

Ethics and Integrity
Diocese of Tyler

Procedure for ACS When a Criminal Background Check is Impossible
July 9, 2010

The Charter for the Protection of Children and Young People states in Article 13:

ARTICLE 13. Dioceses/eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel **and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies.** In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. United States Conference of Catholic Bishops, Program of Priestly Formation [Fifth Edition], 2006, no. 39).

- 1) There occasionally arise circumstances where it is not possible to utilize the resources of law enforcement or other community agencies to perform a criminal background check on an individual, which is a routine prerequisite to the Diocese of Tyler issuing an Acceptance Certificate for Service (ACS).
- 2) In such a case, by completing the Basic Training, and committing to the Code of Ethics, a person with a testimonial background check as outlined in this procedure can be issued an ACS with the following restrictions: Non-Supervisory and Service Limited to their own parish.
- 3) No lay person without a background check will be issued an ACS.
- 4) In general, the Diocese of Tyler does not pursue criminal background checks from international sources as difficulties arise in establishing the credibility of such reports.
- 5) In the rare case in which it is not possible to obtain a background check through local law enforcement or other community agencies, a testimonial process can sometimes be used to establish that the person has no prior background to preclude their very limited service in connection with minors. Such a process presupposes that people in the community know the person and their background. The testimonial process will include:
 - a. Two letters of testimony from people who have known the person and their background. These people should have an ACS so that they understand the importance of their testimony. The letters must state:
 - i. How long and in what capacity have they known the person.
 - ii. How they know the persons background,
 - iii. They must list any problems that they know concerning crimes or abuse of people.
 - iv. They must state they are giving this to the Church as formal testimony and understand the importance to tell the whole truth.
 - b. A letter from the person themselves that testifies that they have never been involved in anyway with crimes against minors or any type of sexual abuse.

- c. A letter from the Pastor/Administrator/ or Priest-in-Charge that specifically states:
 - i. How well the person is known to him.
 - ii. How active the person is in participation of community life.
 - iii. How well the person's background is known by people in the community.
 - iv. That the priest requests permission for this person to be allowed to volunteer in programs that involve minors, understanding that they can not be placed in charge of a group nor left unsupervised with minors.
 - d. Copies of these documents should be retained in the parish Ethics and Integrity file and the originals sent to the Diocese of Tyler along with the other materials requesting an ACS.
 - e. The testimonial letters will be approved by the Diocese of Tyler and kept on file.
 - f. Upon approval by the diocese, the person will be issued an ACS with restrictions.
- 6) A person who will have background check established by testimonial should do the 3 hour Basic Training, rather than the shorter Awareness Training.
- 7) A lay person with a testimonial background check will be restricted to service in the parish/mission that has testified for them.
- 8) A lay person with only a background check done by testimonial will not be permitted to have unsupervised contact with minors when a volunteer in any Church related or sponsored activity.
- 9) This procedure is approved by Bishop Corrada for use in the Diocese of Tyler effective July 9, 2010.

Sample

Date:

To: Ethics and Integrity Parish File

From: Pastor (Name)

Subject: Letter of Testimony

By this letter I give personal testimony that (name) is a member of (Parish). They seek to serve as a volunteer in a Church program in which they will have contact with minors. A criminal background check will not be possible since (give the reason: i.e. they have only recently come to this country, or they have not yet gotten social security number or drivers licence.)

I(Name) has been a member of this community for (time). They attends Holy Mass regularly.. They are faithful parishioners and wish to serve the parish in (capacity). I have known this person for (time) and can testify that he / she is a person of good moral character. To the best of my knowledge I am not aware that this person has ever been convicted of a crime, especially crimes against a person and more precisely crimes against children.

Attached are

- 1) two testimonial letters from people who have known the background of (name).
- 2) the certificate for their attending the Basic training session,
- 3) their signed commitment to the Code of Ethics,
- 4) and their background check application completed as extensively as possible

I understand that if an ACS is issued it will have restrictions which will be observed, including Non-Supervising and Limited Service to this community of faith

I will encourage him/her to acquire the proper documentation as soon as practicable, and will update the Diocese of Tyler at such time.

Signature of Pastor

(affix parish seal)