

Questions and Answers

Who is required to participate in the VIRTUS program, background check and the Code of Conduct?

Any adult over the age of 18 who has direct, regular, recurring contact with a minor (persons under the age of 18) in a volunteer or paid position will be required to participate.

Is this happening everywhere or just here (either at St. Patrick's or in the Paterson Dioceses?)

To insure a consistent approach to safeguarding our children throughout the United States Catholic Church, each diocese must implement the policies, procedures and guidelines established by the United States Conference of Catholic Bishops. While there may be variations in each Diocese, the policy and procedure is the same.

What is the process?

First, each person who works or volunteers in ministries that include children and teens, i.e. anyone under the age of 18, **must** attend the **VIRTUS** training called "**Protecting God's Children**" and register online at www.virtus.org to participate in continuous training. This program enhances awareness and educates every adult to be a preventor / protector. This program also emphasizes communication, reporting and willingness to intervene. It is proactive. Such training also protects parish staff and volunteers by educating them about procedures that must be followed to insure that an adult is never alone with a minor. Such procedures will help safeguard staff and volunteers from possible abuse accusations.

Registration is done directly here at Saint Patrick. "Protecting God's Children" Sessions are offered on a regular basis by Saint Patrick Parish for all members of the parish as well as those who work with minors. You must sign in as a registrant at these programs.

After you have attended the workshop, you will register at www.virtus.org for continuing updates and educational articles. You will be asked for a user name and password which will be used for the continuing updates.

Second, those who work or volunteer in our church: bishops, priests, deacons, religious and lay persons who work with minors will read *Living and Working with Integrity*, a pastoral code of conduct. This code may be found on the Diocesan website www.patersondiocese.org. It will also be distributed by our parish. They will then sign a form attesting to their personal commitment to the standards set forth in the pastoral code. This acknowledgement will be kept on file at the Parish Office. The acknowledgements are executed as a sign of their integrity and commitment to faith-filled lives and with the understanding that any violation of the pastoral code may necessitate further action.

Thirdly, a screening process on the state and federal level for our parish staff and those who work or volunteer with minors will take place through the *New Jersey State Volunteer Review Office (SVR Office)*. This process, which includes the fingerprinting of all applicants, is called the "State Volunteer Criminal Background Check Process." Each applicant's fingerprints are sent to both the SVR Office and the Federal Bureau of Investigation so that they can be compared with fingerprints contained in the State and Federal databases. The SVR Office determines whether or not the applicant has been convicted of certain enumerated crimes. If, as a result of the fingerprint analysis, the SVR Office determines that an applicant has been convicted of one or more of the enumerated offenses, it will list the applicant as "not qualified" on the report returned to the parish. In the event the fingerprint analysis reveals that there are no convictions for such crimes, the SVR Office will list the applicant as "qualified" on the report returned to the parish. If an applicant is listed as "not qualified", he/she will not be permitted to interact with minors at St. Patrick's. The report reveals only if the individual is "qualified" or "not qualified" to be in contact with minors. No other information is provided in the Review Report, nor is information about the nature, circumstances or date(s) of any conviction (s) provided. It is confidential. A person may appeal any decision.

The steps in the fingerprinting Background Check Process are:

1. Parish will set a date for Background Check, i.e. fingerprinting, to be taken at the Parish Center.
2. At the Center two cards will be filled out, one for state and another for federal check
3. Fingerprints will be taken.
4. Completed Fingerprint forms will be turned in to the parish after prints have been taken.
5. The parish will forward forms to the State Volunteer Review Office.
6. A report indicating "qualified" or "not qualified" is sent to the parish.
7. The report is kept in a locked file.
8. Pastor notifies volunteer of report, i.e. "qualified" or "not qualified."
9. If "not qualified", the volunteer decides whether or not to discuss the details with pastor.

10. If the volunteer decides to discuss the details of the report, then he/she must sign a release form allowing the Pastor to receive a detailed report of the disqualifying convictions.
11. Pastor receives the detailed report and reviews the report. He may consult and discuss it with the diocesan attorney or law enforcement officers as well as the person.
12. Pastor decides whether the parishioner is qualified to volunteer, either with minors or in another capacity.
13. Results of the background checks will be kept in secure confidential files in the parish.
14. Any sharing of information in the report will only occur with the written permission of the volunteer.

How much of my time will the process take?

We clearly recognize the sacrifice volunteers make to the life of the Church, including and especially of their time. The intent is to take as little additional time as possible while protecting our children. The VIRTUS program is a 3-hour presentation. The online continuing education may take several minutes per month to read an article presented by VIRTUS.org and respond to a brief survey at the end.

The time required for taking the fingerprint aspect of the background check should not be lengthy since we are scheduling opportunities for fingerprinting after Mass or sometimes during the week. Normally, fingerprinting needs to be done only once. Proper documentation must be filled out prior to the fingerprinting for the background check.

The reading of the Code of Pastoral Conduct takes only a few minutes after which each person signs a document acknowledging they have read the Code and will abide by it. The person will keep a copy of the Code.

I don't have a computer for ongoing VIRTUS on-line education. What should I do?

You can access the material through any computer, at work, school, home or a library. You will only need to have your own password and code to get to the site. Your password and code will allow VIRTUS to track your completion of articles for continuing education for the protection of our children.

Will it cost me anything? If not, who is going to pay for this?

As the entire parish benefits greatly from the time, effort and commitment of each volunteer, the parish will pay the associated expenses. At present the cost for a volunteer background check is \$36.00

By when do I have to do this?

With over 500 volunteers and staff, we will plan so that the three components of the background checks, VIRTUS training, and Code Acknowledgement are completed by the summer. However, the process is an ongoing one. If you are unable to be fingerprinted when offered at Saint Patrick, you will need to go to the local police station to have it done.

Is the background check done only once?

It is done for each parish or institution in which you minister. If you move, you will be required to have another check done. To protect your privacy this information is not shared between parishes and institutions.

I've gone through a background check for work (or possibly for volunteering with another organization). Does this count?

No. The policy requires that it be done for each individual parish and institution.

How will you know that people have gone through the process? Will there be some kind of a list?

There will be list of all who have participated in each of the three components. It will be kept in a secure and confidential file and updated regularly. However, only the pastor will have access to the background check.

What happens to the fingerprints submitted to the SVR Office?

The fingerprints taken become part of the New Jersey State and Federal Bureau of Investigation database. Like dental records, they can be used in the identification of persons when injured or deceased as well as in criminal investigations.

Who will see the background check report?

The Review report is seen by the Pastor. The report reveals only if the individual is "qualified" or "not qualified." The criterion for disqualification is any criminal conviction of enumerated violent or disorderly crimes. No other information is provided in the Review Report, nor is information about the nature, circumstances or date(s) of any conviction (s) provided. It will indicate whether or not there were any convictions that would prohibit you from working with minors. It is confidential.

I have something that I am embarrassed by in my past. Who will find out about this?

The Pastor is the person who receives the report, and the only information provided is “Qualified” or “Not Qualified.”

What will disqualify me from working and ministering with minors?

If an individual has been convicted of committing certain violent or disorderly crimes, then that person will be prohibited from volunteering in any capacity that interacts directly with minors.

In New Jersey, disqualification is for any crime or disorderly person offense: a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq., or N.J.S.2C:15-1 et seq.; b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; c) involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; d) involving any controlled dangerous substances as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-10. In any other State or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in the above also will result in disqualification.

As the Pastor receives no information about the conviction other than “qualified” or “not qualified”, the individual could chose by a signed release to permit the pastor access to the specific information if the individual wishes to contest the disqualification.

Where can I find these specific New Jersey Statutes that would disqualify a person from working and ministering with minors?

A copy of the statutes cited may be found in the parish offices. A complete set of New Jersey Statutes is available at the Chatham Library. You also may be able to access the statutes online. One possible website is njlawnet.com/njstatutes.html.

I know that I’ll flunk the background check because I did something stupid twenty years ago. What will I tell my friends if I can’t volunteer any more?

This process is not intended to punish people with criminal convictions or to exclude them from Parish life. Parish life includes opportunities to participate in ministries that do not involve regular, recurring contact with minors. If a person expects to be disqualified, he or she is encouraged to shift the focus of his or her volunteer activity. There is an ebb and flow to people’s lives where these shifts occur without having anything to do with the process. The pastor will welcome anyone needing to discuss this. One should be aware that certain criminal offenses may be expunged given time and circumstances depending on the law. A lawyer should be contacted in this regard.

How can I make sure anything that turns up is confidential?

All files will be securely maintained in a locked file. The information in the report is limited to the qualification status; no other information is provided. A person must sign a release in order for any specific information about the report to be given to the pastor.

What happens if I don’t get this done? Or refuse to participate?

To ensure the trust of all parents of minors, every volunteer or staff member, lay person, sister or brother, deacon or priest who interacts with minors is required to complete the entire process. If someone were not able, or were to refuse, to participate in the process, he / she will not be able to continue in a role interacting with minors, but will be invited to participate in parish life in a capacity that does not require involve direct, recurring contact with minors.

Why don’t just the priests, deacons and religious have to do this?

While our sensitivity about abuse is heightened due to the actions of some clergy, all must see the need to protect our children. The facts of abuse are frightening to all of us: 29% of all abused children are abused by a biological relative. 60% are abused by someone known and trusted by the family, including teachers, mentors, coaches, or acquaintances. We are seeking to continue to create a safe environment for our children to grow, learn, play and live. As a community we must be proactive in protecting our children.

I’ve volunteered for years. Can’t I just be grandfathered?

A major purpose of this process is to insure, and/or restore the faith of parents, that their children are protected as they participate in parish life. While it seems unnecessary in a close-knit community to go through this process, the fact is we are a dynamic and growing community. As every parent must have the comfort of knowing that all of us are taking these steps to protect his / her children, there will be no “grandfathering.”

How can you require me to volunteer for my child in the school, but now not let me volunteer if I don't go through the process?

All parents have a responsibility to offer their service to the school for the education of their children. To the extent that service may be done within the parameters outlined above, then it will be done. Every parent must have the comfort of knowing that all of us are taking these steps to protect his / her children. To insure a consistent approach to safeguarding our children, there is the an expectation that all parents will have taken the VIRTUS program and be aware of the Code as well as being proactive in sustaining a safe environment for all the children in the school.

Can I go on a class trip without going through the process?

You at least will have had to have completed the VIRTUS training and have signed the Code requirements and be in the process of completing the background check. Persons who have completed the total process will have to accompany on the class trip anyone who has not completed the process.

I don't have any kids in school, but go to Appalachia every year with the youth group. Can I go to Appalachia with the Youth Ministry without training?

You at least will have had to have completed the VIRTUS training and have signed the Code requirements and be in the process of completing the background check. Persons who have completed the total process will have to accompany anyone who has not completed the process.

I baby sit at church only occasionally (or I help out with Liturgy of the Word only in a pinch and always with at least one other adult). Can I continue without going through this process?

No. At the least, you will have had to have attended the VIRTUS program and signed the Code. If you have not had a background check, then a person who has completed the total program will have to be present.

Our (Brownie/ Daisy/ Girl Scout/ Boy Scout) Troop meets at St. Patrick, is made up of St. Patrick's kids but is not sponsored by St. Patrick. Will St. Patrick require our leaders to go through the process?

Yes. All three parts of the process are required.

Are all of the workers at the parish and school, including the bus drivers, required to go through training and checks?

Yes. Outside agencies will have to have conducted background checks that are acceptable to the policy. The agencies will have told the parish that their employees have been approved.

Enumerated Criminal Offenses that would disqualify a person:

N.J.S. 2C:11 – 1 et seq. Criminal Homicide.

Definition,
Elapse time between assault and death, prosecution for criminal homicide,
Murder,
Rules pertaining to display of certain photographs.
Manslaughter,
Death by vehicular homicide,
Leaving a scene of a vehicle accident.
Aiding Suicide.

N.J.S. 2 C: 13- 1 et seq. Kidnapping and Related Offenses Coercion:

Kidnapping.
Criminal Restraint.
False Imprisonment.
Interference with custody.
Criminal Coercion.
Enticing Child into motor vehicle, structure or isolated area.

N.J.S. 2 C:14 – 1 et seq. Sexual Offenses:

Definitions.
Sexual Assault.
Criminal Sexual Assault.
Lewdness.
Provisions generally applicable to Chapter 14.
Sentencing.
Admissibility of evidence.
Juveniles in need of supervision (J.I.N.S.) law not affected.

N.J.S. 2C: 15-1 et seq. Robbery: Robbery. Carjacking.

N.J.S. 2C: 24 -1 et seq. Offenses against the Family, Children and Incompetents:

Bigamy.
Endangering the Welfare of children.
Willful Nonsupport.
Unlawful Adoptions.
Endangering the Welfare of an Incompetent person.
Endangering the Welfare of Elderly or Disabled.
Employing a juvenile in the commission of a crime.

N.J.S. 2C:20 Theft and Related Offenses

IN GENERAL
Definitions.
Access devices; defacement, removal, alteration, destruction; presumption.
Consolidation of Theft Offenses; Grading; Provisions Applicable to Theft Generally.
Automobile Theft.
Theft by unlawful taking or disposition.
Theft by deception.
Theft by extortion.
Theft of property lost, mislaid, or delivered by mistake.
Receiving stolen property.
Theft of Services.
Theft by failure to make required disposition of property received.
Unlawful taking of means of conveyance.
Shoplifting.
Library material and library facility defined.
Library materials; purposeful concealment; prima facie presumption.

Taking person into custody for probable cause for belief of willfully concealing library material; arrest without warrant; probable cause for belief of theft; immunity from liability.

Sign; posting

Maintaining facility for sale of stolen automobiles or their parts.

Employment of juvenile to commit automobile theft

Leader of auto theft trafficking network

Reserved

Civil Actions

Injunctive relief by state; other persons

Estoppel

COMPUTER-RELATED CRIMES

Definitions

Value of property or services

Computer-related theft

Property or services of \$75,000 or more; degree of crime

Property or services between \$500 and \$75,000; degree of crime

Property or services between \$200 and \$500; degree of crime

Property or services of \$200 or less; disorderly persons offense

Damage or wrongful access to computer systems; no assessable damage; degree of crime

Disclosure of data from wrongful access; no assessable damage; degree of crime

Wrongful access to computer; lack of damage or destruction; disorderly person offense

Copy or alteration of program or software with value of \$1000 or less.

Situs of offense.

Definitions

Prohibited transactions involving food stamp coupons or ATP card of \$150 or more; crime of 4th degree

Prohibited transactions involving food stamp coupons or ATP card of less than \$150; disorderly persons offense.

N.J.S. 2C: 35 – 1 et seq. except N.J.S. 2C:35-10(4) Controlled Dangerous Substances

Short title

Declaration of policy and legislative findings

References to Controlled Dangerous Substance Act and Chapter 35 and 36 in Code of Criminal Justice

Definitions

Leader of Narcotics Trafficking Network

Maintaining or Operating a Controlled Dangerous Substance Production Facility

Booby traps in manufacturing or distribution facilities; fortified premises

Manufacturing, Distributing, or Dispensing

Manufacturing, Distributing or possession of gamma hydroxybutyrate

Manufacturing, Distributing or possession of flunitrazepam

Short title

Legislative findings

Definitions

Restraining orders; certain released persons

Violation of order; sanctions

Restraining order upon request and submission of certification

Discretion in seeking a restraining order.

Employing a Juvenile in a Drug Distribution Scheme

Distributing, dispensing or possessing controlled dangerous substance or controlled substance analog on or within 1000 feet of school property or bus; penalty; defenses; approved or revised map; prima facie evidence; official record.

Distributing, dispensing or possessing controlled substances; proximity to public housing facilities, parks or buildings.

Distribution to persons under age 18; enhanced punishment.

Strict liability for drug-induced deaths.

Possession, Use or Being Under the Influence, or Failure to Make Lawful Disposition

Obtaining or possessing gamma hydroxybutyrate without a prescription

- Obtaining or possessing flunitrazepam without a prescription
- Prescription legend drugs
- Imitation controlled dangerous substances; distribution, possession, manufacture, etc; penalties
- Waiver of mandatory minimum and extended terms
- Obtaining by Fraud
- Rehabilitation program for drug and alcohol dependent persons; special probation; mandatory commitment to residential treatment facilities; sentencing considerations.
- Mandatory drug enforcement and demand reduction penalties; collection; disposition; suspension.
- Mandatory forfeiture or postponement of driving privileges
- Conviction of drug related offense taking place upon leased residential premises; notice to owner or premises or agent.
- Exception to physician-patient privilege
- Laboratory certificates; use; admission into evidence; objections
- Forensic laboratory fees
- Seizure in violation of chapter; pretrial destruction of bulk seizures of controlled dangerous substances.
- Severability
- Pending cases.
- Possession of certain prescription drugs.