) Eligibility specialist.

(ii) Family independence manager.

(iii) Family independence specialist.

(iv) Social services specialist.

(v) Social work specialist.

(vi) Social work specialist manager.

(vii) Welfare services specialist.

(c) Any employee of an organization or entity that, as a result of federal funding statutes, regulations, or

contracts, would be prohibited from reporting in the absence of a state mandate or court order. A person

required to report under this subdivision shall report in the same manner as required under subdivision (a).

(2) The written report or a report made using the online reporting system shall contain the name of the child and a description of the child abuse or child neglect. If possible, the report shall contain the names and addresses of the child's parents, the child's guardian, the persons with whom the child resides, and the child's age. The report shall contain other information available to the reporting person that might establish the cause of the child abuse or child neglect, and the manner in which the child abuse or child neglect occurred.

(3) The department shall inform the reporting person of the required contents of the written report at the time the oral report is made by the reporting person.

(4) The written report required in this section shall be mailed or otherwise transmitted to centralized intake.

(5) Upon receipt of a written report of suspected child abuse or child neglect, the department may provide copies to the prosecuting attorney and the probate court of the counties in which the child suspected of being abused or neglected resides and is found.

(6) If an allegation, written report, or subsequent investigation of suspected child abuse or child neglect indicates a violation of sections 136b, 145c, 462a to 462h, or 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, 750.462a to 750.462h, and 750.520b to 750.520g, or section 7401c of the public health code, 1978 PA 368, MCL 333.7401c, involving methamphetamine has occurred, or if the

allegation, written report, or subsequent investigation indicates that the suspected child abuse or child neglect

Rendered Thursday, August 27, 2020 Page 1 Michigan Compiled Laws Complete Through PA 149 of 2020

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was committed by an individual who is not a person responsible for the child's health or welfare, including,

but not limited to, a member of the clergy, a teacher, or a teacher's aide, the department shall transmit a copy

of the allegation or written report and the results of any investigation to a law enforcement agency in the

county in which the incident occurred. If an allegation, written report, or subsequent investigation indicates

that the individual who committed the suspected child abuse or child neglect is a child care provider and the

department believes that the report has basis in fact, the department shall, within 24 hours of completion,

transmit a copy of the written report or the results of the investigation to the child care regulatory agency with

authority over the child care provider's child care organization or adult foster care location authorized to care

for a child.

(7) If a local law enforcement agency receives an allegation or written report of suspected child abuse or

child neglect or discovers evidence of or receives a report of an individual allowing a child to be exposed to

or to have contact with methamphetamine production, and the allegation, written report, or subsequent

investigation indicates that the child abuse or child neglect or allowing a child to be exposed to or to have contact with methamphetamine production, was committed by a person responsible for the child's health or welfare, the local law enforcement agency shall refer the allegation or provide a copy of the written report and the results of any investigation to the county department of the county in which the abused or neglected child is found, as required by subsection (1)(a). If an allegation, written report, or subsequent investigation indicates that the individual who committed the suspected child abuse or child neglect or allowed a child to be exposed to or to have contact with methamphetamine production, is a child care provider and the local law enforcement agency believes that the report has basis in fact, the local law enforcement agency shall transmit a copy of the written report or the results of the investigation to the child care regulatory agency with authority over the child care provider's child care organization or adult foster care location authorized to care for a child. Nothing in this subsection or subsection (1) relieves the department of its responsibilities to investigate reports of suspected child abuse or child neglect under this act.

(8) For purposes of this act, the pregnancy of a child less than 12 years of age or the presence of a sexually transmitted infection in a child who is over 1 month of age but less than 12 years of age is reasonable cause to suspect child abuse or child neglect has occurred.

(9) In conducting an investigation of child abuse or child neglect, if the department suspects that a child has been exposed to or has had contact with methamphetamine production, the department shall immediately contact the law enforcement agency in the county in which the incident occurred.

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## Attachment 2. **CHILD PROTECTION LAW (EXCERPT)**

### **Act 238 of 1975**

#### **722.622 Definitions.**

Sec. 2. As used in this act:

(a) "Adult foster care location authorized to care for a child" means an adult foster care family home or

adult foster care small group home as defined in section 3 of the adult foster care facility licensing act, 1979

PA 218, MCL 400.703, in which a child is placed in accordance with section 5 of 1973 PA 116, MCL

722.115.

(b) "Attorney" means, if appointed to represent a child under the provisions referenced in section 10, an

attorney serving as the child's legal advocate in the manner defined and described in section 13a of chapter

XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a.

(c) "Central registry" means the system maintained at the department that is used to keep a record of all

reports filed with the department under this act in which relevant and accurate evidence of child abuse or

child neglect is found to exist.

(d) "Central registry case" means a child protective services case that the department classifies under

sections 8 and 8d as category I or category II. For a child protective services case that was investigated before

July 1, 1999, central registry case means an allegation of child abuse or child neglect that the department

substantiated.

(e) "Centralized intake" means the department's statewide centralized processing center for reports of

suspected child abuse and child neglect.

(f) "Child" means a person under 18 years of age.

(g) "Child abuse" means harm or threatened harm to a child's health or welfare that occurs through

nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a

legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's

aide, or a member of the clergy.

(h) "Child care organization" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.

(i) "Child care provider" means an owner, operator, employee, or volunteer of a child care organization or of an adult foster care location authorized to care for a child.

(j) "Child care regulatory agency" means the department of licensing and regulatory affairs or a successor state department that is responsible for the licensing or registration of child care organizations or the licensing of adult foster care locations authorized to care for a child.

(k) "Child neglect" means harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare that occurs through either of the following:

(i) Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care, though financially able to do so, or by the failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care.

(ii) Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.

(l) "Children's advocacy center" means an entity accredited as a child advocacy center by the National Children's Alliance or its successor agency or an entity granted associate or developing membership status by the National Children's Alliance or its successor agency.



(m) "Citizen review panel" means a panel established as required by section 5106a of the child abuse

prevention and treatment act, 42 USC 5106a.

(n) "Member of the clergy" means a priest, minister, rabbi, Christian science practitioner, or other religious

practitioner, or similar functionary of a church, temple, or recognized religious body,

denomination, or

organization.

(o) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA

368, MCL 333.7104.

(p) "CPSI system" means the child protective service information system, which is an internal data system

maintained within and by the department, and which is separate from the central registry and not subject to

section 7.

(q) "Department" means the department of health and human services.

(r) "Director" means the director of the department.

(s) "Expunge" means to physically remove or eliminate and destroy a record or report.

(t) "Lawyer-guardian ad litem" means an attorney appointed under section 10 who has the powers and

Rendered Thursday, August 27, 2020 Page 1 Michigan Compiled Laws Complete Through PA 149 of 2020

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duties referenced by section 10.

(u) "Local office file" means the system used to keep a record of a written report, document, or photograph

filed with and maintained by a county or a regionally based office of the department.

(v) "Nonparent adult" means a person who is 18 years of age or older and who, regardless of the person's

domicile, meets all of the following criteria in relation to a child:

(i) Has substantial and regular contact with the child.

(ii) Has a close personal relationship with the child's parent or with a person responsible for the child's

health or welfare.

(iii) Is not the child's parent or a person otherwise related to the child by blood or affinity to the third

degree.

(w) "Online reporting system" means the electronic system established by the department for individuals

identified in section 3(1) to report suspected child abuse or child neglect.

(x) "Person responsible for the child's health or welfare" means a parent, legal guardian, person 18 years of

age or older who resides for any length of time in the same home in which the child resides, or, except when

used in section 7(2)(e) or 8(8), nonparent adult; or an owner, operator, volunteer, or employee of 1 or more of

the following:

(i) A licensed or registered child care organization.

(ii) A licensed or unlicensed adult foster care family home or adult foster care small group home as defined

in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

(iii) A court-operated facility as approved under section 14 of the social welfare act, 1939 PA 280, MCL 400.14.

(y) "Relevant evidence" means evidence having a tendency to make the existence of a fact that is at issue

more probable than it would be without the evidence.

(z) "Sexual abuse" means engaging in sexual contact or sexual penetration as those terms are defined in

section 520a of the Michigan penal code, 1931 PA 328, MCL 750.520a, with a child.

(aa) "Sexual exploitation" includes allowing, permitting, or encouraging a child to engage in prostitution,

or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child

engaged in a listed sexual act as defined in section 145c of the Michigan penal code, 1931 PA 328, MCL

750.145c.

(bb) "Specified information" means information in a children's protective services case record related

specifically to the department's actions in responding to a complaint of child abuse or child neglect. Specified

information does not include any of the following:

(i) Except as provided in this subparagraph regarding a perpetrator of child abuse or child neglect, personal

identification information for any individual identified in a child protective services record. The exclusion of

personal identification information as specified information prescribed by this subparagraph does not include

personal identification information identifying an individual alleged to have perpetrated child abuse or child

neglect, which allegation has been classified as a central registry case.

(ii) Information in a police agency report or other law enforcement agency report as provided in section

7(8).

(iii) Any other information that is specifically designated as confidential under other law.

(iv) Any information not related to the department's actions in responding to a report of child abuse or child neglect.

(cc) "Structured decision-making tool" means the department document labeled "DSS-4752 (P3) (3-95)" or a revision of that document that better measures the risk of future harm to a child.

(dd) "Substantiated" means a child protective services case classified as a central registry case.

(ee) "Unsubstantiated" means a child protective services case the department classifies under sections 8

and 8d as category III, category IV, or category V.

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## **Archdiocese of Detroit**

### **Code of Pastoral Conduct**

#### **For**

#### **Priests, Deacons, Pastoral Ministers, Administrators, Teachers, Staff, Volunteers and Church Representatives**

I, \_\_\_\_\_, am a \_\_\_\_\_

[print name]

[role from above]

ministering or applying for ministry in the Archdiocese of Detroit. I have received a copy of this *Code of Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, Teachers, Staff, Volunteers and Church Representatives* ("Code of Conduct"). I have read this Code of Conduct. I understand and agree to abide by it.

I further understand and agree that I am subject to periodic background checks, and am required to participate in any "Safe Environment" or similar training program commensurate with my role

in the Archdiocese of Detroit. I further understand and agree that I may face consequences or discipline, up to and including removal from my ministry for violations of this Code of Conduct.

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Signature

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Date

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Role/Position and Location of Ministry