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Child Protection Policy Dimensions Across Catholic Archdioceses and Civil Statutes:
A Comparative Content Analysis

by

Jeffrey J. Trant

A Dissertation

Submitted to the University at Albany, State University of New York

in Partial Fulfillment of

the Requirements for the Degree of

Doctor of Philosophy

The School of Social Welfare

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Abstract

Since 2002, the Catholic Church in the United States has enacted a national child protection framework to address child sexual abuse. However, child protection policies within the context of the Catholic Church are currently not well understood. This study was guided by the following questions: (1) How do child protection policy dimensions differ in Catholic archdioceses in the United States? (2) How do child protection policy dimensions differ across and between Catholic archdioceses and civil statutes? The present study utilized a generic qualitative methodology employing comparative content analysis to conduct a policy analysis using publicly available child protection policies from Catholic archdioceses and civil statutes. Eleven different a priori policy dimensions were identified: Child maltreatment including, physical abuse, neglect, emotional abuse, and sexual abuse; historical sexual abuse of a minor; mandated reporters, clergy and laity; reporting process/ requirements: criminal, civil, and church authorities; and priest-penitent privilege. Afterwards, content analyses of policy dimensions were conducted and compared across two entities, Catholic archdiocesan child protection policies and differential civil child protection statutes, which were matched for comparison ($N = 5$) according to civil/diocesan jurisdictional alignment: Archdiocese of Boston and the Commonwealth of Massachusetts; Archdiocese of Chicago and the State of Illinois; Archdiocese of Los Angeles and the State of California; Archdiocese of New Orleans and the State of Louisiana; and the Archdiocese of New York and the State of New York. Key findings were that (1) archdiocesan policies exceeded civil statutes by requiring sexual abuse, regardless of when the abuse occurred, to be reported to civil/criminal authorities and (2) priest-penitent privilege is a widely accepted exception to the requirement for priests to report child maltreatment, including sexual abuse, by archdiocesan policies and civil statutes. Despite progress made in recent decades, there remains a

need to strengthen child welfare policy at the national and state levels as well as within private organizations. A national minimum standard could help ensure key child protection policy dimensions are consistently defined and operationalized across child protection systems, including public child protection agencies and private child and youth serving organizations such as the Catholic Church.

Dedication

This dissertation is dedicated to the memory of my father, Thomas K. Trant, who passed away suddenly on November 26, 2021 after a brief battle with leukemia. He was my perennial support and champion throughout my many years of higher education. This is for you, dad. Thank you for always believing in me and for teaching me the importance of “getting-things-done.” I love you.

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There are many people I would like to thank for their contributions, both directly and indirectly, to this dissertation. First, I would like to acknowledge and thank the courageous victim-survivors of clergy sexual abuse who have worked tirelessly to shine a light on these unspeakable crimes against humanity. For far too long the Catholic Church has failed the scores of individuals who were abused at the hands of trusted clergy around the world. I'm grateful for so many incredible survivor-advocates who have helped bring about greater transparency and accountability within the Catholic Church and for sharing their experience, strength and hope in support of others who have been sexually abused by clergy and other representatives of the Catholic Church.

To my Doctoral Committee, Dr. Eunju Lee, Dr. Katharine Briar-Lawson, and Dr. Daniel Baillargeon, I would like to thank them for guiding and supporting me throughout my dissertation research. Dr. Lee, who served as chairperson of the committee and mentored me throughout my time in the doctoral program. Thank you for helping me develop as a scholar practitioner and for challenging me to grow as a researcher. Dr. Briar-Lawson, who generously offered her time, talent and expertise in policy analysis and research methodology as well as the public child welfare system. I am indebted to you for your guidance, especially given the challenges of completing a dissertation during the ongoing COVID-19 pandemic. Dr. Daniel Baillargeon, who offered his expertise in the operational and governance structures of the Catholic Church. Thank you for the countless conversations over many cups of coffee and for your support, feedback, and encouragement.

To my family, I would like to thank them for their love, support, and patience throughout my social work education and training, especially my doctoral journey for these past six years.

My parents, Thomas and Barbara, who instilled in me the importance and transformative impact education has. My daughter, Emily, who has grown from a toddler when I began my doctoral program in 2016 to a caring, funny and strong young lady. I have certainly not been as present as I would have liked to have been but I cherished driving you to school every day and “Face-Timing” with you every night before you went to bed as I went off to class, the library, or was driving back and forth between western Massachusetts and Albany, New York. Last but not least, my loving wife, Rachel. You are the reason I pursued this degree and I could not have done it without you. Throughout this process, you supported me every step of the way with kindness, grace, and humor (and held down the fort countless days, nights, and weekends while I was away). You are my center and my rock. I love you all very much.

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Chapter One: A Statement of the Social Problem

Introduction

The maltreatment of children by their adult caretakers has existed throughout the human experience. It has only been during the 20th century that society has demanded their governments intervene in order to help ensure that children, the most vulnerable among us, are protected from harm by their caretakers (McLeigh & Melton, 2019; Myers, 2008). Over the past 60 years, there has been a focus on developing child protection systems equipped to respond and intervene when suspected abuse is reported (Akin et al., 2017; Johnson-Motoyama et al., 2016). Further, the child welfare movement has focused on strengthening families and preventing abuse or neglect before it occurs (Owens et al., 2019; Russell et al., 2020). Despite society's emphasis on child welfare, child abuse and neglect nevertheless endure (Children's Bureau, 2021; Sedlak et al., 2010; Swedo et al., 2020).

Beginning in 1974, the United States signaled its commitment to child protection when the Child Abuse Prevention and Treatment Act ("CAPTA") (P.L. 93-247) was signed into law by President Richard Nixon. At the same time that this first major piece of national child protection legislation was enacted, a sexual abuse crisis on a global scale raged on within the Roman Catholic Church ("Catholic Church"). It would take more than 25 years and a large-scale investigation by journalists who ultimately shone a light on the institutional nature of the abuse that the sexual abuse crisis became public (Kirkman & Thompson, 2003; Rezendes, 2002).

Today, the incidence rate of child sexual abuse ("CSA") remains at epidemic levels (Barth et al., 2013; Finkelhor et al., 2014; Gewirtz-Meydan & Finkelhor, 2020). It is estimated that approximately 1 in 10 children in the United States will be sexually abused before they turn 18 (Townsend & Rheingold, 2013) and prevalence rates vary significantly by age and gender

(Barth et al., 2013; Finkelhor et al., 1989; Gewirtz-Meydan & Finkelhor, 2020). A recent national youth survey of the lifetime experience of sexual abuse and sexual assault among 17-year-olds in the United States found the prevalence rate was 26.6% for girls and 5.1% for boys (Finkelhor et al., 2014). Paradoxically, in the context of the Catholic Church more than 80 percent of known victims of CSA committed by a member of the clergy are males (John Jay College of Criminal Justice, 2004; Terry et al., 2011). Despite how widespread the phenomenon of CSA is, there remains significant stigma that presents barriers to disclosure, reporting to civil authorities and law enforcement, and accessing evidence-based behavioral health services that help facilitate healing and recovery from trauma.

Statement of the Social Problem

The specific problem to be studied in this dissertation is that child protection policies within the context of the Catholic Church are currently not well understood. As a result, little is known about the efficacy of changes to civil child protection statutes, which include naming clergy as mandated reporters. CSA is a widespread public health problem that has been an important focus of the social work profession since its inception (Conte & Shore, 1982; Finkelhor, 1994). Beginning in the 1960's, mandated reporting laws were enacted requiring certain professions to report suspected child maltreatment, including CSA, to authorities based on the assumption that child welfare interventions will help protect children from further harm (Child Welfare Information Gateway, 2019b). These professionals are commonly referred to as "mandated reporters" in the literature and within policy and practice settings. In recent decades, there has been a focus on requiring additional categories of professionals, including clergy, to become mandated reporters through amendments to existing mandated reporting statutes (Palusci et al., 2016).

Public administration and policy research has examined the relationship between changes in mandated reporting laws and reporting rates, types of child maltreatment reported, and outcomes of the reports (Mathews et al., 2016; Palusci et al., 2016). Extant public administration and policy research is primarily based on national-level surveys and utilizes administrative data from surveillance systems (e.g., National Child Abuse and Neglect Data System). During the current period when mandated reporting statutes have been amended, social work research has focused on mandated reporter education with social work students, relational issues between social workers and their clients, and professional ethics in interdisciplinary practice (Dickman, 2014; Faller & Vandervort, 2007; Tufford, 2016; Tufford & Lee, 2020).

High profile CSA cases at child care centers in the 1970's and 1980's (e.g., Finklehor et al., 1988), the Catholic Church in the 1990's – Present (e.g., Office of the Attorney General of the Commonwealth of Massachusetts, 2003; Terry et al., 2011) the Boy Scouts of America in the 2000's – Present (e.g., Dockterman, 2019), and youth athletics, including Penn State and USA Gymnastics (e.g., Freeh et al., 2012; U.S. Department of Justice, 2021), in the 2010's have contributed to the inclusion of CSA as part of our national discourse. Since 2002, the Catholic Church in the United States has established norms (with the force of ecclesiastical law) for dealing with allegations of sexual abuse by representatives of the Church (e.g., clergy) and requires all dioceses to adhere to applicable civil laws with respect to the reporting of allegations of sexual abuse of a minor (United States Conference of Catholic Bishops [USCCB], 2018). Despite its widespread application, little to no research has investigated how these child protection requirements have been codified in policy within the Catholic Church, whether and to what extent these requirements have been applied, and whether these policies have increased the capacity for child protection within the Catholic Church.

As private youth serving organizations such as the Catholic Church develop and implement policies, procedures and programs in response to evolving child protection laws, it is critical to understand what dimensions are included in these policies and how they compare with civil child protection statutes. Because each Catholic diocese/archdiocese is led by a bishop, archbishop or cardinal archbishop who reports to the pope, significant variance among diocesan policies and practices within a single civil jurisdiction (e.g., a state) exists. As society strives to overcome the history of CSA and the conditions that blame and stigmatize victims, there is a call for greater transparency and accountability, specifically among institutions that facilitated and covered-up abuse for decades. Thus, understanding how child protection policies vary across Catholic dioceses and civil statutes is an essential first step.

The Catholic Church's Child Protection Policy Approach Since 2002:

On January 6, 2002, the *Boston Globe's* Spotlight Team published the first of what would soon become more than 800 articles chronically the sexual abuse of children by priests in the Catholic Church as well as the knowledge and actions taken by Church officials to cover-up the scandal, specifically highlighting the Archdiocese of Boston (e.g., Rezendes, 2002). This focusing event thrust the Catholic Church's sexual abuse crisis onto the national agenda (Kingdon, 1984, 2011). After the Spotlight Team's initial coverage of the Archdiocese of Boston, other national media outlets started reporting on the crisis highlighting that this was not an isolated problem in Boston; rather, Catholic dioceses throughout the country and around the world had also been dealing with CSA by priests in secret for decades. One such example is the *New York Times* coverage, which included the publication of front-page articles of sexual abuse within the Catholic Church for 41 consecutive days in 2002 (Plante & McChesney, 2011).

Later in 2002, the USCCB met in Dallas, Texas in June for the spring General Assembly. At this meeting, the members of the USCCB approved a policy document titled the *Charter for the Protection of Children and Young People* (“*Charter*”), which is described as “...a comprehensive set of procedures originally to address allegations of sexual abuse of minors by Catholic Clergy” and “...includes guidelines for reconciliation, healing, accountability, and prevention of future acts of abuse” (USCCB, 2018, p. 3). Subsequently, on November 13, 2002 the members of the USCCB approved the *Essential Norms for Diocesan/Eparchial; Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (“*Essential Norms*”) as particular law, which is ecclesiastical law pertaining to the Catholic Church in the United States, to operationalize the *Charter*. The *Essential Norms* were recognized by the Congregation for Bishops (of the Holy See) on December 8, 2002 and subsequently promulgated by the President of the USCCB on December 12, 2002 (USCCB, 2018). Thereafter, all dioceses in the United States have been required to implement the *Charter* in accordance with particular law of the Catholic Church.

Since the passage of CAPTA in 1974 and the *Charter* in 2002, much attention has focused on the absence of reporting by Catholic Church officials to civil authorities and law enforcement when allegations of child maltreatment, specifically CSA committed by member of the clergy, were brought to their attention. This phenomenon has been characterized as a “systematic cover-up,” and the focus of numerous investigations by state attorneys general (e.g., Missouri Attorney General’s Catholic Church Clergy Investigative Report, 2019; Office of the Attorney General of the Commonwealth of Massachusetts, 2003; Pennsylvania Attorney General’s Statewide Grand Jury Investigation, 2018), by myriad investigative reporters across the globe (e.g., Boorstein, 2020), and the Vatican itself (e.g., Secretariat of State of the Holy See,

2020). Despite a coordinated national response by the Catholic Church in the United States in recent years aimed at strengthening its response to reports of CSA as well as preventing child maltreatment through adopting best practices for child and youth serving organizations, there is a dearth of research systematically analyzing child protection policies promulgated by Catholic dioceses. Understanding the current state of child protection policies among dioceses is an important first step in evaluating the strengths, limitations, and efficacy of these policies.

Policy analysis can focus on many different aspects of the policy system. Kingdon's (1984) Multiple Streams Approach (MSA) is a framework that explains how policies are made by governments at the local, state, regional, federal or transnational levels under conditions of ambiguity and uncertainty (Jones et al., 2016; Kingdon, 1984, 1995, 2011; Zahariadis, 1999, 2007, 2014). MSA's five major components – problems, policies, politics, policy windows, and policy entrepreneurs – provide insight into the entire policy making process: agenda setting, decision making, and implementation.

The Holy See is recognized as the universal government of the Catholic Church and operates from Vatican City State, a sovereign, independent territory. Further, the Holy See is recognized as a sovereign juridical entity under international law. In 1797, the United States and the Holy See first established diplomatic relations (U.S. Department of State, 2020). Although not a member state of the United Nations, the Holy See was granted permanent observer state status in 1964 by the United Nations General Assembly (United Nations, 2017). According to the most recent available data, the pope, ruler of the Holy See and Vatican City State, leads a population of 1.34 billion Catholics worldwide (Secretariat of State of the Holy See, 2021). Taken together, the Holy See is an internationally recognized government with its own law, the Code of Canon Law, and a global population larger than nearly every country (except China and

India) that continues to grow steadily. As such, Kingdon's (1984) MSA can be applied to Catholic dioceses in the United States, which are akin to state and local governments in the civil system, to analyze aspects of their respective child protection policies.

Purpose and Structure of the Dissertation

The primary purpose of this qualitative exploratory and descriptive study is to examine child protection policy dimensions across Catholic archdioceses and civil statutes. This study explores how a highly unique sample of Catholic archdioceses and civil statutes in the United States defined child maltreatment types, reporting requirements and processes, and privileged communications following the enactment of CAPTA and promulgation of the *Charter* (USCCB, 2002).

The aims of this study are to interrogate how (1) child protection policy dimensions differ in various Catholic archdioceses in the United States and (2) various child protection policy dimensions differ across Catholic archdioceses and civil statutes. This study uses a generic qualitative methodology employing comparative content analysis to conduct a policy analysis using publicly available child protection policies from Catholic archdioceses and civil statutes (Caelli et al., 2003; Creswell, 2013; Drisko & Maschi, 2016; Krippendorff, 2004). Content analyses of policy dimensions were conducted and compared across two entities, Catholic archdioceses' child protection policies and differential child protection statutes, which have been matched for comparison according to civil/diocesan jurisdictional alignment. This approach allows for a thorough assessment of the extent to which there are shared definitional components and characteristics. Thereafter, a typology of Catholic archdioceses child protection policies was developed and applied for comparison of matched policies and civil statutes relating to child

protection (Caelli et al., 2003; Collier & Collier, 1991; Drisko & Maschi, 2016; Krippenforff, 2004).

Contribution to the Field of Social Welfare

The underreporting and non-reporting of suspected CSA to civil authorities within the Catholic Church is a significant problem that has contributed to further traumatization of victims and prevented timely clinical, child welfare, and law enforcement interventions (Allen & Hoskowitz, 2017; Freisthler et al., 2021; Lippy et al., 2002; Office of the Attorney General of the Commonwealth of Massachusetts, 2003). Previously, child protection policies enacted within the Catholic Church have been poorly understood. This research study helps to improve the understanding of how public policies have been translated into policies and programs to improve child protection within the context of the Catholic Church. The findings of the study will directly benefit practitioners, policy makers and administrators in the field by explicating child protection policy dimensions across the Catholic Church and civil statutes.

Kingdon's (1984) MSA has been applied to state educational policy (Young et al., 2010), domestic and international health policy (Babaey et al., 2019; Giese, 2020; Kane, 2016), energy policy (Llamosas et al., 2018), and child welfare reform in Russia (Bindman et al., 2018). However, the MSA has not been used to investigate child protection policies across Catholic archdioceses and civil statutes in the context of the United States. This study will extend MSA to the fields of child welfare and social welfare by examining child protection policy dimensions across Catholic archdioceses and civil child protection statutes using the policy stream (Kingdon, 1984, 2011).

The aim of this study is to contribute to the social welfare field by enriching the body of knowledge on child protection policies among youth serving organizations, specifically the

Catholic Church. Because CSA persists at epidemic levels, understanding how key policy dimensions vary across archdioceses child protection policies and civil statutes provides a foundation for assessing the effectiveness of these policies and identifying areas of needed reform.

Definition of Terms

The present study utilizes terms that are specific to the context of the Catholic Church and its organizational and governance structure. A basic understanding of these terms is foundational and necessary to comprehend the structure and hierarchy of the Catholic Church as it relates to the present study. As such, the section that follows describes and defines key terms for the study.

Archdiocese

An archdiocese is, “the chief diocese of an ecclesiastical province” (USCCB, 2021b). It is typically a major metropolitan city or population center and includes the surrounding communities.

Code of Canon Law

The Code of Canon Law is the body of laws governing the Catholic Church (Coriden et al., 1985; Canon Law Society of America, 1983). Canons are similar to statutes in civil (or secular) law.

Clergy

Clergy are “all those ordained – bishops, priests and deacons – who administer the rites of the church” (USCCB, 2021b).

Diocese

A diocese is “the ordinary territorial division of the church headed by a bishop” (USCCB, 2021b). The term diocese is often used generically when referring to an archdiocese as they both refer to a territory of the church.

Doctrine

Doctrine is the teachings or beliefs taught by the Magisterium of the Church. In contrast to a dogma – a divinely revealed truth – doctrine is a proposition or set of propositions taught by the Church (Akin, 2012).

Holy See

The Holy See is “the primary official term of reference for the Diocese of Rome, as the chief diocese of Catholic Christendom; used to refer to the pope and the Roman Curia...in their role of authority over and service to the Catholic Church around the world” (USCCB, 2021b).

The Holy See is commonly referred to as the Vatican.

Metropolitan See

A metropolitan see is “an archdiocese that is the chief diocese of an ecclesiastical province” (USCCB, 2021b).

Ordinary

An ordinary is “a diocesan bishop or his equivalent...It refers to someone with *ordinary* authority in church law over a group of clergy, over certain pastoral concerns in a specific geographical area or over the members of a religious order” (USCCB, 2021b). An ordinary leads a diocese or archdiocese. Typically, a bishop leads a diocese and an archbishop or a cardinal archbishop leads an archdiocese.

Province

A province is “a grouping of an archdiocese, called the *metropolitan see*, and the dioceses under it, called *suffragan sees*” (USCCB, 2021b). The province is led by the ordinary (archbishop or cardinal archbishop) of the archdiocese.

See

A see is “another name for a diocese or archdiocese. It appears in such phrases as *Holy See*, [etc.]. The *see city* is that city after which the diocese or archdiocese is named” (USCCB, 2021b).

Chapter Summary

In 2002, the USCCB established a national child protection framework in the months following the widespread public disclosure of the Catholic Clergy sexual abuse crisis through reporting, first by the Boston Globe and later by other media outlets around the world, about the historic and institutional nature of the problem, which was tantamount to an institutional cover-up on a global scale (e.g., Rezendes, 2002). Following the promulgation of the *Charter*, every diocese and archdiocese in the United States was required to implement policies and procedures operationalizing guidelines for reconciliation, healing, accountability, and prevention of future acts of abuse (USCCB, 2018). However, nearly 20 years later, child protection policies within the context of the Catholic Church are currently not well understood.

Kingdon’s (1984) Multiple Streams Approach (MSA) is a framework that explains how policies are made by governments at the local, state, regional, federal or transnational levels under conditions of ambiguity and uncertainty (Jones et al., 2016; Kingdon, 1984, 1995, 2011; Zahariadis, 1999, 2007, 2014). The Holy See is an internationally recognized government with its own law, the Code of Canon Law, and a global population larger than nearly every country (except China and India) that continues to grow steadily. As a policy analysis framework, MSA

can be used to interrogate how (1) child protection policy dimensions differ in various Catholic archdioceses in the United States and (2) various child protection policy dimensions differ across Catholic archdioceses and civil statutes.

The chapter that follows will present a review of the relevant literature related to child maltreatment, mandated reporting, and privilege communication pertaining to child abuse and neglect as well as the theoretical framework for the present study. Subsequently, chapter three will present the research methods that informed this study. Next, chapter four presents the study's findings for each of the research questions. The fifth and final chapter will present discussions, implications and conclusions as well as the strengths, limitations and delimitations of the study, implications for social work practice, and directions for future research.

Chapter Two: Review of the Literature and Theoretical Framework

Introduction

This chapter begins with a review of related literature and presentation of the theoretical framework. First, child maltreatment is presented, which includes defining, types, scope and prevalence, and the impact of child maltreatment. Second, child sexual abuse is discussed, which includes scope and prevalence, the consequences, victim to offender cycle, and barriers to disclosure. Third, mandated reporting is presented, which includes statutory changes since CAPTA, background on mandated reporting in the Catholic Church, and canonical/ecclesiastical law. Fourth, the theoretical framework is discussed, which includes an overview of Multiple Streams Approach, its historical underpinnings, the current state of thought, criticisms/weaknesses, and extending the Multiple Streams Approach. Finally, the study's research questions are presented.

Child Maltreatment

Child maltreatment is a complex social problem that occurs when children under the age of 18 are abused or neglected, which results in actual or potential harm (World Health Organization, 2020). Child maltreatment is generally classified in four categories: (1) physical abuse, (2) neglect, (3) emotional maltreatment, and (4) sexual abuse (CDC, 2021; Children's Bureau, 2021; National Research Council, 1993; World Health Organization, 2020). Despite a robust and growing evidence-base describing the effects and long-term consequences of child maltreatment (e.g. Anda et al., 1998; Anda et al., 2006; D'Andrea et al., 2012; Perry, 2009; van der Kolk et al., 2005), this social problem remains a complex and difficult area to study at clinical and population levels. Child maltreatment is identified and defined using medical-diagnostic, legal, sociological, and research approaches (Aber & Zigler, 1981). However, various

definitions, standards, and dimensions abound, which have significant implications for policy planning and direct practice.

Defining Child Maltreatment

In 1977, the National Center on Child Abuse and Neglect commissioned a report that articulated the importance of defining child maltreatment:

The issue of defining abuse and neglect is one of central importance and logically precedes a discussion of incidence, etiology and treatment. The vagueness and ambiguity that surround the definitions of this particular social problem touch every aspect of the field – reporting system, treatment program, research and policy planning (Martin, 1978, p. 1).

More than 40 years later, the issue of vagueness and ambiguity with respect to defining abuse and neglect remain issues of central importance to the field of child welfare, especially as high profile cases (e.g. Catholic Church, Penn State, etc.) have focused public attention on the deep-seated issue of child maltreatment. Aber and Zigler (1981) identified four approaches to defining child maltreatment: medical-diagnostic, legal, sociological, and research.

Medical-diagnostic. In 1962, the issue of child welfare, which had been primarily the domain of private family life, came to the fore when C. Henry Kempe and colleagues published their landmark study documenting the clinical condition of the “The Battered-Child Syndrome” (Kempe et al., 1962), which they defined as “...a clinical condition in young children who have received serious physical abuse, generally from a parent or foster parent,” (p. 143) which often results in serious injury or death. The Battered-Child Syndrome focused on identifying and intervening with the abuser, the parent or foster parent, and established the foundation of the medical-diagnostic approach to defining child abuse that became the predominant approach for the following decade (National Research Council, 1993). Kempe and colleagues (1962) urged physicians to consider this phenomenon in children presenting with symptoms or injuries that

included but were not limited to fractures (e.g. spiral fractures) and bruising, especially based on the age and developmental stage of the child. The medical-diagnostic approach informed the development of legislation requiring physicians to report known or suspected cases of child maltreatment to civil or criminal authorities and established the foundation for the current mandated reporting system (Children’s Bureau, 2013; Child Welfare Information Gateway, 2019)

Legal. In 1974, the first major federal child abuse and neglect legislation, CAPTA (P.L. 93-247), was signed into law. CAPTA provides Federal funding to states for prevention, assessment, investigation, prosecution, and treatment programs as well as identifies the federal government’s role in research, evaluation, technical assistance, and data collection activities (Child Welfare Information Gateway, 2011, 2019; National Child Abuse and Neglect Training and Publications Project, 2014). Further, CAPTA required states to adopt definitions of child abuse and neglect within state laws that were consistent with CAPTA’s definition in order to receive federal funding. CAPTA (P.L. 93-247) defined the term as:

At a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.

Following the passage of CAPTA, all 50 states adopted various definitions of child abuse and neglect that are reflected in their civil or criminal statutory codes as well as regulations (Child Welfare Information Gateway, 2019). Despite CAPTA’s requirement that state’s adopt definitions of child abuse and neglect consistent with CAPTA, which created a federal definition, there is substantial variance with respect to how child maltreatment types (physical abuse, neglect, emotional abuse, and sexual abuse) are defined; standards for reporting; who can be reported to child protective services (e.g. maltreatment must be committed by a parent or

caretaker); and exceptions (e.g. physical discipline or a child not receiving medical care due to religious beliefs) (Child Welfare Information Gateway, 2019).

Not all child maltreatment rises to the level of criminal acts (e.g. rape of a child) that can result in arrest and criminal prosecution. Rather, civil statutes establish what interventions can be provided by state child protection agencies or civil courts (e.g. termination of parental rights). Meanwhile, both criminal and civil statutes provide definitions of child maltreatment differentially (Child Welfare Information Gateway, 2019). Thus, states can have multiple definitions of child maltreatment based on differential criminal and civil statutes within a single jurisdiction. Consequently, some states ($N = 9$) require all reports of suspected child maltreatment that are made to child protective services to be cross-reported to law enforcement and a greater number of states ($N = 16$) require child protective services and law enforcement to coordinate investigations (Child Welfare Information Gateway, 2016). In addition to defining child maltreatment, civil statutes also identify what persons are required by law to report suspected cases of child abuse and neglect to civil or criminal authorities (Child Welfare Information Gateway, 2019).

Taken together, the child maltreatment legal framework in the United States is comprised of a patchwork of civil and criminal statutes that vary state to state. Although state child maltreatment laws are “consistent” with CAPTA’s definition of the term in order to receive federal funding, the minimum standard is broad, ambiguous, and does not facilitate standardization across various jurisdictions on a national level.

Sociological. Since the inception of the public child welfare system, the overwhelming majority of reports and cases are related to neglect (Children’s Bureau, 2021; Jonson-Reid et al., 2013; Pelton, 1978, 1989, 1994; Sedlak et al., 2010). The sociological approach encompasses a

broad view of child maltreatment, which includes less severe forms of maltreatment that do not necessitate medical treatment or state intervention (Gelles & Straus, 1988 as cited in the National Research Council, 1993). Pelton (1978, 1989, 1994) posit that child maltreatment, principally neglect, is the effect of poverty and other societal factors. Meanwhile, other sociologists (e.g. Soss et al., 2011) assert that including neglect, which is often associated with poverty and material deprivation, as a type of child maltreatment is a form of social control and an example of “disciplining the poor.”

Research. More than 30 years ago, Zuravin identified four general principles for formulating research definitions of child abuse: (1) Formulation of the specific objectives the definition must serve; (2) division into homogenous subtypes; (3) conceptual clarity; and (4) measurability of operational translations (1991, as cited in the National Research Council, 1993). The World Health Organization (2020) recently noted that studying child maltreatment remains complex and current estimates vary widely based on the countries conducting the study and the methods used, which depend largely on the definition of child maltreatment employed. Despite challenges with defining child maltreatment globally for using a research approach, there has been some progress in the United States over the last three decades. Recognizing that there are multiple sectors addressing the issue of child maltreatment (e.g. child protective services, legal, medical, research, and public health), consistent and uniform definitions are needed to allow for interdisciplinary collaboration and research. The Centers for Disease Control and Prevention (CDC) have published literature defining child maltreatment, presenting associated terms, and recommending data elements to “promote and improve consistent of child maltreatment surveillance for public health practices” (Leeb et al., 2008, p. 5). Although resources have been developed to address this long-standing issue, research still defines child maltreatment in various

ways based on who is conducting the study and what the respective purpose and aims (e.g. surveillance or clinical) are.

Types of Child Maltreatment

In the literature, child maltreatment is generally classified into four categories (1) physical abuse, (2) neglect, (3) emotional abuse, and (4) sexual abuse (CDC, 2021; Children’s Bureau, 2021; National Research Council, 1993; World Health Organization, 2020). Legal definitions are commonly used because statutes establish what constitutes child maltreatment; what must be reported and by whom; which civil or criminal authorities are authorized to receive, screen, and investigate reports; and what interventions can be provided by child protective services, social service providers, and the civil and criminal courts (Child Welfare Information Gateway, 2019).

Physical Abuse. Physical abuse is often defined as “any nonaccidental physical injury to the child” and “may include striking, kicking, burning. Or biting the child. Or any action that results in a physical impairment of the child” (Child Welfare Information Gateway, 2019). Physical abuse is closely aligned with the medical-diagnostic approach to defining child maltreatment as presented by Kempe and colleagues (1962). As described above, the Federal definition of child abuse and neglect embedded within CAPTA includes death or serious physical harm, which are often consequences of physical abuse. Thus, physical abuse is enshrined in the federal definition and all state child maltreatment statutes (42 U.S.C.A. §5106g; Child Welfare Information Gateway, 2019).

Neglect. Neglect is often defined as “the failure of a parent or other person with responsibility for the child to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child’s health, safety, and well-being are threatened with harm” (Child

Welfare Information Gateway, 2019, p. 2). Neglect is closely aligned with the sociological approach to defining child maltreatment as described by Pelton (1978, 1989, 1994) and Soss, Fording and Schram (2011). The CAPTA Reauthorization Act of 2010 includes the following language in its minimum definition of abuse and neglect: “An act or failure to act which present an imminent risk or serious harm,” (42 U.S.C.A. §5106g) which refers to neglect. However, there is substantial variance among state statutes with respect to how neglect is defined. State definitions of neglect commonly include the following categories: Physical neglect, medical neglect, inadequate supervision, emotional neglect, and educational neglect (Child Welfare Information Gateway, 2018).

Emotional Abuse. Emotional abuse is often defined as, “injury to the psychological capacity or emotional stability of the child as evidenced by observable or substantial change in behavior, emotional response, or cognition” and “injury as evidenced by anxiety, depression, withdrawal, or aggressive behavior” (Child Welfare Information Gateway, 2019, p. 3).

Emotional abuse can be aligned with either the medical-diagnostic and/or the sociological approach to child maltreatment, which is dependent on the circumstances and impact of the maltreatment on the child. As described above, the federal definition of child abuse and neglect embedded within CAPTA includes emotional harm, which is can be a consequence of emotional abuse. Thus, emotional abuse is enshrined in the federal definition and all state child maltreatment statutes (42 U.S.C.A. §5106g). In addition, as of 2019, all states with the exception of Georgia and Washington have included emotional abuse as a type of child maltreatment within their statutes (Child Welfare Information Gateway, 2019).

Sexual Abuse. Every state includes sexual abuse within their definition of child maltreatment and statutes. While some states “refer in general terms to sexual abuse...others

specify various acts as sexual abuse” (Child Welfare Information Gateway, 2019, p. 3). Sexual abuse is the most common type of child maltreatment that, in addition to being defined in civil statutes, specific acts that constitute sexual abuse of a child are often crimes and reflected in criminal statutes (e.g. rape of a child). State definitions of sexual abuse commonly include sexual exploitation, which includes “allowing the child to engage in prostitution or in the production of child pornography” (Child Welfare Information Gateway, 2019, p. 3). Sexual abuse can be aligned with either the medical-diagnostic and/or the sociological approach to child maltreatment, which is dependent on the circumstances and impact of the maltreatment on the child. Most recently, CAPTA defines sexual abuse as:

The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist in, any sexually explicit conduct or simulation of conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or interfamilial relationships, statutory rape, molestation, prostitution or other forms of sexual exploitation of children, or incest with children (42 U.S.C.A. §5106g).

Thus, sexual abuse is enshrined in the federal definition and all state child maltreatment statutes (42 U.S.C.A. §5106g). In a subsection that follows, the discussion of CSA continues.

Scope and Prevalence of Child Maltreatment in the U.S.

For some children, their parents and/or caretakers are the source of the traumatic experience. In fiscal year 2018, more than 3.5 million children in the United States were the subject of a CPS investigation and 678,000 were found to be victims of maltreatment (Children’s Bureau, 2020). The majority of child maltreatment victims were neglected (60.7 percent) and 10.7 percent were physically abused, 7.9 percent were sexually abused, and more than 15 percent were victims of two or more types of maltreatment (Children’s Bureau, 2020).

The National Incidence Study of Child Abuse and Neglect (NIS) is the official estimate of all occurrences of child maltreatment in the United States. The study uses data reported by

CPS agencies as well as data about children who were recognized as maltreated by community professionals but not involved with CPS (Sedlak et al., 2010). The most recent edition of the study, NIS-4, was published in 2010. NIS-4 uses two definitional standards for child maltreatment: the harm standard and the endangerment standard. The *harm standard*, “...requires that an act or omission result in demonstrable harm in order to be classified as abuse or neglect” and the *endangerment standard*, “...counts children who were not yet harmed by abuse or neglect...” (Sedlak et al., 2010, p. 6)

NIS-4 reported that 1 in 58 children experience harm standard maltreatment and 1 in 25 children experience endangerment standard maltreatment (Sedlak et al., 2010). Further, NIS-4 reported that girls are more likely than boys to experience both harm standard and endangerment standard maltreatment. Older children and adolescents are more likely to experience harm standard endangerment while younger children are more likely to experience endangerment standard maltreatment. Sedlak et al. (2010) found that children between the age of 0 – 2 years were the least likely group to experience maltreatment, which they stated was most likely because this age group is not in school yet and, therefore, not visible to mandated reporters.

Not all children who are believed to be maltreated are reported to CPS. NIS-4 estimates that 32 percent of children who experience harm standard maltreatment are investigated by CPS and 43 percent of children who experience endangerment standard maltreatment are investigated by CPS. The preponderance of child maltreatment (both estimated incidence and reported cases) are endangerment standard neglect (Sedlak et al., 2010). Consequently, there are children who experience complex trauma and maltreatment who do not come to the attention of the system that is responsible for ensuring their health, safety, and well-being. Children may remain in situations where they continue to be exposed to acute and chronic trauma without sufficient

resources to cope. In turn, this may contribute to the latent development on neuropsychiatric symptoms, psychopathology, and clinical disorders at different periods in their life course (Anda et al., 2006; Gitterman & Germain, 1976; Lazarus & Folkman, 1987).

Impact of Child Maltreatment

Child maltreatment has myriad social, economic, and cultural effects which have short-term and long-term consequences. According to the most recent data available from the National Child Abuse and Neglect Data System (NCANDS), it is estimated that 1,770 children died from abuse or neglect in the United States during fiscal year 2018 (Child Welfare Information Gateway, 2020). A recent study released by the CDC estimated the economic burden of child maltreatment in the United States was \$2 trillion (Peterson et al., 2018). Today, approximately 1 in 8 children live in a household with at least one parent who has a substance use disorder and, according to data from 2016, seven newborns were diagnosed with Neonatal Abstinence Syndrome for every 1,000 newborn hospital stays (CDC, 2020; Lipari & Van Horn, 2017). Childhood exposure to abuse, neglect and household dysfunction are associated with increased risk for adult health risk behaviors and disease (Felitti et al., 1998). Yet, no discussion about the impact of child maltreatment is complete without a thorough review of trauma and the impact on human development and behavior throughout the life-course.

Human responses to traumatic events are rooted in evolution and the innate drive for survival (Perry & Pollard, 1998). Exposure to trauma during childhood is experienced differently than exposure during later stages of maturation (Roth et al., 1997; Perry & Pollard, 1998). The developmental timing of the trauma as well as the duration and chronicity determine the impact that the experience will have on the child and how it will shape their development (Cicchetti & Toth, 1995; Perry, 2009). Moreover, advances in developmental neurobiology over the past 30

years have shown that traumatic experiences interfere with typical brain organization and development (Perry, 2009; Perry et al., 1995) and may contribute to psychological distress and functional impairment during childhood as well as throughout the life course (D'Andrea et al., 2012).

Multiple traumatic events form the basis of complex trauma which are conditions where CPS often intervenes with families (Sedlak et al., 2010). Studies of children placed in foster care indicate that foster children have high rates of complex trauma. Greenson et al. (2011) investigated trauma histories of youth (age 0 to 18 years) in foster care who were referred to a National Child Traumatic Stress Network site for treatment. The study found that 70.4 percent of the children reported experiencing at least two types of traumatic experiences that constitute complex trauma and 11.7 percent reported experiencing all five types of traumas (sexual abuse, physical abuse, emotional abuse, neglect, or domestic violence). This study was based on a sample of children receiving treatment at center that specializes in treating child trauma, which may contribute to the high prevalence of complex trauma observed. However, other studies on trauma exposure in foster care youth also found similar results. Dorsey et al. (2012) investigated exposure rates for 229 youth in 46 treatment foster care (TFC) sites. They found that 79.5 percent of the sample reported at least two type of trauma experience, thus meeting criteria for complex trauma. The prevalence of complex trauma may be reflective of the samples studied; however, there is evidence that children who enter foster care experience high rates of complex trauma.

Contrasting complex trauma, other studies of traumatized children have focused on the prevalence of Posttraumatic Stress Disorder (PTSD). For example, Kaur & Kearney (2015) indicate that PTSD is a common diagnosis among maltreated children who are removed from

their homes. While PTSD is a useful diagnosis that helps describe a constellation of symptoms and functional impairment experienced by many traumatized individuals, there are limitations with regards to the diagnosis for children who experience complex trauma. These limitations warrant discussion because maltreated children may experience trauma that does not rise to the level of a clinical disorder; however, there are still neurobiological effects that are often masked as sub-clinical behavioral problems. Anecdotally, we know that these children are often labeled as having behavior or conduct problems by systems (e.g., educational settings) that are not trauma-informed and trauma-responsive. This is important because the misunderstanding of trauma symptoms by those who work closest with children may prevent timely access to treatment that can help attenuate the overall impact of trauma. In turn, these children accumulate additional exposure to trauma without appropriate intervention.

The publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) III (American Psychiatric Association [APA], 1980) first included the diagnosis of PTSD. This new diagnosis reflected the psychopathology of hundreds of thousands of surviving Vietnam War veterans who presented with serious psychiatric problems during the 1970's. One significant limitation concerning the development of the PTSD diagnostic criteria was the dearth of empirical evidence in the scientific literature on which to base the criteria. As van der Kolk and colleagues (2005) point out, the criteria were based primarily on existing descriptions of war neuroses (e.g., Kardiner, 1941), biphasic stress response (e.g., Horowitz et al., 1980), studies with limited size and scope on predominantly male burn victims (e.g., Andreason & Norris, 1972), and Vietnam veterans (e.g., Shatan et al., 1977). This resulted in PTSD being biased towards men who experience trauma that is reflective of the types of trauma on which the diagnostic criteria were based (e.g., accidents and war). However, PTSD did not accurately

reflect the characteristics of protracted interpersonal trauma that is typical in child physical and sexual abuse (e.g., complex trauma) as well as in women who experience prolonged exposure to interpersonal violence (van der Kolk et al., 2005).

Studies of maltreated children indicate that PTSD may not be the most common psychiatric diagnosis (Putnam, 2003 as cited in van der Kolk et al., 2005). In one such study, Ackerman et al. (1998) investigated the prevalence of PTSD in 7 to 13-year-old children with histories of sexual abuse, physical abuse, and both sexual and physical abuse. They concluded that children with histories of both physical and sexual abuse appear to be at the highest risk for psychiatric problems; that PTSD was present in approximately one third of children; and that when children met diagnostic criteria for PTSD it was significantly comorbid with affective disorders (e.g., depression, bipolar disorder, and anxiety disorders).

Between 1990 and 1992 the DSM-IV committee on PTSD conducted field trials. One of the goals of the trials was to:

...explore whether victims of chronic interpersonal trauma as a group tended to meet diagnostic criteria for PTSD or whether their psychopathology was more accurately captured by another constellation of symptoms, those commonly mentioned in the research literature on child abuse, concentration camp victims, and domestic battering that was not captured in the PTSD criteria. (van der Kolk et al., 2005, p. 390)

Through the field trials, further evidence was gathered which supported the hypothesis that early onset and prolonged interpersonal trauma has significant effects on psychopathology and psychological functioning beyond the symptomology that is described by the PTSD diagnosis (van der Kolk et al., 2005). “The effects included problems with affect dysregulation, aggression against self and others, dissociative symptoms, somatization, and character pathology” (van der Kolk et al., 2005, p. 394-395). Through this research an alternative diagnosis, developmental trauma disorder, was offered to reflect the neuropsychiatric symptoms

that are unique to early onset and chronic trauma typical in child maltreatment (D'Andrea et al., 2012; Teague, 2013). However, when the APA published the most recent edition of its psychiatric classification system, DSM 5 (APA, 2013), developmental trauma disorder was not included. This issue is important to the current review because under the current psychiatric diagnostic nomenclature children continue to be diagnosed with myriad clinical disorders, which may be masking the root cause issue: complex trauma. Consequently, children often receive interventions (including psychopharmacological medication) to treat symptoms of these co-occurring disorders rather than trauma-focused therapies.

After the publication of the landmark Adverse Childhood Experiences study Felitti et al. (1998) numerous studies investigated the relationship between ACEs (Adverse Childhood Experiences) and other health and mental health conditions. For example, Brown et al. (2009) investigated whether ACEs are associated with increased risk of premature death. The study found that, on average, people who experience six or more ACEs died nearly 20 years earlier than adults who did not experience ACEs. Other studies investigated the relationship between ACEs and the neurobiology of childhood trauma. For example, Anda et al. (2006) investigated the relationship between the number of ACEs and comorbidity of disorders in adults that originate from neurobiological defects from early trauma. The results of the study found that the risk of outcomes in the domains of affective, somatic, substance abuse, memory, sexual, and aggression increased in a graded fashion as the number of ACEs increased.

Evidence from the ACE study and subsequent investigations on ACEs suggest that children who experience maltreatment by parents or household members are likely to develop neuropsychiatric disorders that affect their mental and physical health throughout their lifetime, ultimately increasing the risk for decreased duration of life (Felitti et al., 1998; Brown et al.,

2009; Anda et al., 2006). Epidemiological data on ACEs underscore the critical importance of preventing, treating, and helping children recover from the effects of complex trauma. Studies on ACEs provide evidence that complex trauma is a pathway to chronic disease and illnesses that affect quality of life, longevity of life, and contribute to significant healthcare related costs. Furthermore, parents with ACEs may raise their children under the stress of living with these chronic diseases (e.g., substance abuse), which contributes to the cycle of intergenerational transmission of trauma. Therefore, ACEs are important biopsychosocial markers for measuring the transgenerational impact of trauma.

Child Sexual Abuse

Child sexual abuse (CSA) encompasses different types of sexually abusive acts toward children (below of the age of 18 years in the United States). To fully understand the scope, prevalence, and impact of CSA, first we explore uniform definitions used by the United States public health system and child protective services.

According to the Children’s Bureau (2020), CSA is “a type of maltreatment that refers to the involvement of the child in sexual activity to provide sexual gratification or financial benefit to the perpetrator, including contacts for sexual purposes, molestation, statutory rape, prostitution, pornography, exposure, incest, or other sexually exploitative activities” (p. 120). Further, the CDC differentiates CSA by “completed or attempted sexual act, sexual contact with, or exploitation (i.e., noncontact sexual interaction) of a child by a caregiver” (Leeb et al., 2008, p. 14).

Sexual acts include “contact involving penetration, however slight, between the mouth, penis, vulva, or anus of the child and another individual. Sexual acts may also include penetration by a hand, finger, or another object” (Basile & Saltzman, 2002 as cited in Leeb et al.,

2008, p. 14). While sexual acts involve penetration of a child as an element, abusive sexual contact does not involve penetration; however, it does include the intentional touching of a child's genitalia, anus, groin, breast, inner thigh or buttocks and occurs either directly or through clothing (Leeb et al., 2008). Noncontact sexual abuse includes exposing a child to sexual activity, filming of a child in a sexual manner, sexual harassment of a child, or prostitution of a child (Leeb et al., 2008).

Scope and Prevalence

Past research estimates the worldwide prevalence of CSA ranging from eight to 31% for girls and three to 17% for boys (Barth et al., 2013). This is consistent with previous research on the prevalence of CSA in the United States (Finkelhor et al., 1989). An investigation of self-report surveys in the United States found the lifetime experience of 17-year-olds with sexual abuse and sexual assault was 26.6% for girls and 5.1% for boys (Finkelhor et al., 2014). A meta-analysis of prevalence studies in an international sample found that 7.9 % of men and 19.7 % of women had experienced CSA before they turned 18 (Pereda et al., 2009). Further, a recent study of sexual abuse cases using a nationally representative sample of children and adolescents in the United States concluded that the majority of offenses were committed by other minors (76.7 percent males; 70.1 percent females) and most frequently among 14-17 year olds (Gewirtz-Meydan & Finkelhor, 2020). Meanwhile, Finkelhor and colleagues (2014) estimated that the lifetime experience of CSA exclusively by adult perpetrators was 11.2 percent for females and 1.9 percent for males; the rate for both genders was greatest among adolescents between 15 and 17-years-old.

A nationally representative survey of adults in the United States found among respondents who disclosed a history of CSA (27 percent women; 16 percent men) the median age at the time of abuse was 9.9 for boys and 9.6 for girls (Finkelhor et al., 1989). Studies of

children and their caregivers found that 6.1 percent of children had been victims of CSA (both contact and noncontact sexual abuse) in the past year and 9.8 percent in their lifetime; when looking only at adolescents aged 14 to 17 years these numbers escalated to 16.3 percent and 27.3 percent, respectively (Finkelhor et al., 2009).

Previous research shows that CSA co-occurs with other adverse family conditions, such as impaired caretaking (e.g., parental substance abuse), parent psychopathology, separation from biological parents, and other forms of child maltreatment (e.g., physical abuse) (Finkelhor, 1994; Fergusson et al., 1996). Among cases of CSA known to public child welfare agencies, 42 percent of victims of CSA were sexually abused by someone other than a parent or a parent's partner, whereas 36 percent were sexually abused by a biological parent (Sedlak et al., 2010). Meanwhile, community-based studies have found that 11 percent of boys and 29 percent of girls were abused by family members. Seventy-three percent of boys and 64 percent of girls reported they were sexually abused one-time (Finkelhor et al., 1989).

Consequences of Child Sexual Abuse

A large body of research has established that there is a graded dose-response relationship between adverse experiences during childhood, including CSA, and deleterious effects on physical and mental health outcomes later in life, including depression, PTSD, and substance abuse (Anda et al., 2006; Dube et al., 2005; Easton, 2012; Irish et al., 2010; Molnar et al., 2001). Not only are survivors of CSA at greater risk for poor health outcomes, but they are also more likely to report social problems throughout their life course, which include disrupted marriages, dissatisfaction with sexual relationship, problem avoidance, and a tendency to be a religious non-practitioner (Finkelhor et al., 1989; Okeke et al., 2017). Related research has assessed the risk of clinical and personality disorders in persons sexually abused during childhood and found the rate

of contact with public mental health services was 3.65 times higher among victims of child sexual abuse (Cutajar et al., 2010).

Past research with a community-based sample of preschool children (3.5 to 6 years old) assessed the relationship between CSA, attachment, and dissociation. The study found that disorganized attachment and emotion dysregulation mediated the association between CSA and dissociation (Hebert et al., 2020). CSA experienced during early childhood may significantly alter a child's ability to develop a secure attachment with their parent or caregiver, which is necessary for normative development (Bowlby, 1988; Bowlby & Ainsworth, 1965). CSA is associated with lower levels of self-concept and higher levels of psychopathology (Gewirtz-Meydan, 2020). Meanwhile, children with higher levels of social support have been found to have higher levels of self-concept and lower level of psychopathology (Gewirtz-Meydan, 2020). Problematically, victims of CSA often live in households experiencing familial adversities which mitigate available social support (Finkelhor, 1994; Fergusson et al., 1996).

Intergenerational transmission of sexual abuse has been well documented (e.g., Leifer et al., 2004). Research with community samples have found that mothers' history of sexual victimization is significantly associated with their daughter's sexual victimization during adolescence and is partially mediated by the daughter's perception of their mother's parenting in four domains: connectedness, communication effectiveness, monitoring, and approval of sex (Testa et al., 2011). Related research has found that mothers who experienced CSA themselves had harsher parenting styles with their children, which is mediated by depression and other stressors (Hugill et al., 2017). In turn, CSA impacts parenting styles and behavior which may increase a child's exposure to sexual abuse (e.g., partners in the household with access to a child,

permissive or uninvolved parenting style, etc.) or influence parent-child interaction resulting in increased risk for victimization (e.g., insecure attachment style).

Victim to Offender Cycle

Past research estimates the worldwide prevalence of CSA ranging from three to 17% for boys (Barth et al., 2013) and males are more likely than females to commit sexual offenses (Glasser et al., 2001; Seto & Lalumière, 2010). In fact, studies have found that 90 percent of sexual crimes committed against minors were male perpetrators who were predominately under the age of 30 (Finklehor et al., 2005; Jones et al., 2001). Extant research has identified a link between victimization and subsequent offending, which is frequently referred to as the “cycle of violence” (Glasser et al., 2001; Plummer & Cossin, 2018; Seto & Lalumière, 2010; Thomas & Fremouw, 2009; United States General Accounting Office, 1996; Widom & Maxfield, 1996, 2001). Although a history of CSA is a strong predictor of becoming a perpetrator, the overwhelming majority of victims of CSA will not go on to commit acts of sexual abuse or violence.

Community surveys have found that an estimated one to two percent of the adult male population will be convicted of a sexual offense during their lifetime (California Office of the Attorney General, 2004). However, the likelihood of committing a sexual offense is significantly greater for individuals who are victims of CSA themselves. For example, a meta-analysis conducted by Seto and Lalumière (2010) with studies comparing male adolescence sex offenders ($N = 3,855$) and male adolescent non-sexual offenders ($N = 13,393$) found that offenders had a greater than five times odds of having been sexually abused compared to non-offenders. Further, a study of retrospective clinical case notes of subjects ($N = 843$) attending a forensic specialty psychotherapy clinic found the risk of being a perpetrator was positively correlated with being a

victim of CSA (Glasser et al., 2001). The study found that the overall rate of having been a victim was 35 percent for perpetrators and 11 percent for non-perpetrators.

Studies investigating the cycle of violence point to social learning theory as a possible explanation for the phenomena whereby perpetrators are exposed to violence by parents or role models and, through behavioral conditioning and imitation, pass on the behavior to others (Bandura, 1973; Reckdenwald et al., 2013). Importantly, if interventions can prevent a child from being exposed to behavior (e.g. being a victim of CSA) the opportunity to distribute or attenuate the cycle of violence exists.

Barriers to Disclosing Child Sexual Abuse

Studies show there is a decreasing trend of CSA rates in the United States (Finkelhor et al., 2014) even though prevalence estimates remain stable with an average of 10 percent of children being sexually abused before they reach the age of 18 (Townsend & Rheingold, 2013). This disparity between prevalence and reported rates highlights barriers to reporting child maltreatment, in particular CSA. Problematically, past research estimates that only 10 percent to 15 percent of CSA cases are ever reported to legal authorities (e.g., child protective services and/or law enforcement) (Bottoms et al., 2016). Disclosure of CSA, either as a child or adult, is a prerequisite to reporting and accessing legal or clinical interventions. Thus, an understanding of the body of research on barriers to disclosure of CSA is critical and is presented below.

All too often, children who are victims of CSA do not tell anyone about their abuse promptly after it occurs (e.g., within 1 month), at any point during the childhood (e.g., by the age of 18 years), until years later in adulthood, or ever at all (Cashmore et al., 2017; Hébert et al., 2009). A previous study of adults' retrospective reports of CSA found the estimated rate of disclosure by victims at any point during childhood was between 31 to 45 percent, demonstrating that the vast majority of victims of CSA do not disclose contemporaneously (London et al.,

2008). Hébert and colleagues (2009) reported that in a study with a community sample of adult survivors of CSA, 60 percent of survivors delayed disclosure by 5 years or more from their first episode of abuse and one in five survivors (or 20 percent) never previously disclosed their abuse to anyone. In related research, Johnson and Lindblad (2004) investigated characteristics of adult women who were exposed to CSA and found that participants in their sample waited up to 49 years after their abuse to disclose and, on average, delayed disclosure for 21 years.

The extant body of research on barriers among adult disclosure of CSA can be categorized into three distinct areas: intrapersonal, interpersonal, and sociocultural (Lemaigre et al., 2017; Tener & Murphy, 2015). Intrapersonal barriers include but are not limited to one's lack of awareness about their own abuse (e.g., questioning whether their actions contributed to or caused the abuse), self-doubt about the accuracy of one's memories of their abuse (e.g., cognitive distortions involving minimization and rationalization), and experiencing repressed memory of their abuse into adulthood (Alaggia, 2004; Alaggia et al., 2019; Tener & Murphy, 2015). Interpersonal barriers include the survivor's social system: family, environment, society and culture. Past research has shown families' views of gender roles, specifically heteronormative patriarchal views, and chaotic family structures are associated with lower rates of disclosure of CSA (Alaggia et al., 2019). Further, studies have also revealed the importance of the relationship between the perpetrator and the victim's family (e.g., the perpetrator is a family member or a person close to the family) has been shown to attenuate disclosures (Easton, 2013). Sociocultural barriers include attitudes and societal expectations about survivors of CSA, such as society's view of who are typically victims and who are perpetrators of sexual violence (Lemaigre et al., 2017; Tener & Murphy, 2015).

A recent study by Easton and colleagues (2014) investigating barriers to disclosure of CSA among adult male survivors identified three domains: sociopolitical (e.g., mores about masculinity), interpersonal (e.g., mistrust of others), and person (e.g., internal emotions). Similarly, Alaggia, Collin-Vezoma, and Lateef (2019) conducted a systematic review investigating the current state of CSA disclosure research for the period of 2000-2016. The study identified five themes in the empirical literature as barriers to reporting CSA: age and gender where males were less likely to report but there is an interaction with environmental factors (e.g., social attitudes towards hypermasculinity, negative views of males who are victims, and homophobic attitudes); victim of intrafamilial abuse; internalized victim blaming including minimization and rationalization; and family dynamics with rigid gender roles, patriarchal attitudes and other adverse experiences (Alaggia et al., 2019). Moreover, studies of the disclosure and reporting of child maltreatment demonstrate how the issue of CSA permeates all aspects of one's ecosystem (Bronfenbrenner, 1979; Gitterman & Germain, 1976, 1996, 2008), thus requiring multi-level interventions from micro and macro practitioners (e.g., clinical social workers providing psychotherapeutic interventions and macro social workers engaged in policy practice).

In the context of the Catholic Church, more than 80 percent of known victims of CSA are males (John Jay College of Criminal Justice, 2004). Further, social mores during the 1950's – 1980's dictated children treat members of the clergy with respect and deference. When a priest showed attention towards a family, in particular a child, it was often viewed as a great honor to receive attention from "God's representative on earth." Thus, circumstances were created where a victim of CSA could not disclose abuse to parents for fear of not being believed or going against the Church, which for many victims of CSA was a central part of their families' life (e.g.,

school, athletics, worship, hub of social activity, etc.) As previous research has shown, children are less likely to disclose when their abuser is a person in a position of trust and/or authority (London et al., 2005) and, often, when a child disclosed CSA to their parents they were not believed. Further, the Catholic Church's teachings on extramarital sexual intercourse and homosexuality were in direct conflict with experience of young victims, which created a paradox to which many children didn't have language to be able to communicate (e.g., Pope John Paul II's *Theology of the Body*, 1997). Taken together, victims of CSA in the context of the Catholic Church experienced a multiplicative effect of intrapersonal, interpersonal, and sociocultural barriers that precluded prompt disclosure and which contribute to internalizing problems and disorders throughout one's life course.

Mandated Reporting

The publication of *The Battered-Child Syndrome* in 1962 placed the issue of child abuse in the public sphere (Kempe et al., 1962). Consistent with Kingdon's (1984, 2011) Multiple-Streams Approach (MSA), the following year the Children's Bureau held a meeting with stakeholders to explore how to work with states and communities to address the problem of child abuse. In May 1963, a second meeting was convened with lawyers, judges, physicians, social workers (e.g., subject matter experts) where it was recommended draft legislative language be developed for a mandated reporting law. By summer, the Children's Bureau was circulating suggested language for a state law mandating physicians and institutions to report suspected physical abuse to police authorities based on medical findings (Children, 1963; Reinhart & Elmer, 1964). By 1966, all states except for Hawaii had passed mandated reporting laws and, by 1967, Hawaii passed legislation (Children, 1966; Children's Bureau, 2013).

By 2019, nearly all states' mandated reporting statutes designate professions that are required to report child maltreatment (Child Welfare Information Gateway, 2019b). The most common professions mandated to report across all jurisdiction are: social workers; teachers, principals, and other school personnel; physicians, nurses, and other health-care workers; counselors, therapists, and other mental health professionals; child care providers; medical examiners or coroners; and law enforcement officers (Child Welfare Information Gateway, 2019a). Further, three states do not designate specific professionals who are required to report child maltreatment; rather, their statutes employ a universal approach that require "all persons" to report suspected abuse and neglect.

Statutory Changes Since the Child Abuse Prevention and Treatment Act

A growing body of research has demonstrated that enacting reforms to mandated reporting statutory requirements increases the number of reports of suspected abuse and neglect that are made to civil authorities and reports that are filed by mandated reporters compared to non-mandated reporters are most likely to be substantiated (Kin et al., 2013; Mathews et al., 2020; Wolf et al., 2018). Thus, the question of whether requiring clergy to be serve as statutorily required mandated reporters is naturally raised.

Palusci, Vandervort and Lewis (2016) used county-level data from the U.S. National Child Abuse and Neglect Data System (NCANDS) for the years 2000 and 2010 to investigate the relationship between report rates of suspected child maltreatment, including CSA, and changes to mandated reporting laws requiring universal or clergy reporting to examine whether there is any relationship with child maltreatment reports and mandated reporting law changes to include clergy as a category of mandated reporters. Changes in rates for the total number of reports, confirmed reports of child maltreatment, and confirmed maltreatment types (e.g., CSA) were examined while controlling for child and community factors. The study found that between 2000

and 2010 states that included clergy as mandated reporters were associated with increased confirmed reports of sexual abuse, neglect, and psychological maltreatment (Palusci et al., 2016).

Although there is evidence to suggest that requiring clergy to be mandated reporters' increases reporting of suspected child abuse and neglect, specifically CSA, it is not without controversy. In the context of Catholic Church, clergy-penitent privilege refers to the protection of communication a cleric (e.g., priest) receives from an individual's confession of their sins in the Sacrament of Penance, which is commonly referred to as "confession". The canon law of the Catholic Church strictly prohibits a cleric from disclosing any information obtained through the Sacrament of Penance, which may include knowledge of suspected or admitted child abuse and neglect (Brooks, 2009). Although some U.S. states and territories that explicitly list clergy as mandated reporters deny clergy-penitent privilege in child abuse cases (e.g., Guam, New Hampshire, and West Virginia) other states that name "any person" as a mandated reporter also deny clergy-penitent privilege in child abuse cases (e.g., North Carolina, Oklahoma, Rhode Island, and Texas) (Child Welfare Information Gateway, 2019b). Still other jurisdictions permit clergy-penitent privilege even in matters involving suspected child abuse and neglect (e.g., Massachusetts) (M.G.L. c. 119, §51a, 2018). Advocates have called for the abolition of clergy-penitent privilege citing it as a "loophole" in mandated reporting law. As one such example, a bill was recently filed in the Arizona state legislature which proposed to curtail the clergy-penitent privilege (State of Arizona, Senate, Fifty-fifth Legislature, SB1008, 2021).

Background of Mandated Reporting in the Catholic Church

When the *Charter* was promulgated by the USCCB in 2002, Dioceses were directed to follow civil reporting statutes (USCCB, 2018, p. 10). As of 2019, 28 states include clergy as mandated reporters required by law to report known or suspected child maltreatment and 16

states require “any person” to act as mandated reporters, which include clergy (Child Welfare Information Gateway, 2019). Although Clergy are required by law to report suspected and known incidents of child maltreatment, there are exceptions for reporting based on privileged communications, referred to in the law as clergy-penitent privilege. These exemptions are common yet controversial (Cassidy, 2003; Orton, 2020; Semonin, 2021).

A doctrine of some faiths require clergy to maintain confidentiality about certain pastoral conversations. In the Catholic faith, this doctrine is the Sacrament of Penance, commonly referred to as “confession” or “reconciliation”. The Sacrament of Penance is recognized by civil law as priest-penitent privilege. The Church teaches that in the Sacrament of Penance, a penitent confesses their sins to God himself through the priest and, upon receiving penance and demonstrating true sorrow through An Act of Contrition, receives absolution and the penitent’s sins are forgiven (USCCB, 2013). The relationship between the Sacrament of Penance and the priest-penitent privilege is further complicated by the Church’s teaching on the sacrament:

Reconciliation itself is a benefit that the wisdom of the Church has always safeguarded with all her moral and legal might, with the sacramental seal. Although it is not always by the modern mentality, it is indispensable for the sanctity of the sacrament and for the freedom of the conscience of the penitent, who must be certain, at any time, that the sacramental conversation will remain within the secrecy of the confessional, between one’s own conscience that opens to grace, and God, with the necessary mediation of the priest. The sacramental seal is indispensable and no human has jurisdiction over it nor lay any claim to it (Pope Francis, 2019a).

Further, canon law stipulates that the sacramental seal is inviolable and “...it is a crime for a confessor (priest) in any way to betray a penitent by word or in any other manner or for any reason” (Code of Canon Law, 1983, c. 983.1). A priest who “breaks the seal of the confessional,” even to report a crime, will be excommunicated from the Church (Canon Law Society of America, 1983). Thus, a priest who hears a confession where a penitent confesses to committing

child sexual abuse is forbidden under canon law from reporting this information to anyone. The privilege is upheld by civil statute in every state in the U.S., even in instances of child maltreatment, except for six (Child Welfare Information Gateway, 2019).

Investigations have identified that the Sacrament of Penance has been used to cover up sexual abuse within the Church (e.g., French Independent Commission on Sexual Abuse in the Catholic Church, 2021) and priests have been prosecuted for committing sexual abuse during the act of confession itself (U.S. District Attorney's Office for the District of Columbia, 2021). Consequently, there has been a growing movement to change laws to require priests to report information about child maltreatment obtained through confession and abolishing exemptions under the priest-penitent privilege (e.g., Royal Commission into Institutional Responses to Child Sexual Abuse, 2017).

Taken together, the Catholic Church has required Dioceses to follow civil mandated reporting statutes through the *Charter*; however, there are exemptions under the priest-penitent privilege enshrined in civil statutes and requirements under canon law that prevent all known cases of child maltreatment from being reported by priests. Priest-penitent privilege remains a controversial area that is debated; however, it remains central to Catholic doctrine.

Canonical/Ecclesiastical Law

The Code of Canon Law is the fundamental body of ecclesiastical laws for the Latin Church of the Catholic Church (Coriden et al., 1985). The most recent code was promulgated in 1983 by Pope John Paul II and preceded the Catholic Church's public recognition of the sexual abuse crisis. As such, the canons (equivalent to statutes) promulgated under the 1983 Code of Canon Law were insufficient for dealing with the delicts (crimes) associated with clergy who committed CSA. Further, there was not a construct for the supervisors, often bishops, who

exacerbated the problems by moving offending priests to new assignments, failing to report crimes to civil authorities, and handling cases in a clandestine manner (e.g., engaging in confidential financial settlement with nondisclosure agreements).

Although the *Charter* and *Essential Norms* were significant improvements in how the Catholic Church responded to victim-survivors of CSA, engaged involvement of the laity through the establishment of Review Boards, and allocated resources to bring child welfare and mental health professionals on staff, there were still significant gaps in the Church's legal framework. Catholic doctrine states that a bishop may only be judged by another bishop. When the *Charter* was established, bishops were exempted from its requirements. According to one prelate, the bishops' goal was not to exempt themselves from the *Charter*; rather, they sought to create a document that would not be rejected by the Holy See because it conflicted with doctrine (M.R.M. Rozanski, personal communication, September 2019). Consequently, there was no mechanism for reporting and holding bishops and their equivalents accountable for misconduct committed as a prelate. Further, there was no mechanism for reporting and investigating the cover-up of CSA by a prelate.

In May 2019, Pope Francis issued an Apostolic Letter in the form of a Motu Proprio titled "*Vos estis Lux mundi*" (You are the light of the world). *Vos estis lux mundi* established a legal requirement for bishops of the Latin Church and bishops of the Eastern Catholic Church (encompassing the global Catholic Church) mandating that each bishop's conference establish a third-party reporting system for allegations of misconduct by bishops. The Motu Proprio also established procedures for investigating allegations of misconduct by bishops and required compliance with state laws. Article 19 states, "These norms apply without prejudice to the rights and obligations established in each place by state laws, particularly those concerning any

reporting obligations to the competent civil authorities” (Pope Francis, 2019). Also, in 2019, Pope Francis abolished the pontifical secret in cases of sexual abuse. The pontifical secret had prevented reporting, trials, and decisions regarding delicts of sexual acts with a child or vulnerable person (Vatican News, 2019).

Taken together, the actions taken by the Catholic Church in the United States and the Vatican over the past two decades represent a significant commitment to working with civil authorities to address reports of sexual abuse and supporting healing and recovery for survivors of CSA. However, the hierarchical structure of the Catholic Church whereby each diocese/archdiocese is led by a bishop, archbishop or cardinal archbishop who reports directly to the pope, contributes to significant variance among diocesan policies and practices, often within a single civil jurisdiction. Further research is needed to understand how recent changes to civil and ecclesiastical law have been operationalized within dioceses.

Theoretical Framework: Multiple Streams Approach

Kingdon’s *Agendas, Alternatives, and Public Policies* (1984) presents the Multiple Streams Approach (MSA), a framework that explains how policies are made by governments – at the local, state, regional, federal or transnational levels - under conditions of ambiguity and uncertainty (Jones et al., 2016; Kingdon, 1984, 1995; Zahariadis, 1999, 2007, 2014). MSA’s five major components – problems, policies, politics, policy windows, and policy entrepreneurs – provide insight into the entire policy making process: agenda setting, decision making, and implementation. Today, MSA has been cited more than 12,000 times and has spurred a diverse empirical literature across multiple policy domains throughout the world (Cairney & Jones, 2016; Jones et al., 2016).

MSA conceptualizes three independent processes, which are referred to as streams, that run through the policy system: problems, policies, and politics. Kingdon (2011) described the policy agenda as, "...the list of subjects or problems to which governments officials, and people outside of government closely associated with those officials, are paying some serious attention at any given time" (p. 3). When the streams converge, a policy window or, "the opportunities for action on given initiatives, present themselves and stay open for only short periods" (Kingdon, 2011, p. 166).

Not every condition will be recognized as a problem and make it onto the policy agenda. In the Problem Stream, for a condition to be identified as a problem a stakeholder must first be convinced that something should be done about it. In stark contrast to rationale decision-making, the Policy Stream depends upon advocates, referred to as "policy entrepreneurs," who recommend and attach solutions to problems that are in the process of being defined, a process Kingdon (1984, 2011) calls "coupling." The policy entrepreneur has a stake in their solution being attached to a particular problem, so they invest resources in developing and advocating their solution. Attaching a viable alternative to a problem increases the likelihood that a problem will be placed on a government agenda and, ultimately, on a decision-making agenda. Finally, the Political Stream is forged by "...such factors as swings of national mood, election results, changes in administration, changes of ideological or partisan distribution of congress, and interest group pressure campaigns" (Kingdon, 2011, p. 142). Thus, when all three streams align the policy window opens when an issue is deemed to be urgent. Broad issues that affect multiple stakeholders increase the likelihood that stakeholders with reach consensus on a policy decision (Kingdon, 2011).

Historical Underpinnings

MSA extends the garbage can model of organizational change (“garbage can model”) and draws upon the concept of bounded rationality (Cohen et al., 1972; Simon, 1957). Based on a study of decision making process within universities, the basic idea of the garbage can model is that organized anarchies – those organizations characterized by problematic preferences, unclear technology, and fluid participation – can be viewed as, “a collection of choices looking for problems, issues and feelings looking for decision situations in which they might be aired, solutions looking for issues in which they might be an answer, and decision makers looking for work” (Cohen et al., 1972, p. 2). In contrast to classical models of decision making (e.g., Coleman, 1990), decisions in the garbage can process are viewed as the outcome of four independent streams - problems, solutions, participants, and choice opportunity – where “problems, solutions, and participants move from one choice opportunity to another in such a way that the nature of the choice, the time it takes, and the problems it solves all depend on a relative complicated intermeshing of elements” (Cohen et al., 1972, p. 16). Central to the garbage can model is the streams metaphor that explicates a process of choice in the face of uncertainty and ambiguity, which are dynamics commonly faced by policy makers confronting intractable issues (Cairney & Jones, 2016).

MSA also draws upon Simon’s (1957) concept of bounded rationality. Bounded rationality presupposes that decision-makers are not able to employ a purely rational process to arrive at an “optimal choice” based on all of the information available. Rather, bounded rationality posits that decision makers seek satisfactory or adequate solutions due to the complexity of natural problems and finite resources available (e.g., information, time, and cognitive processes) for making decisions (Simon, 1976). Kingdon (1984) applies the concept of bounded-rationality in MSA to the policy system where decision makers have a finite amount of

time, incomplete information, and decisions must be made despite these constraints. In contrast to Simon's bounded rational order that theorizes processes from micro to the macro, MSA theorizes the policy process from the macro to the micro (Zahariadis, 2014).

Current State of Thought

With more than 12,000 citations, MSA has been widely used by scholars in myriad policy areas around the world. MSA has been noted for its theoretical contributions in policy theory, principally in the development of evolutionary theory, and utilizes universal concepts that are widely understood by practitioners, administrators and scholars (Cairney & Heikkila, 2014; Cairney & Jones, 2016; Zahariadis, 2014). Given the popularity and growing trend of MSA in public policy, an exploration of its applications is warranted.

Cairney and Jones (2016) conducted an in-depth analysis of studies using MSA to evaluate its impact. They conclude that Kingdon has made two separate contributions to the policy field. First, MSA has contributed to evolutionary policy theories (e.g., punctuated equilibrium). Secondly, MSA has promoted a large, dedicated, and often empirical literature. However, Cairney and Jones (2016) also assert, "most MSA empirical applications only engage with broader policy theory superficially" (p. 37). As a path forward, they recommend policy researchers (1) demonstrate proficiency with MSA; (2) speak specifically to the concepts of MSA; and (3) speak to broader policy research and explore connections between universal elements of MSA and other theories in public policy.

A recent meta-review by Jones and colleagues (2016) assessed the quantity, quality and nature of MSA applications in peer-reviewed journals between 2000 and 2013. Content analysis was conducted on peer-reviewed articles published in the Web of Science database that operationalized or tested MSA concepts ($n = 311$). There was heterogeneity among policy domains where MSA was applied. Twenty-two general policy categories were identified:

agriculture, arts, defense, diversity, economic, education, emergency services, energy, environment, firearm, foreign relations, justice, governance, health, labor, non-profit, planning/development, real estate, religion, technology, transportation and welfare.

Although a breadth of policy areas was examined, five domains accounted for 76 percent of all areas explored using MSA in the sample (Jones et al., 2016). The most popular were health, 28 percent; environment, 19 percent; governance, 14 percent; education, eight percent; and welfare, seven percent. Additionally, MSA applied to studies in 65 different countries, although the majority of applications focused on the United States and Europe, at various levels of government – predominately at the federal level (52 percent of applications) but also at local, state, regional, or transnational levels. The majority of studies (88 percent) were identified as qualitative studies and only 34 percent of applications employed all five of MSA major concepts. Rather, focusing on the Policy Window was the most popular of all the MSA concepts, being identified in 72 percent of applications (Jones et al., 2016)

Criticisms/Weaknesses

Despite MSA's widespread application, most notably qualitative case studies, over the past four decades there are limitations that must be noted for a thorough overview of the framework. Criticisms and limitations of MSA identified in the literature can be distilled into three categories: inconsistent application of terms; incomplete application of all major concepts; and limits to hypothesis testing.

Shared vocabulary and defined concepts are central elements of theory (Cairney & Heikkala, 2014). To date, the primary application of MSA been qualitative case studies across an array of policy areas and, in nearly two-thirds of all articles, not all of the five major MSA concepts were applied (Cairney & Jones, 2016; Jones et al., 2016). In their meta-review, Jones and colleagues found the majority of MSA-inspired articles only used Kingdon's framework

superficially. Specifically, there was intermittent use of the five major components and subcomponents, which raises the questions of whether researchers have a shared understanding of the five major components (Jones et al., 2016). Cairney (2015) notes a growing feature of practitioner-focused studies seek narrow lessons from policy studies, and do not focus on policy theory development. As such, a lack of shared vocabulary and ill-defined concepts that are inconsistently applied precludes uniformly operationalizing MSA across studies.

Zahariadis (2014) raises the question, “Are the streams really independent?” Kingdon (1984, 2011) asserts that although the streams are independent and exist in parallel processes, it is through coupling by policy entrepreneurs that decisions are made. Thus, although independent, Kingdon describes an interrelatedness of the streams, as well as the major components and subcomponents, that are all necessary to explain the policy process. In nearly two-thirds of studies published in peer-reviewed journals between 2000 and 2013 applying MSA, all five major concepts were not applied; rather, one or more components was the focus of the analysis (Jones et al., 2016). Therefore, the majority of articles using MSA do not adhere to complete fidelity with the framework.

Problematically, inconsistent application of terms and incomplete application of core concepts pose threats to hypothesis testing, an important aspect of theory development. Sabatier (2007) notes that MSA has not generated enough falsifiable hypotheses. Meanwhile, Jones and colleagues observe that MSA appears to be metaphorical and, although individual components can be operationalized, it is difficult to produce a test for MSA (Jones et al., 2016).

Notwithstanding these methodological limitations and challenges, quantitative studies have used MSA to test hypotheses (e.g., Sager and Rielle, 2013) and contribute to the breadth of empirical studies.

Despite its limitations, MSA remains a frequently used framework for understanding and analyzing the policy process. Admittedly, there are weaknesses to MSA as is true with all theoretical approaches to understanding complex, political decision-making processes. However, it's flexibility, universal concepts, and robust application in the policy literature support the use of MSA as an analytical framework when exploring complex policy issues such as mandated reporting within the context of the Catholic Church.

Extending Multiple Streams Approach

MSA is among the most widely used frameworks for contemporary policy analysis and has been applied to myriad areas throughout the policy process. MSA's universal approach has inspired a diverse literature across disciplines that utilize policy analysis as a research method. At the same time that MSA gained prominence as an analytical framework, mandated reporting laws in the United States were amended to include clergy among the statutorily required professions to report suspected child abuse and neglect. There remains a dearth of research investigating how policies decisions were made and operationalized within the context of the Catholic Church as a result of changes to mandated reporting requirements.

The present exploratory and descriptive study will extend MSA into the child welfare field by using the Policy Stream (Kingdon, 1984, 2011) to investigate the development and implementation of mandated reporting requirements and child protection policies among Catholic archdioceses in the United States over the last 20 years.

Research Questions

Informed by Kingdon's (1984, 2011) MSA and the policy stream, two research questions guide the present study: (1) How do child protection policy dimensions differ in Catholic archdioceses in the United States? (2) How do child protection policy dimensions differ across and between Catholic archdioceses and civil statutes?

Chapter Summary

CSA is a phenomenon that has existed throughout the documented history of humanity. Over the course of the past two centuries, society has shifted its focus on the safety, well-being and protection of the most vulnerable among us, our children. In the later 20th century, the first major piece of federal legislation, the Child Abuse Prevention and Treatment Act of 1974 (CAPTA), was enacted ushering in the modern era of child welfare. As a result, a wave of state legislation was passed creating a national network of mandated reporters.

At the same time the nascent child welfare system was developing, a sexual abuse crisis on a global scale raged on within the Catholic Church. Since it was first publically reported by the *Boston Globe* in 2002, the Archdiocese of Boston sexual abuse crisis spurred a substantial policy shift within the Catholic Church in the United States and created a moral imperative for state legislatures, such as Massachusetts, to close loopholes that allowed clergy not to be legally required to report suspected abuse or neglect. Although nearly 20 years have passed, there remains a dearth of empirical research investigating how these policy changes have been operationalized within the context of the Catholic Church and whether they resulted in any marked improvement.

Kingdon's Multiple Streams Approach (MSA) (1984, 2011) has been shown to be a flexible and universal framework for analyzing the policy process at local, state, federal, and transnational levels of government. Further, an ever growing body of empirical research has demonstrated the utility and versatility of MSA among various policy domains throughout the world, and it is a robust tool for analyzing policy at the agenda setting, decision making, and implementation stages. This study leverages MSA as its theoretical framework for analyzing mandated reporting within the context of the Catholic Church in the United States.

How do child protection policy dimensions differ in Catholic archdioceses in the United States? How do child protection policy dimensions differ across and between Catholic archdioceses and civil statutes? These are the essential questions that will be answered in this study. The chapter that follows will present the study's research method and design, researcher positionality, sample, data collection, data management and analysis method, and transferability, confirmability, dependability, and credibility. This is the first study of its kind and will advance the knowledge base on the intersection of canon law and civil law pertaining to child protection policy dimensions.

Chapter Three: Methodology

Introduction

This chapter begins with a presentation of the research method and design of this novel exploratory and descriptive qualitative study. Researcher positionality is discussed followed by a presentation of the sample, which includes the population, method, and ethical considerations. Thereafter, the data management and analysis method are presented, which includes a priori key policy dimensions and data analysis plans. Finally, the study's transferability, confirmability, dependability, and credibility are discussed.

Child protection policies including maltreatment type, reporting requirements and processes, and privileged communications within the context of the Catholic Church in the United States are currently not well understood. As a result, little is known about the efficacy of Catholic archdioceses child protection policies and how they compare with civil statutes. The purpose of the present study is two-fold: First, it explores how key child protection policy dimensions differ in various Catholic archdioceses in the United States. Second, it investigates how various child protection policy dimensions differ across Catholic archdioceses and civil statutes.

Research Method and Design

For this study, I used a generic qualitative methodology employing comparative content analysis to conduct a policy analysis using publicly available Catholic archdioceses child protection policies and state civil statutes (Caelli et al., 2003; Creswell, 2013; Drisko & Maschi, 2016; Krippendorff, 2004). Content analysis of policy dimensions was conducted and compared across two entities, archdioceses child protection policies and civil statutes. They have been matched for comparison according to civil/diocesan jurisdictional alignment. In the case of

archdiocesan policy, several unique to the church are also analyzed. This approach allowed for a thorough assessment of the extent to which there are shared definitional components and characteristics, the development of a typology of Catholic archdioceses child protection policies, and comparison of matched policies and civil mandated reporting statutes (Caelli et al., 2003; Collier & Collier, 1991; Drisko & Maschi, 2016; Krippenforff, 2004). Utilizing secondary data is the approach taken in this study due to substantial barriers and limitations with collecting primary data from diocesan officials and actors involved in the policy process around child protection in the Catholic Church. Logistical barriers (e.g., access to a closed system) and ethical issues for research with human subjects, principally non-maleficence as engaging prospective study subjects could cause significant distress, abound in this institutional context.

Since the purpose of this study is to explore and describe child protection policies within the Catholic Church in the United States, qualitative content analysis of documents yields robust data for investigation. However, solely utilizing one source of secondary data for qualitative analysis precludes the use of traditional qualitative research methodologies that are commonly used for policy analysis, such as case study (e.g., Worsley et al., 2020), phenomenology (e.g., Elías, 2020), and grounded theory (e.g., Richards & Farrokhnia, 2016). Nevertheless, generic qualitative approaches provide a methodological solution that are appropriate for this study.

Caelli, Ray and Mill (2003) note that:

Generic qualitative studies are those that exhibit some or all of the characteristics of qualitative endeavor but rather than focusing the study through the lens of a known methodology they seek to do one of two things: either they combine several methodologies or approaches, or claim no particular methodological viewpoint at all. Generally, the focus of the study is on understanding an experience or an event (p. 2).

Thus, a generic qualitative approach employing comparative content analysis of publicly available documents is best suited for the present study, which seeks to explain how key child

protection policy dimensions including maltreatment type, reporting requirements and processes, and priest-penitent privilege differ across statutes (church and civil) and the reporting requirements.

Researcher Positionality

I approach this doctoral dissertation research from the perspective of a social work practitioner, manager and regulator. For more than 15 years, I have worked in nonprofit human service organizations and government agencies providing behavioral health and child protective services. Since 2010, I have also worked as a program surveyor for an international human service accreditation organization and, for the past five years, as a social work regulator in the Commonwealth of Massachusetts as well as a subject matter expert for the Association of Social Work Boards for the past six years. My experience as a social worker has profoundly influenced my understanding of human and organizational behavior.

I identify as a thirty-eight-year-old middleclass male from an Irish- and Italian-American background who was born and raised in the Catholic Church in New England. My wife and I are practicing Catholics raising our family in the Catholic Church. Nearly three years ago, I began working for the Roman Catholic Diocese of Springfield in Massachusetts as the director of the Office of Safe Environment and Victim Assistance. Through this work, multiple intersecting identities converged that inform my current standpoint: I am the father of a young child being raised and educated in the Catholic Church; a social worker who has practiced in the child protection and behavioral health fields locally and nationally and have seen and come to understand the devastating impact of child maltreatment, in particular CSA; a practicing Catholic whose faith is central to my values and principles; and a senior manager in a Catholic diocese responding to the clergy sexual abuse crisis in my community.

Given this standpoint, my worldview aligns with a relativist ontology, subjectivist epistemology, and an interpretivist paradigm (Denzin & Lincoln, 2005; Gubda & Lincoln, 2005). Through my experience and professional training, I have come to believe that reality and truth are mediated by the human experience and are influenced by age, race, ethnicity, language, socioeconomic status, and religion. Stated another way, consistent with ecological systems theory, the human experience is the result of a person's exposure to and intersection with their environment (Bronfenbrenner, 1979; Gitterman & Germain, 1976, 1996, 2008). This worldview is consistent with the epistemological assumptions of qualitative content analysis as a research methodology (Drisko & Maschi, 2016; Krippendorff, 2004, 2013). Nevertheless, for this study I will employ of positivistic approach as the research paradigm for this investigation due to its particular aims and goals.

Sample

Since the present study investigates a novel area of social science research, the intersection of canon law and civil law related to child protection, the objective is to study child protection policy texts from a sample of church and state jurisdictions to answer the study's research questions. Thus, the goal is to analyze the data for their intrinsic value rather than for generalizability, as is often the case with qualitative research (Creswell, 2013; Stake, 2005).

Given this aim, relevance sampling was used to identify qualitative data for the study. According to Krippendorff (2004):

In using this form of sampling, an analyst proceeds by following a conceptual hierarchy, systematically lowering the number of units that need to be considered for an analysis. The resulting units of text are not meant to be representative of a population of texts; rather, they are the population of the relevant texts... (p. 119).

The sampling criteria included child protection policies from Catholic archdioceses in the United States, that were publicly available, and child protection statutes from civil jurisdictions

where the archdioceses are located. The policies in this study were selected from particular churches in the United States. In canon law, a particular church is an ecclesiastical territory headed by a bishop or someone recognized as being equivalent to a bishop (e.g. diocese or archdiocese) (Canon Law Society of America, 1983). There are 196 particular churches in the United States of which 32 are territorial archdioceses (Kennedy, 2021). Territorial archdioceses are typically metropolitan sees - or important cities - at the head of an ecclesiastical province, which is the basic form of jurisdiction within the church. An archdiocese is led by an archbishop or a cardinal archbishop who has ecclesiastical jurisdiction over other bishops in the province, although bishops ultimately report directly to the pope.

Therefore, the 32 metropolitan sees have jurisdiction over the vast majority of the Catholic population in the United States encompassing the 50 states and territories. An archdiocese and the matched statutes for the civil jurisdiction that share the same geographic territory are the unit of analysis for the comparative content analysis in the present study. The criteria for the conceptual hierarchy by which archdioceses and civil jurisdictions were identified to be included in the sample is detailed in the subsection that follows (Krippendorff, 2004).

Sample Selection Criteria Method

For this study, archdioceses were identified for the sample based on different regions in the United States and the percentage of Catholics compared to the general population. The regions are New England, Mid-Atlantic, Southeast, Midwest, and the West and represent diverse geographic areas of the United States. Only one archdiocese from each region was selected that had the largest percentage of Catholic population. Using data from *The Annual Catholic Directory* (Kennedy, 2021), the percentage of the Catholic population was calculated for each archdiocese (see Appendix A).

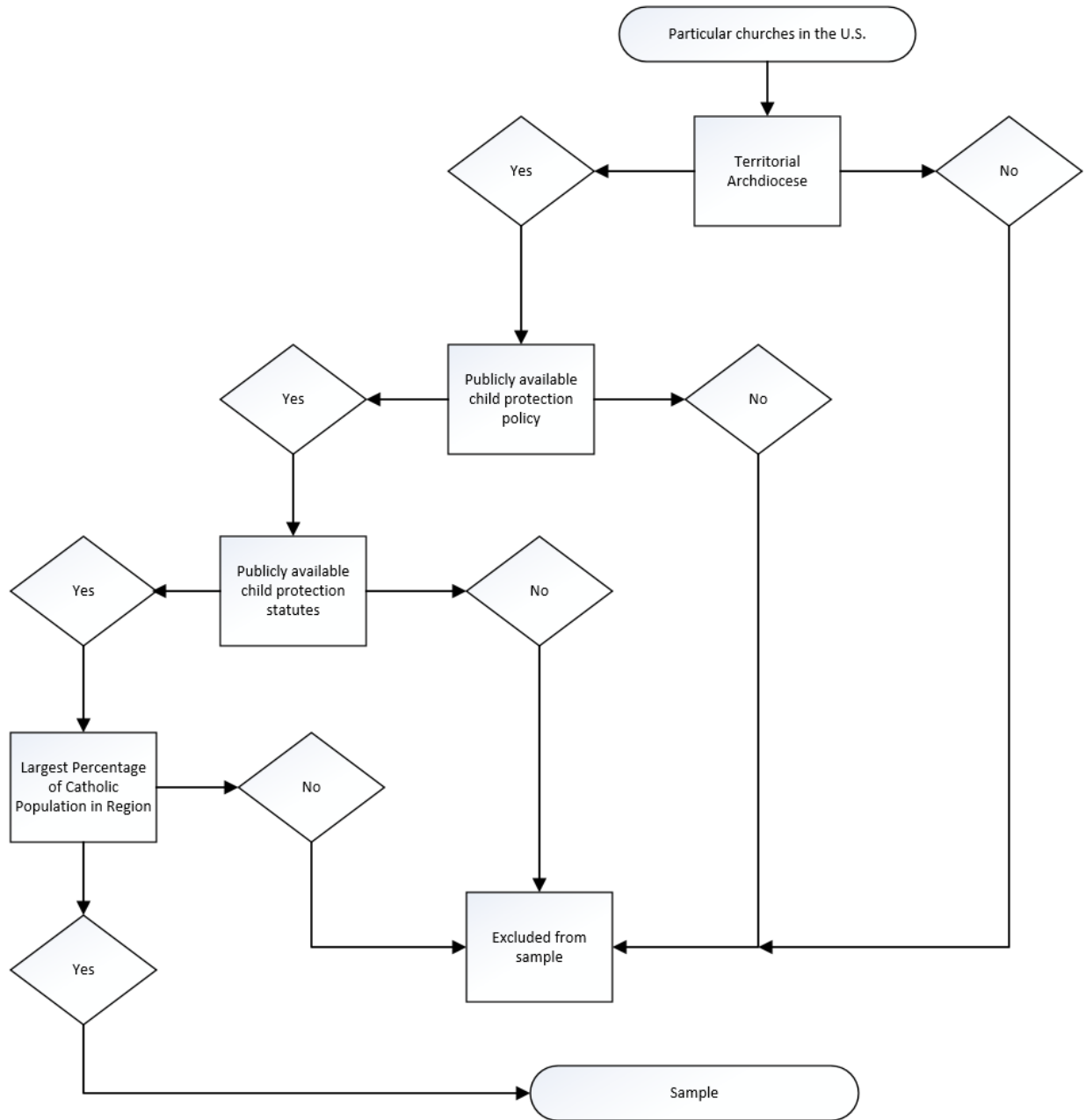
There were several criteria used for identifying these particular archdioceses (see Figure 1). First, the Catholic archdiocese had to publish a child protection policy that was publicly available on its website. There also had to be publicly available civil statutes along with child protection policies for both the civil and the religious sectors. Only one archdiocese from each region, as described above, was selected based on having the largest percentage of Catholics in the population. Second, archdioceses that did not publish a child protection policy that was publicly available on its website were excluded. In addition, non-territorial Catholic archdioceses (e.g. Archdiocese of the Armed Forces), other Catholic institutions in the United States such as Institutes of Consecrated Life and Societies of Apostolic Life (e.g. independent religious orders such as the Jesuits, Franciscans, Benedictines, etc.), and other religious denominations, such as the American National Catholic Church or the Polish National Catholic Church, that are not in communion with the Roman Catholic Church were excluded.

The six archdioceses with the greatest percentage of Catholics in the population (see Appendix A) were the Archdiocese of Boston in Massachusetts, 45.24 percent; Archdiocese of New York in New York, 44.99 percent; Archdiocese of Newark in New Jersey, 41.22 percent; Archdiocese of New Orleans in Louisiana, 39.99 percent; Archdiocese of Chicago in Illinois, 36.99 percent; and Archdiocese of Los Angeles in California, 35.52 percent. The Archdiocese of Boston is in the New England region, the archdioceses of New York and Newark are in the Mid-Atlantic region, the Archdiocese of New Orleans is in the Southeast region, the Archdiocese of Chicago is in the Midwest region, and the Archdiocese of Los Angeles is in the Western region. For the initial review of archdiocesan child protection policies, the Archdiocese of New Jersey was dropped because it is the second archdiocese in the Mid-Atlantic region and had a lesser percentage of Catholics compared to the Archdiocese of New York. The remaining five

archdioceses were selected for the initial review, which involved assessing child protection policies including maltreatment type, reporting requirements and processes, and priest-penitent privilege across statutes (church and civil) and the reporting requirements.

Figure 1

Flow Chart of the Relevance Sample



Upon completion of the initial review, the child protection policies from the archdioceses of Boston, Chicago, Los Angeles, New Orleans, and New York (see Table 1) along with the corresponding civil child protection statutes were selected since they met the criteria described

above. The sample was homogenous in terms of its population (e.g. percentage of Catholics) and heterogeneous in terms of its geography (e.g. region in the United States). Each archdiocese's population had the greatest percentage of Catholic in their respective regions in the United States (Range = 35.52% - 45.24%; M = 40.55).

Table 1

Archdiocese Characteristics

Archdiocese	Region	Population	Total Catholic	% Catholic
Boston	New England	4,255,803	1,925,117	45.24
Chicago	Midwest	5,846,758	2,163,000	36.99
Los Angeles	Western	11,331,612	4,025,346	35.52
New Orleans	Southeast	1,295,628	518,251	39.99
New York	Mid-Atlantic	6,238,441	2,807,298	44.99

Further, each of the archdioceses represented a different geographic region in the United States which included politically conservative (e.g. Louisiana) and liberal (e.g. California) states with different child protection statutes (see Table 2) and child protection systems (Child Welfare Information Gateway, 2019). Taken together, the archdioceses and civil jurisdictions selected for the relevance sample have unique characteristics that intrinsically provided robust data capable of answering the study's research questions.

Table 2

Civil Child Protection Statutes

State	Child Protection Statute(s)
California	Penal Code §§ 11166; 11165
Illinois	Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20
Louisiana	Children’s Code Art. 603(17); 609; 610
Massachusetts	Gen. Laws Ch. 119, § 51A
New York	Soc. Serv. Law § 413; 415

Ethical Considerations

Research investigating child abuse and especially child sexual abuse in the context of the Catholic Church is a sensitive subject with multiple ethical considerations. Collecting primary data with survivors of CSA and officials who work within the Church has the potential to cause significant psychological distress and re-traumatize everyone who is involved. The present study utilized a policy approach to investigate this issue. As such, the research goals can be met using publicly available secondary data.

In July 2021, I submitted an application to the Institutional Review Board (IRB) of the University at Albany, State University of New York (“University”) for an Exempt Research Review in accordance with federal regulation 45 CFR 46. On August 4, 2021, the University’s IRB issued a determination that this study does not require IRB review since it does not meet the regulatory definition of “human subjects research.” Therefore, there are no ethical considerations regarding human subjects research (U.S. Department of Health & Human Services, Office for Human Research Protections, 2021).

Data Collection: Recording

The first analytical task in content analysis is data collection. Recording is a procedure where unstructured phenomena are transformed into records that can be analyzed using appropriate analytical techniques (Krippendorff, 2004; Weber, 1990). In the present study, the first step in the data collection process was document acquisition. Two types of documents were collected: child protection policies from archdioceses and civil statutes. Archdioceses' child protection policies were accessed through the publicly available internet website for each archdiocese and downloaded to a secure personal computer. Civil child protection statutes were accessed through search engines on publicly available state websites to access the jurisdiction's statutes; thereafter, subsequent searches identified the corresponding child protection statutes and downloaded to a secure personal computer.

Once the documents were acquired, a unique record was created for each policy and statute delimiting the data included in the record based on the a priori key policy dimensions, which are described in the section the follows. Each unique record was the unit of analysis that was used to construct the analytical database. Records included (1) policies, (2) statutes, and (3) matched policies and statutes based on shared geographical jurisdictions.

Data Management and Analysis Method

Data management and analysis was aligned with qualitative content analysis principles (Dirsko & Maschi, 2016; Krippendorff, 2004; Weber, 1990). First, a database was created comprised of records for later use by the researcher or interested others. To build the database, I first downloaded the publicly available documents (child protection policies from archdioceses and civil statutes). I classified and organized the data by archdiocese and civil jurisdiction. Next, I created records in Microsoft Word using a priori key policy dimensions (see Table 3), which

are described below (Saldaña, 2021). According to Drisko and Maschi (2016), “the aim of coding in qualitative content analysis is not to generate concepts and theory, but instead to describe the meanings and actions of...texts” (p. 105). Thus, use of a priori policy dimensions allowed for data to be organized and to begin to develop categories. For first cycle coding, an individual record was created for each archdiocese policy and civil statute. For second cycle coding, a record was created for each of the five matched archdiocese policies and corresponding civil statute.

A Priori Key Policy Dimensions

A priori key policy dimensions were developed using Kingdon’s (1984, 2011) policy stream and the author’s professional background with child protection in the Catholic Church. The present study utilized 11 key policy dimensions (see Table 3) as the set of a priori codes (Saldaña, 2021) for the analyses, which are: Child maltreatment including the following types, physical abuse, neglect, emotional abuse, and sexual abuse; historical sexual abuse of a minor; mandated reporters, clergy and laity; reporting process/ requirements: criminal authorities, civil authorities, and church authorities; and priest-penitent privilege.

Child maltreatment: physical abuse was defined as “any non-accidental physical injury to the child and can include striking, kicking, burning, or biting the child, or any action that results in a physical impairment of the child” (Child Welfare Information Gateway, 2019, p. 2). Child maltreatment: neglect was defined as “failure of a parent or other person with responsibility for the child to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child’s health, safety, and well-being are threatened with harm” (Child Welfare Information Gateway, 2019, pp. 2-3). Child maltreatment: emotional abuse was defined as “injury to the psychological capacity or emotional stability of the child as evidenced by an observable or

substantial change in behavior, emotional response, or cognition and injury as evidenced by anxiety, depression, withdrawal, or aggressive behavior” (Child Welfare Information Gateway, 2019, p. 3). Child maltreatment: sexual abuse was defined as “completed or attempted sexual act, sexual contact with, or exploitation (i.e., noncontact sexual interaction) of a child by a caregiver. Noncontact sexual abuse includes exposing a child to sexual activity, filming of a child in a sexual manner, sexual harassment of a child, or prostitution of a child” (Child Welfare Information Gateway, 2019, p. 3).

Historical sexual abuse of a minor was defined as when an adult was sexually abused as a child or young person under the age of 18. Mandated reporter, clergy was defined as an ordained priest or deacon who is required by law to report suspected child maltreatment. Mandated reporter, laity was defined as an employee, educator or volunteer of an archdiocesan ministry who is required by law to report suspected child maltreatment.

Reporting process/ requirements: criminal authorities was defined as the requirement of a mandated reporter to notify criminal authorities of suspected child maltreatment. Criminal authorities include but are not limited to prosecutors, police, or other law enforcement agencies. Reporting process/ requirements: child protection authorities was defined as the requirement of a mandated reporter to notify child protection authorities of suspected child maltreatment. Child protection authorities include public child protection agencies who are authorized by law to receive and investigate reports of suspected child abuse and neglect. Reporting process/ requirements: church authorities were defined as the requirement of a mandated reporter to notify Church authorities of suspected child maltreatment. Church authorities include a local ordinary (e.g. archbishop) or their delegate (e.g. professional staff charged with receiving reports

of suspected abuse or neglect) or another official within the Roman Catholic Church (e.g. Congregation for the Doctrine of the Faith at the Vatican).

Priest-penitent privilege was defined as the recognition by civil law of the requirement under canon law where a Roman Catholic priest who hears a person's confession cannot, for any reason, under any circumstances, tell others what they heard during the confession. Priest-penitent privilege provides statutory recognition of the right to maintain confidential communications between a priest and their penitent (Canon Law Society of America, 1983).

Table 3*Key Policy Dimension Definitions*

Dimension	Definition
Child Maltreatment	
Physical Abuse	Any non-accidental physical injury to the child and can include striking, kicking, burning, or biting the child, or any action that results in a physical impairment of the child.
Neglect	Failure of a parent or other person with responsibility for the child to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child's health, safety, and well-being are threatened with harm.
Emotional Abuse	Injury to the psychological capacity or emotional stability of the child as evidenced by an observable or substantial change in behavior, emotional response, or cognition and injury as evidenced by anxiety, depression, withdrawal, or aggressive behavior.
Sexual Abuse	Completed or attempted sexual act, sexual contact with, or exploitation (i.e., noncontact sexual interaction) of a child by a caregiver. Noncontact sexual abuse includes exposing a child to sexual activity, filming of a child in a sexual manner, sexual harassment of a child, or prostitution of a child.
Historical Sexual Abuse of a Minor	When an adult was sexually abused as a child or young person under the age of 18.
Mandated Reporter	
Clergy	An ordained priest or deacon who is required by law to report suspected child maltreatment.
Laity	An employee, educator or volunteer of an archdiocesan ministry who is required by law to report suspected child maltreatment.
Reporting Process/ Requirements	

Criminal Authorities	The requirement of a mandated reporter to notify criminal authorities of suspected child maltreatment. Criminal authorities include but are not limited to prosecutors, police, or other law enforcement agencies.
Child Protection Authorities	The requirement of a mandated reporter to notify child protection authorities of suspected child maltreatment. Child protection authorities include public child protection agencies who are authorized by law to receive and investigate reports of suspected child abuse and neglect.
Church Authorities	The requirement of a mandated reporter to notify Church authorities of suspected child maltreatment. Church authorities include a local ordinary (e.g. archbishop) or their delegate (e.g. professional staff charged with receiving reports of suspected abuse or neglect) or another official within the Roman Catholic Church (e.g. Congregation for the Doctrine of the Faith at the Vatican).
Priest-Penitent Privilege	The recognition by civil law of the requirement under canon law where a Roman Catholic priest who hears a person's confession cannot, for any reason, under any circumstances, tell others what they heard during the confession. Priest-penitent privilege provides statutory recognition of the right to maintain confidential communications between a priest and their penitent.

Data Analysis

For data analysis, I followed qualitative content analysis principles (Creswell, 2013; Drisko & Maschi, 2016; Krippendorff, 1980, 2004; Weber, 1990). Each policy and its corresponding statute record were first considered as a unique unit and analyzed independently to identify similarities and differences of policies and statutes based on the a priori key policy dimensions (Saldaña, 2021). Next, a working typology of archdiocese child protection policies was developed based on results of the analysis of individual policy and statute records. Finally, comparative content analysis of policy dimensions was conducted with child protection policies

across archdioceses and civil statutes, which were matched for the comparison according to civil/diocesan jurisdictional alignment.

Memos. The first analytical task was data collection. As each piece of documentation was obtained, I reviewed each policy and statute in its entirety and drafted memos to express my thoughts, reflections, on the process, and ideas that were beginning to emerge as I reviewed each piece of data (Creswell, 2013; Miles et al., 2014; Saldaña, 2021). This created documentary evidence of my actions and thinking during the process. Throughout the data analysis process, I continued to write memos as needed to organize my thoughts, identify patterns and emerging themes, and reflect how the data addressed the study's research questions (Creswell, 2013; Miles et al., 2014; Saldaña, 2021).

Coding. After the database was constructed, deductive coding was completed with each record using a priori codes (see Table 3) (Creswell, 2013; Miles et al., 2014; Saldaña, 2021). A codebook was developed using the key policy dimensions to cohesively organize and document the logic for each code (see Appendix B; Saldaña, 2021). First cycle coding involved reading through all of the records and identifying evidence of a priori codes manifest within the data. Using the manual coding technique described by Saldaña (2021), I coded each record in Microsoft Word where I highlighted text that manifestly evidenced a priori codes, as described above, and recorded the corresponding code in the right side margin. Records analyzed using a priori dimensions during first cycle coding identified five themes pertaining to the first research question: (1) Types of child maltreatment; (2) reporting windows; (3) types of mandated reporters; (4) privileged communication; and (5) responsibility for reporting.

Second cycle coding, which utilizes deductive and inductive methods, identified four categories that pertained to the second research question. First, individual archdioceses child

protection policies’ a priori dimensions were identified as being either conclusive or ambiguous. Second, during the second cycle, key policy dimensions emerged as being aligned or misaligned with the corresponding civil statutes. Each code was mutually exclusive and served as the foundation for the development of a two-by-two typology (conclusive-aligned; conclusive-misaligned; ambiguous-aligned; and ambiguous-misaligned) that was used to compare key policy dimensions across two entities, archdioceses child protection policies and civil statutes, which were matched ($N = 5$) for the comparison according to civil/diocesan jurisdictional alignment (see Table 4). Civil statutes were used as the benchmark against which to measure the alignment. Using the civil statute as the benchmark assumes that they are comprehensive, tested over the decades, and reliable and valid measures against which to compare Church statutes.

Table 4

Definitions of Key Terms for the Typology

Classification	Definition
Aligned with Civil Statute	Substantial agreement exists between the definition and/or operationalization between the dimension in the archdiocesan policy and its corresponding civil statute
Misaligned with Civil Statute	There is not agreement between the definition and/or operationalization of the dimension in the archdiocesan policy and its corresponding civil statute OR the dimension is omitted from either the policy and/or its corresponding civil statute
Conclusive Policy	The archdiocesan policy substantially defines and/or operationalizes the dimension
Ambiguous Policy	The archdiocesan policy does not substantially define and/or operationalize the dimension OR the dimension is omitted from the policy

The final analytic task was to apply the typology to compare key policy dimensions for each matched policy and statute.

Transferability, Confirmability, Dependability, and Credibility

Transferability is often the goal of qualitative research where the aim is to generalize or transfer findings of a study to another context (Creswell, 2013; Stake, 2005). However, transferability is not the objective of the present study. Since this is a new area of social work and child welfare research, the intersection of canon and civil law pertaining to child protection, the uniqueness of the sample makes it such that I am studying these particular archdioceses policies and civil statutes for their intrinsic value rather than for instrumental importance (Stake, 2005).

I endeavored to achieve confirmability by explicitly describing the study's methods that allowed for the sequence of how data were collected, managed, analyzed and displayed, which allows for audit by an outsider seeking to confirm findings or replicate the study (Lincoln & Guba, 1985 as cited in Miles et al., 2014; Miles, Huberman, & Saldaña, 2014). Further, I have been explicit about my positionality in the study and as self-aware as possible about my personal assumptions, especially given my close professional affiliation with the subject matter being studied (Miles et al., 2014). Because my professional experience creates a set of assumptions about the phenomenon being studied, I was cognizant about researcher bias throughout the study. To attend to this dynamic, I used analytical memos to reflect upon my thoughts for the purpose of identifying possible bias throughout the design, data management and analysis phases of the study.

Dependability refers to, "whether the process of the study is consistent, reasonably stable over time and across researchers and methods" (Miles et al., 2014, p. 312). To increase the

study's dependability, I clearly stated the research questions and the design to ensure there is congruence. I also utilized a second reviewer, who was a member of my dissertation committee to review coding, classifications/determinations, and findings throughout the study, which attenuated researcher bias and increased dependability of the study and its findings.

Credibility refers to "truth value" and seek to answer the following questions: "Do the findings of the study make sense? Are they credible to the people we study and to our readers? Do we have an authentic portrait of what we're looking at?" (Miles et al., 2014, p. 312). I employed several strategies to ensure credibility of the findings. First, findings were assessed for clarity, coherence, and systematically related (Charmaz, 2006; Eisner, 1991 as cited by Miles et al., 2014). Second, findings were linked with theory, Kingdon's (1984, 2011) MSA and policy streams, to the extent possible. Admittedly, one of the limitations of the study, discussed in greater detail in the final chapter, is that only one data source, documentation from secondary data, was used. This approach, while appropriate for the study's research questions and design, precluded triangulation between multiple sources of data to produce convergent findings and conclusions.

Chapter Summary

This chapter presented the methodology of the present study's generic qualitative approach employing comparative content analysis to conduct a policy analysis using publicly available child protection policies across Catholic archdioceses and civil statutes (Caelli et al., 2003; Creswell, 2013; Drisko & Maschi, 2016; Krippendorff, 2004). The study's relevance sampling criteria were presented, which identified five archdioceses child protection policies – the archdioceses of Boston, Chicago, Los Angeles, New Orleans, and New York – and matched civil child protection statutes by geographic alignment, based on: (1) distinct regions within the

United States (New England, Mid-Atlantic, Southeast, Midwest, and Western); (2) percentage of the Catholic population within the archdioceses; (3) and publicly available child protection policies and civil statutes.

This study addresses a substantial gap in the literature by using qualitative content analysis to examine child protection policies across Catholic archdioceses and civil statutes. Existing research has focused on the impact of child sexual abuse (e.g. Hugill et al., 2017), barriers to disclosure of victims of clergy sexual abuse (e.g. Easton, 2013; Easton et al., 2014), types of mandated reporters (e.g. King et al., 2013; Mathews et al., 2020; Wolf et al., 2018), and the relationship between clergy as mandated reporters and rates of child maltreatment reports (e.g. Palusci et al., 2016). Yet, no studies have examined the dimensions of archdiocesan child protection policies and how these policies compare to civil statutes.

Based on content analysis principles, the study's data management and analysis method, which included a priori policy dimensions was presented followed by the data analysis steps. Finally, generalizability, confirmability, dependability, and credibility of the study were discussed. Transferability is often the goal of qualitative research where the aim is to generalize or transfer findings of a study to another context (Creswell, 2013; Stake, 2005). However, transferability is not the objective of the present study. The purpose of this novel study was to investigate a unique sample of child protection policies across particular archdioceses child protection policies and matched civil statutes for their intrinsic value rather than for instrumental importance (Stake, 2005).

In the section that follows, the findings of the analyses described above are presented. First, the results of the generic qualitative approach employing comparative content analysis are presented. The development of a working typology is presented. This is followed by results from

the content analysis of policy dimensions comparing child protection policies across archdioceses and civil statutes. These have been matched for the comparison according to civil/diocesan jurisdictional alignment and analyzed and classified using the typology as an analytical tool.

Chapter Four: Findings

Introduction

This chapter reports findings on key policy dimensions in various child protection policies across Catholic archdioceses and civil statutes. These analyses rely on publicly available data published on the internet by archdioceses as well as civil statutes as described above (see Chapter 3) to present a picture of how the key policy dimensions that archdioceses chose to include in their child protection policies compare with the requirements of the corresponding civil statutes. Civil statutes in the corresponding jurisdictions of the archdiocese are seen as the benchmark or model against which the church policies are reviewed, assessed and classified.

How do key child protection policy dimensions differ in various Catholic archdioceses in the United States? How do child protection policies vary across Catholic archdioceses and civil statutes? Archdiocesan child protection policies set forth a blueprint for operationalizing requirements and guide practices that are complex and variable, encompassing myriad aspects of canon law, civil law, and local church history, norms, values and priorities.

Data are first presented from a generic qualitative approach employing content analysis of documents through the analytical lens of the policy stream from Kingdon's (1984, 2011) MSA framework to assess the extent to which there are shared definitional components and characteristics for the key policy dimensions. Qualitative methods then progress to the development of a working typology of Catholic archdiocesan child protection policies that provides clarity regarding some of the consistency, coherence, and commonalities in these policies. Archdioceses' child protection policies are considered utilizing the working typology as an analytic tool to systematically assess how these policies compare to civil statutes based on key policy dimensions. Finally, content analysis of policy dimensions was conducted and compared

with child protection policies across archdioceses and civil statutes, which have been matched for the comparison according to civil/diocesan jurisdictional alignment.

How Do Key Child Protection Policy Dimensions Differ in Various Catholic Archdioceses in the United States?

The key policy dimensions in this analysis were child maltreatment: physical abuse, neglect, emotional abuse, and sexual abuse; historical sexual abuse of a minor; mandated reporters, clergy and laity; reporting process/ requirements: criminal authorities, civil authorities, and church authorities; and priest-penitent privilege. Analyses based on these dimensions yielded five themes within archdiocesan child protection policies: (1) Types of child maltreatment; (2) reporting windows; (3) types of mandated reporters; (4) privileged communication; and (5) responsibility for reporting.

Types of Child Maltreatment

Archdioceses defined child maltreatment in their child protection policies as either unidimensional or multidimensional. The archdioceses of Chicago, Los Angeles, and New York utilized unidimensional definitions, which limited the scope of their policies to child sexual abuse only (Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New York, 2018). In contrast, the archdioceses of Boston and New Orleans policies were multidimensional and included physical abuse, neglect, and emotional abuse in addition to child sexual abuse in their definitions of child maltreatment (Archdiocese of Boston, 2019; Archdiocese of New Orleans, 2021).

Among archdioceses that employed a multidimensional definition of child maltreatment, the policies closely aligned their definitions with terms from the corresponding civil statute, which resulted in a clear alignment between policy and statute. However, archdioceses that

utilized a unidimensional definition of child maltreatment, child sexual abuse only, were heterogeneous. The Archdiocese of Chicago (2010) adopted the definition of sexual abuse of a minor used by the *Charter for the Protection of Children and Young People* (USCCB, 2018) while the Archdiocese of New York aligned its definition of sexual abuse with the State of New York’s civil statute but excluded other types of child maltreatment, which are present within the statute (Archdiocese of New York, 2018; Soc. Serv. Law § 413). Additionally, the Archdiocese of Los Angeles did not operationally define sexual abuse within the policy, however, the term was widely used throughout the policy document (Archdiocese of Los Angeles, 2021).

Reporting Windows

Archdiocesan policies identified two distinct periods of time, referred to here as “reporting windows,” that established whether allegations of abuse that are reported to have occurred must be reported to either civil or Church authorities. The first reporting window is “historical abuse,” which requires allegations to be reported even if the abuse is alleged to have occurred years or decades ago and even if the victim is no longer a child at the time the report is made. The second reporting window is “current abuse,” which requires allegations against individuals who are still children/minors at the time the allegation becomes known to be reported. Four policies’ reporting windows include historical sexual abuse. Although the majority of policies address historical allegation of sexual abuse in some form, three different approaches were used.

First, the archdioceses of Boston and Chicago required reports/allegations of historical sexual abuse be reported to civil authorities. For example, the Archdiocese of Boston’s policy states, “...past incidents of sexual abused that are alleged to have occurred when the victim was a minor, even if the victim is now an adult, also must be reported,” (Archdiocese of Boston,

2019, p. 17) and the Archdiocese of Chicago policy states, "...report to the public authorities any allegation...of sexual abuse of a person who is a minor, cooperate with public authorities about reporting in cases when the person is no longer a minor" (Archdiocese of Chicago, 2010, p. 13). Meanwhile, the archdioceses of Los Angeles and New Orleans do not require historical allegations of abuse to be reported civil authorities, however, such allegations must be reported to Church authorities. Furthermore, while the Archdiocese of New Orleans policy only required internal reporting to Church officials, "The person will be advised of their right to make a report to civil or law enforcement authorities," and the archdiocese "may also make the report to civil authorities," (Archdiocese of New Orleans, 2021, p. 7) but doing so is not explicitly required.

In stark contrast to the majority of policies, the Archdiocese of New York does not address the issue of historical abuse within its child protection policy. The Archdiocese of New York policy only addresses mandated reporting requirements enumerated in the New York State Social Service Law (Archdiocese of New York, 2018; Soc. Serv. Law § 413). Therefore, the effect is that the Archdiocese of New York policy only requires reporting current abuse to civil authorities and it is silent on the issue of historical abuse. In 2019, the Child Victims Act of New York extended the criminal statute of limitations against perpetrators of CSA, lengthened the civil statute of limitations for CSA until the victim turns 55 years old, and created a time-limited window for all victims of CSA to pursue civil action, regardless of when the abuse occurred (New York State Senate, 2019).

Types of Mandated Reporters

Individuals who are required to follow archdiocesan reporting requirements are classified as either "universal" or "specific" mandated reporters. Policies that utilize a universal approach state all personnel who are working in any capacity within the archdiocese (e.g. clergy, lay

employees, or volunteers) are required to report suspected or reported instances of abuse. Meanwhile policies that utilize a specific approach stipulate persons in categories/positions within the archdiocese who are required to report suspect abuse (e.g. persons required by civil law, teachers, etc.) On balance, archdioceses either take the approach that everyone is responsible to report abuse whereas others assert they will follow only what civil law requires. The former exceeds statutory requirements and the latter adheres to the minimum legal requirements.

The archdioceses of Boston, Chicago, and New Orleans require all personnel whether they are clerics or laity and paid staff or volunteers to adhere to mandated reporting requirements, even if they are not required by law (civil statute) to do so (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of New Orleans, 2021). Two archdioceses, Los Angeles and New York, specify which personnel are required to act as mandated reporters (Archdiocese of Los Angeles, 2021; Archdiocese of New York, 2018). Similarly, both archdiocesan policies that circumscribe which personnel are mandated reporters in the eyes of the Church cite civil statute for their jurisdiction as specifying who within the archdiocese must act as mandated reporters. For example, the Archdiocese of Los Angeles policy states, “Clergy, school personnel, and many parish staff members have been designated as mandated reporters under California law,” (Archdiocese of Los Angeles, 2021, p. 2) whereas the Archdiocese of New York policy states, “New York law requires that specified persons and institutions (“mandated reporters”) are required to report certain incidents where there is reasonable cause to suspect abuse or maltreatment” (Archdiocese of New York, 2018 p. 6).

Privileged Communication

Priest-penitent privilege refers to the recognition by civil law of the obligations under canon law (canons 983 and 984) that prohibits the violation of the priest/penitent relationship of the Sacrament of Confession, which is a confidential communication that cannot be broken under any circumstances. The penalty for “breaking the seal of the confessional” by a priest is excommunication from the Church. In contrast to other types of confidential communication (e.g. between a social worker and their client) that requires the practitioner to break confidentiality if they receive information that a child is suffering abuse or neglect, the priest-penitent privilege is recognized by all civil mandated reporting statutes in the present study (Children’s Code Art. 603(17); Comp. Stat. Ch. 325, § 5/4; Ch. 735, § 5/8-803; Gen. Laws Ch. 119, § 51A; Penal Code §§ 11166; Soc. Serv. Law § 415). Among archdiocesan policies, four explicitly state a priest shall not report any information revealed that is subject to the priest-penitent privilege that would otherwise be required to be reported in their capacity as a mandated reporter (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018). Only the Archdiocese of Los Angeles is silent on the issue and neither affirms nor rejects the priest-penitent privilege within its child protection policy (Archdiocese of Los Angeles, 2021).

Responsibility for Reporting

The purpose of mandated reporting laws is to require certain individuals and/or professionals to report suspected child maltreatment to civil authorities, primarily child protective services/ public child welfare agencies. In almost all instances, the locus of responsibility for filing a mandated report is on the individual or the person who has reasonable cause to believe a child has/is suffering maltreatment. For example, New York law reinforces that the responsibility rests with the individual: “Mandated reporters do not satisfy their

obligation...by reporting incidents to their supervisor” (Soc. Serv. Law § 413). However, in the case of the Commonwealth of Massachusetts, institutional reporting is permissible:

If a mandated reporter is a member of the staff of a medical or other public or private institution, school or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school or facility who shall become responsible for notifying the department in the manner required by this section (Gen. Laws Ch. 119, § 51A (a)).

Thus, rather than an individual bearing the sole responsibility for reporting to civil authorities, an institutional representative may be designated to file such reports on behalf of the institution, school or facility (e.g. a principal, hospital administrator, or agency director).

Every archdiocesan policy requires some level of reporting to both civil and Church officials. All child protection policies stated that persons who are designated as mandated reporters must make a report with the appropriate authorities for the corresponding civil jurisdiction and they also designate certain positions or offices/departments within the archdiocese where parallel reports must also be made. However, the archdiocesan policies’ requirements for dual reporting were either complementary or contradictory. The archdioceses of Boston, Los Angeles, and New Orleans requirements are complementary whereas the archdioceses of Chicago and New York requirements are contradictory (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Complementary policies are those where the role of the Church official is to assist the mandated reporter with making a report to the appropriate civil authorities or to ensure specific government agencies are notified. In the case of the Archdiocese of New Orleans, the policy stipulates that mandated reporters follow procedures identified by the Louisiana Department of

Children and Families (Archdiocese of New Orleans, 2021). Further, the Archdiocese of New Orleans (2021) policy states that in instances where the allegation is against a member of clergy:

The Victim's Assistance Coordinator of the Archdiocese of New Orleans will immediately assist the person who reports an allegation of abuse to ensure civil authorities are notified if the report involves a minor...The Victim's Assistance Coordinator will ensure that all applicable state mandated reporter laws and policies of the Archdiocese of New Orleans are followed when a report is received... (p. 7).

Contradictory policies are those where a mandated reporter is required to notify both civil and Church authorities, and the role of Church officials in reporting to civil authorities conflicts with the individuals' responsibilities. In the case of the Archdiocese of New York, the policy cites New York law (Soc. Serv. Law § 413) which states a mandated reporter does not satisfy their requirements by making a report to their supervisor; however, the archdiocesan policy also states:

Whenever there is reasonable cause to suspect that a minor has been the victim of child sexual abuse, the Office of Legal Affairs will make an immediate report to the appropriate civil authorities. If the alleged child sexual abuse was committed by a priest or deacon, this report will be made to the appropriate District Attorney's office(s). (Archdiocese of New York, 2018, p. 7)

How Do Child Protection Policies Vary Across Catholic Archdioceses and Civil Statutes?

In order to analyze how archdiocese policy compares to civil statute, a typology was developed to evaluate and classify the relevant policies. Then, content analysis of policy dimensions was conducted and compared with child protection policies across archdioceses and civil statutes, which have been matched for the comparison according to civil/diocesan jurisdictional alignment, applying the typology as an analytical tool.

Four definitional categories comprise the archdiocesan child protection typology: Conclusive-Aligned; Conclusive-Misaligned; Ambiguous-Aligned; Ambiguous-Misaligned (see Figure 2).

Figure 2

Catholic Archdiocese Child Protection Policy Dimensions Typology

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	Conclusive - Aligned	Conclusive - Misaligned
Ambiguous Policy	Ambiguous - Aligned	Ambiguous - Misaligned

The Conclusive-Aligned category reflects policies that substantially defined and/or operationalized the key policy dimension(s) and there was substantial agreement between the policy and its corresponding civil mandated reporting statute based on the key policy dimension(s). The Ambiguous-Aligned category reflects policies that did not substantially define and/or operationalize the key policy dimension(s) or the dimension was omitted from the policy and there was substantial agreement between the policy and its corresponding civil mandated reporting statute based on the key policy dimension(s). The Conclusive-Misaligned category reflect policies that substantially defined and/or operationalized the key policy dimension(s) and there was not agreement between the definition and/or operationalization of the dimension in the archdiocesan policy and its corresponding civil statute or the dimension was omitted from either the policy and/or its corresponding civil statute. Finally, the Ambiguous-Misaligned category reflects policies that did not substantially define and/or operationalize the key policy dimension(s) or the dimension was omitted from the policy and there is not agreement between the definition and/or operationalization of the dimension in the archdiocesan policy and its corresponding civil statute or the dimension was omitted from the policy and/or its corresponding civil statute (see Table 4). Church statutes were benchmarked against civil statutes as the basis for comparison.

Key policy dimensions that were conclusive and that were also aligned with civil statute are classified as Conclusive-Aligned while those dimensions that were conclusive but also misaligned with civil statute are classified as Conclusive-Misaligned. Key policy dimensions that were ambiguous and that were also aligned with civil statute are classified as Ambiguous-Aligned while those dimensions that were ambiguous and also misaligned with civil statute are classified as Ambiguous-Misaligned.

In the section that follows, the results are presented of the analysis of child protection policies across archdioceses and civil statutes based on key policy dimensions applying the classifications within the typology.

Child Maltreatment: Physical Abuse

For child maltreatment: physical abuse, policies were either ambiguous-misaligned ($N = 3$) or conclusive-aligned ($N = 2$) with civil statutes. No policies were conclusive-misaligned or ambiguous-aligned (see Figure 3). The policies for the archdioceses of Boston and New Orleans were conclusive-aligned and the archdioceses of Chicago, Los Angeles, and New York were ambiguous-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 3

Child Maltreatment: Physical Abuse Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>$N = 2$</p> <p>Archdiocese of Boston, MA Archdiocese of New Orleans, LA</p>	
Ambiguous Policy		<p>$N = 3$</p> <p>Archdiocese of Chicago, IL Archdiocese of Los Angeles, CA Archdiocese of New York, NY</p>

Child Maltreatment: Neglect

For child maltreatment: neglect, policies were either ambiguous-misaligned ($N = 3$) or conclusive-aligned ($N = 2$). No policies were conclusive-misaligned or ambiguous-aligned (see Figure 4). The policies for the archdioceses of Boston and New Orleans were conclusive-aligned with civil statutes and the archdioceses of Chicago, Los Angeles, and New York were ambiguous-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 4

Child Maltreatment: Neglect Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>$N = 2$</p> <p>Archdiocese of Boston, MA</p> <p>Archdiocese of New Orleans, LA</p>	
Ambiguous Policy		<p>$N = 3$</p> <p>Archdiocese of Chicago, IL</p> <p>Archdiocese of Los Angeles, CA</p> <p>Archdiocese of New York, NY</p>

Child Maltreatment: Emotional Abuse

For child maltreatment: emotional abuse, policies were either ambiguous-misaligned ($N = 3$) or conclusive-aligned ($N = 2$). No policies were conclusive-misaligned or ambiguous-aligned (see Figure 5). The policies for the archdioceses of Boston and New Orleans were conclusive-aligned with civil statutes and the archdioceses of Chicago, Los Angeles, and New York were ambiguous-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 5

Child Maltreatment: Emotional Abuse Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>$N = 2$</p> <p>Archdiocese of Boston, MA</p> <p>Archdiocese of New Orleans, LA</p>	
Ambiguous Policy		<p>$N = 3$</p> <p>Archdiocese of Chicago, IL</p> <p>Archdiocese of Los Angeles, CA</p> <p>Archdiocese of New York, NY</p>

Child Maltreatment: Sexual Abuse

For child maltreatment: sexual abuse, policies were conclusive-aligned ($N = 2$), ambiguous-misaligned ($N = 2$), or conclusive-misaligned ($N = 1$). No policies were ambiguous-aligned (see Figure 6). The policies for the archdioceses of Boston and New Orleans are conclusive-aligned, the Archdiocese of New York is conclusive-misaligned, and the archdioceses of Chicago and Los Angeles are ambiguous-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 6

Child Maltreatment: Sexual Abuse Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>$N = 2$</p> <p>Archdiocese of Boston, MA Archdiocese of New Orleans, LA</p>	<p>$N = 1$</p> <p>Archdiocese of New York, NY</p>
Ambiguous Policy		<p>$N = 2$</p> <p>Archdiocese of Chicago, IL Archdiocese of Los Angeles, CA</p>

Historical Sexual Abuse of a Minor

For historical sexual abuse of a minor, policies were conclusive-misaligned ($N = 3$), ambiguous-aligned ($N = 1$), or ambiguous-misaligned ($N = 1$). No policies were conclusive-aligned (see Figure 7). The policies for the archdioceses of Boston, Chicago, and Los Angeles were conclusive-misaligned, the Archdiocese of New York was ambiguous-aligned, and the Archdiocese of New Orleans was ambiguous-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 7

Historical Sexual Abuse of a Minor Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy		$N = 3$ Archdiocese of Boston, MA Archdiocese of Chicago, IL Archdiocese of Los Angeles, CA
Ambiguous Policy	$N = 1$ Archdiocese of New York, NY	$N = 1$ Archdiocese of New Orleans, LA

Mandated Reporter, Clergy

For mandated reporter, clergy, policies were conclusive-misaligned ($N = 3$), conclusive-aligned ($N = 1$), or ambiguous-aligned ($N = 1$). No policies were ambiguous-misaligned (see Figure 8). The policies for the archdioceses of Boston, Chicago, and New Orleans were conclusive-misaligned, the Archdiocese of Los Angeles was conclusive-aligned, and the Archdiocese of New York was ambiguous-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 8

Mandated Reporter, Clergy Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>$N = 1$ Archdiocese of Los Angeles, CA</p>	<p>$N = 3$ Archdiocese of Boston, MA Archdiocese of Chicago, IL Archdiocese of New Orleans, LA</p>
Ambiguous Policy	<p>$N = 1$ Archdiocese of New York, NY</p>	

Mandated Reporter, Laity

For mandated reporter, laity, policies were conclusive-misaligned ($N = 3$), conclusive-aligned ($N = 1$), or ambiguous-aligned ($N = 1$). No policies were ambiguous-misaligned (see Figure 9). The policies for the archdioceses of Boston, Chicago, and New Orleans were conclusive-misaligned, the Archdiocese of Los Angeles was conclusive-aligned, and the Archdiocese of New York was ambiguous-aligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 9

Mandated Reporter, Laity Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>$N = 1$ Archdiocese of Los Angeles, CA</p>	<p>$N = 3$ Archdiocese of Boston, MA Archdiocese of Chicago, IL Archdiocese of New Orleans, LA</p>
Ambiguous Policy	<p>$N = 1$ Archdiocese of New York, NY</p>	

Reporting Process/ Requirements: Criminal Authorities

For reporting process/ requirements: criminal authorities, policies were ambiguous-misaligned ($N = 2$), conclusive-aligned ($N = 1$), conclusive misaligned ($N = 1$), or ambiguous-aligned ($N = 1$) (see Figure 10). The policies for the archdioceses of Chicago and New Orleans were ambiguous-misaligned, the Archdiocese of Los Angeles was conclusive-aligned, the Archdiocese of New York was conclusive-misaligned, and the Archdiocese of Boston was ambiguous-aligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 10

Reporting Process/ Requirements: Criminal Authorities Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>$N = 1$ Archdiocese of Los Angeles, CA</p>	<p>$N = 1$ Archdiocese of New York, NY</p>
Ambiguous Policy	<p>$N = 1$ Archdiocese of Boston, MA</p>	<p>$N = 2$ Archdiocese of Chicago, IL Archdiocese of New Orleans, LA</p>

Reporting Process/ Requirements: Child Protection

For reporting process/ requirements: child protection, policies were conclusive-aligned ($N = 3$) or ambiguous-misaligned ($N = 2$). No policies were conclusive-misaligned or ambiguous-aligned (see Figure 11). The policies for the archdioceses of Los Angeles, New Orleans, and New York were conclusive-aligned and the archdioceses of Boston and Chicago were ambiguous-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 11

Reporting Process/ Requirements: Child Protection Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>$N = 3$</p> <p>Archdiocese of Los Angeles, CA Archdiocese of New Orleans, LA Archdiocese of New York, NY</p>	
Ambiguous Policy		<p>$N = 2$</p> <p>Archdiocese of Boston, MA Archdiocese of Chicago, IL</p>

Reporting Process/ Requirements: Church Authorities

For reporting process/ requirements: church authorities, policies were all conclusive-misaligned ($N= 5$). No policies were conclusive-aligned, ambiguous-misaligned, or ambiguous-misaligned (see Figure 12). Policies for the archdioceses of Boston, Chicago, Los Angeles, New Orleans, and New York were conclusive-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 12

Reporting Process/ Requirements: Church Authorities Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy		$N = 5$ Archdiocese of Boston, MA Archdiocese of Chicago, IL Archdiocese of Los Angeles, CA Archdiocese of New Orleans, LA Archdiocese of New York, NY
Ambiguous Policy		

Priest-Penitent Privilege

For priest-penitent privilege, policies were conclusive-aligned ($N = 3$), conclusive-misaligned ($N = 1$), and ambiguous-misaligned ($N = 1$). No policies were ambiguous-aligned (see Figure 13). The policies for the archdioceses of Boston, Chicago, and New Orleans were conclusive-aligned, the Archdiocese of New York was conclusive-misaligned, and the Archdiocese of Los Angeles was ambiguous-aligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2018).

Figure 13

Priest-Penitent Privilege Categorization

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>$N = 3$</p> <p>Archdiocese of Boston, MA Archdiocese of Chicago, IL Archdiocese of New Orleans, LA</p>	<p>$N = 1$</p> <p>Archdiocese of New York, NY</p>
Ambiguous Policy	<p>$N = 1$</p> <p>Archdiocese of Los Angeles, CA</p>	

Comparative Content Analysis of Child Protection Policies Across Archdioceses and Civil Statutes

In addition to the typology, five pairs of matched child protection policies from archdioceses and statutes for the respective civil jurisdictions (the Archdiocese of Boston and the Commonwealth of Massachusetts; the Archdiocese of Chicago and the State of Illinois; the Archdiocese of Los Angeles and the State of California; the Archdiocese of New Orleans and the State of Louisiana; and the Archdiocese of New York and the State of New York) were compared based on 11 key policy dimensions using qualitative content analysis to assess the extent to which there are shared definitional components and characteristics between policies and statutes for the key policy dimensions. The definitional categories of the typology described above - conclusive-aligned, conclusive-misaligned, ambiguous-aligned, and ambiguous-misaligned - were used to classify the extent to which the definitional components and characteristics exist. In the section that follows, results of the pairs of matched policies across archdioceses and statutes for the respective civil jurisdictions are presented based on 11 key policy dimensions.

Archdiocese of Boston and the Commonwealth of Massachusetts

Child protection policies for the Archdiocese of Boston (2019) compared with statutes for the Commonwealth of Massachusetts (Gen. Laws Ch. 119, § 51A) based on comparison of key policy dimensions were primarily conclusive-aligned (5 out of 11) followed by conclusive-misaligned (4 out of 11), ambiguous-aligned (1 out of 11), and ambiguous-misaligned (1 out of 11) (see Figure 14).

Figure 14

Comparative Content Analysis: Archdiocese of Boston and the Commonwealth of Massachusetts

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>N = 5</p> <p>Child Maltreatment: Physical Abuse Child Maltreatment: Neglect Child Maltreatment: Emotional Abuse Child Maltreatment: Sexual Abuse Priest-Penitent Privilege</p>	<p>N = 4</p> <p>Historical Sexual Abuse of a Minor Mandated Reporter, Clergy Mandated Reporter, Laity Reporting Process/ Requirements: Church Authorities</p>
Ambiguous Policy	<p>N = 1</p> <p>Reporting Process/ Requirements: Criminal Authorities</p>	<p>N = 1</p> <p>Reporting Process/ Requirements: Child Protection Authorities</p>

Archdiocese of Chicago and the State of Illinois

Child protection policies for the Archdiocese of Chicago (2010) compared with statutes for the State of Illinois (Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20) based on comparison of key policy dimensions were primarily ambiguous-misaligned (6 out of 11) followed by conclusive-misaligned (4 out of 11) and conclusive-aligned (1 out of 11) (see Figure 15).

Figure 15

Comparative Content Analysis: Archdiocese of Chicago and the State of Illinois

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>N = 1</p> <p>Priest-Penitent Privilege</p>	<p>N = 4</p> <p>Historical Sexual Abuse of a Minor</p> <p>Mandated Reporter, Clergy</p> <p>Mandated Reporter, Laity</p> <p>Reporting Process/ Requirements: Church Authorities</p>
Ambiguous Policy		<p>N = 6</p> <p>Child Maltreatment: Physical Abuse</p> <p>Child Maltreatment: Neglect</p> <p>Child Maltreatment: Emotional Abuse</p> <p>Child Maltreatment: Sexual Abuse</p> <p>Reporting Process/ Requirements: Criminal Authorities</p> <p>Reporting Process/ Requirements: Child Protective Authorities</p>

Archdiocese of Los Angeles and the State of California

Child protection policies for the Archdiocese of Los Angeles (2021) compared with statutes for the State of California (Penal Code §§ 11166; 11165) based on comparison of key policy dimensions were primarily ambiguous-misaligned (5 out of 11) followed by conclusive-aligned (4 out of 11) and conclusive-misaligned (2 out of 11) (see Figure 16).

Figure 16

Comparative Content Analysis: Archdiocese of Los Angeles and the State of California

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>N = 4</p> <p>Mandated Reporter, Clergy</p> <p>Mandated Reporter, Laity</p> <p>Reporting Process/ Requirements: Criminal Authorities</p> <p>Reporting Process/ Requirements: Child Protection Authorities</p>	<p>N = 2</p> <p>Historical Sexual Abuse of a Minor</p> <p>Reporting Process/ Requirements: Church Authorities</p>
Ambiguous Policy		<p>N = 5</p> <p>Child Maltreatment: Physical Abuse</p> <p>Child Maltreatment: Neglect</p> <p>Child Maltreatment: Emotional Abuse</p> <p>Child Maltreatment: Sexual Abuse</p> <p>Priest-Penitent Privilege</p>

Archdiocese of New Orleans and State of Louisiana

Child protection policies for the Archdiocese of New Orleans (2021) compared with the statutes for the State of New Orleans (Children’s Code Art. 603(17); 609; 610) based on comparison of key policy dimensions were primarily conclusive-aligned (6 out of 11) followed by conclusive-misaligned (3 out of 11) and ambiguous-misaligned (2 out of 11) (see Figure 17).

Figure 17

Comparative Content Analysis: Archdiocese of New Orleans and the State of Louisiana

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	<p>N = 6</p> <p>Child Maltreatment: Physical Abuse Child Maltreatment: Neglect Child Maltreatment: Emotional Abuse Child Maltreatment: Sexual Abuse Reporting Process/ Requirements: Child Protection Authorities Priest-Penitent Privilege</p>	<p>N = 3</p> <p>Mandated Reporter, Clergy Mandated Reporter, Laity Reporting Process/ Requirements: Church Authorities</p>
Ambiguous Policy		<p>N = 2</p> <p>Historical Sexual Abuse of a Minor Reporting Process/ Requirements: Criminal Authorities</p>

Archdiocese of New York and State of New York

Child protection policies for the Archdiocese of New York (2018) compared with statutes for the State of New York (Soc. Serv. Law § 413; 415) based on comparison of key policy dimensions were mostly conclusive-misaligned (4 out of 11) followed by ambiguous-aligned (3 out of 11), ambiguous-misaligned (3 out of 11), and conclusive-aligned (1 out of 11) (see Figure 18).

Figure 18

Comparative Content Analysis: Archdiocese of New York and the State of New York

	Aligned with Civil Statute	Misaligned with Civil Statute
Conclusive Policy	N = 1 Reporting Process/ Requirements: Child Protection Authorities	N = 4 Child Maltreatment: Sexual Abuse Reporting Process/ Requirements: Criminal Authorities Reporting Process/ Requirements: Church Authorities Priest-Penitent Privilege
Ambiguous Policy	N = 3 Historical Sexual Abuse of a Minor Mandated Reporter, Clergy Mandated Reporter, Laity	N = 3 Child Maltreatment: Physical Abuse Child Maltreatment: Neglect Child Maltreatment: Emotional Abuse

Chapter Summary

Key child protection dimensions in various Catholic archdioceses in the United States differed based on types of child maltreatment, reporting windows, types of mandated reporter, privileged communication, and responsibility for reporting within their child protection policies. Three archdioceses identified sexual abuse as the only type of child maltreatment that is addressed; four established reporting windows that require reporting historical sexual abuse of a minor even if the victim is now an adult; three employ a universal approach for defining who are mandated reporters, which require all persons working in the archdioceses to report abuse; and four archdioceses incorporate the priest-penitent privilege as an exemption to mandated reporting requirements.

Child protection policies across Catholic archdioceses and civil statutes varied. Two archdioceses had conclusive policies that are aligned with civil statutes for all four types of child maltreatment (physical abuse, neglect, emotional abuse, and sexual abuse); three archdioceses had conclusive policies addressing historical sexual abuse of a minor that were misaligned with civil statutes because the archdiocesan policies exceeded civil statutes by requiring the reporting of historical sexual abuse; three archdioceses had conclusive policies for clergy and laity mandated reporters that were misaligned with civil statutes; one archdiocese had a conclusive process/requirements for reporting to criminal authorities that is aligned with statute; three archdioceses had a conclusive process/requirements for reporting to child protection authorities that were aligned with civil statutes; all five archdioceses had a conclusive process/requirements for reporting to Church authorities that were misaligned with civil statutes; and three archdioceses had policies that were conclusive with respect to the priest-penitent privilege that was aligned with civil statutes.

Content analysis of policy dimensions was conducted and compared with child protection policies across archdioceses and civil statutes, which have been matched for the comparison according to civil/diocesan jurisdictional alignment, found that the archdioceses of Boston and New Orleans child protection policies had the greatest degree of alignment with civil statutes based on key policy dimensions (6 out of 11 dimensions), followed by the archdioceses of Los Angeles and New York (4 out of 11), and the Archdiocese of Chicago (1 out of 11)

The chapter that follows will present implications of the findings, implications for social work practice, directions for future research, limitations and delimitations, and the significance and contribution of the study to the field of social welfare.

Chapter Five: Discussion, Implications and Conclusions

Introduction

This study began with limited understanding of how Catholic archdioceses' child protection policies, informed by canon law, compare with civil statutes. Previous research has not explored the intersection of canon and civil law as it relates to child protection policy. Consequently, there is a dearth of empirical knowledge about how the Catholic Church is addressing this global crisis. Rather, what is known publicly about this critical issue comes from the media, survivor's firsthand accounts, criminal investigations, government inquiries, court records, and data presented by the Catholic Church itself.

The first analytical task in this study was to analyze key child protection policy dimensions in various Catholic archdioceses in the United States to assess how these policies compare to statutes in the respective civil jurisdictions. Next, a working typology of Catholic archdiocesan child protection policies was developed to provide clarity regarding some of the consistency, coherence, and commonalities in these policies. Finally, content analysis of policy dimensions was conducted and compared with child protection policies across archdioceses and civil statutes. The statutes, which have been matched for the comparison according to civil/diocesan jurisdictional alignment, were analyzed using the typology to systematically assess how these policies compare to civil statutes based on key policy dimensions. Analyses identified three types of discrepancies, which are discussed throughout the sections that follow: (1) across archdiocesan policies, (2) across civil statutes, and (3) between archdioceses and civil statutes.

This chapter begins by presenting a discussion on the key policies and their dimensions. Next, a discussion is offered of child protection policies across Catholic archdioceses and civil statutes, applying the typology to evaluate and classify the relevant policies. A discussion is

presented about the content analysis of policy dimensions that compared child protection policies across archdioceses and civil statutes, which have been matched for comparison according to civil/diocesan jurisdictional alignment. Finally, the typology is applied as an analytical tool to classify the extent to which the definitional components and characteristics exists.

Variation Among Key Child Protection Policy Dimensions

The key policy dimensions in this analysis were child maltreatment: physical abuse, neglect, emotional abuse, and sexual abuse; historical sexual abuse of a minor; mandated reporters, clergy and laity; reporting process/ requirements: criminal authorities, civil authorities, and church authorities; and priest-penitent privilege. In the section that follows, a discussion of key policy dimensions is presented.

Child Maltreatment: Physical Abuse

Three archdioceses were categorized as ambiguous-misaligned and two archdioceses were categorized as conclusive-aligned for the child maltreatment: physical abuse dimension. No archdioceses were categorized as conclusive-misaligned or ambiguous-aligned. The present study found that while several Catholic archdioceses' child protection policies incorporated physical abuse as a type of child maltreatment in their policies, others omitted physical abuse all together. The archdioceses of Boston and New Orleans incorporated definitions of physical abuse in their policies that were based on statutory definitions while the archdioceses of Chicago, Los Angeles, and New York did not make any mention of physical abuse within their policies (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2021). Based upon these findings, one can conclude that physical abuse is not consistently incorporated in Catholic archdioceses' child protection policies, studied here as a type of child maltreatment.

In the United States in 2020, physical abuse accounted for 16.5 percent of all maltreated children reported to child protective services (Children’s Bureau, 2022). Given that physical abuse was the first type of child maltreatment recognized by the child welfare field (Kempe et al., 1962; Reinhart & Elmer, 1964), it is surprising that this type of maltreatment, which contributes to serious injuries and fatalities, is not included in all archdiocesan child protection policies. Problematically, the exclusion of physical abuse from scope of child maltreatment archdiocesan representatives are required to report to civil and church authorities limits the efficacy of the child protection system.

Kingdon (1984, 2011) uses the metaphor of a ‘primeval soup’ of ideas that emerge to solve potential problems to describe the policy stream. This metaphor provides a unique lens for analyzing whether physical abuse is incorporated within archdiocesan child protection policies and, if in fact it is, how is it operationalized. The policy stream posits that policy solutions result from a focusing event where a solution is attached to a current and pressing problem. Thus, solutions wait for the right problem to come along before they have an opportunity to be offered as a viable policy solution. In the case of physical abuse as a type of child maltreatment worthy of attention and intervention by Catholic archdioceses as part of ongoing child protection efforts, the problem has not risen from the primeval soup to the attention of decision makers to necessitate a policy solution (e.g. incorporating physical abuse into child protection policies or the Charter). Thus, a gap remains between secular and Catholic child protection systems as it relates to physical abuse. Archdioceses should, at a minimum, consistently include physical abuse as a type of child maltreatment incorporated in child protection policies to address this discrepancy and establish a more consistent minimum standard.

Child Maltreatment: Neglect

Three archdioceses were categorized as ambiguous-misaligned and two archdioceses were categorized as conclusive-aligned for the child maltreatment: neglect dimension. No archdioceses were categorized as conclusive-misaligned or ambiguous-aligned. Consistent with the child maltreatment: physical abuse dimension, this study found that several archdioceses' child protection policies incorporated neglect as a type of child maltreatment in their child protection policies while others were silent on the issue of neglect all together. The present study found that the archdioceses of Boston and New Orleans incorporated definitions of neglect in their policies that were based on statutory civil definitions while the archdioceses of Chicago, Los Angeles, and New York did not make any mention of neglect within their policies (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2021). Based upon these findings, one can conclude that neglect was not uniformly operationalized in Catholic archdioceses' child protection policies as a type of child maltreatment.

Since the establishment of the child welfare system in the United States, neglect has consistently been the most common type of child maltreatment (Jonson-Reid, Drake, & Zhou, 2013; Pelton, 1978, 1989, 1994; Sedlak et al., 2010). Today, more than three-quarter (76.1%) of child maltreatment victims are neglected (Children's Bureau, 2022). Despite the fact that the overwhelming majority of child maltreatment cases are neglect, the absence of this dimension from all archdioceses' policies suggests that the focus of child protection within the Catholic Church is not on child maltreatment at-large, but on a narrower scope of maltreatment that is unique to the institution.

As in the case of physical abuse, Kingdon's (1984, 2011) policy stream demonstrates that neglect as a problem worthy of a solution remains mired in the primeval soup within the context

of the Catholic Church in the United States. Despite the utility of MSA in assessing where a problem stands in the policy making process (e.g. on the agenda or not), the exclusive use of secondary data in the present study precludes investigating actors and decisions makers' perspectives about this issue. Nevertheless, the study clearly demonstrates that a gap remains between secular and Catholic child protection systems as it relates to neglect. Archdioceses should, at a minimum, consistently include neglect as a type of child maltreatment incorporated in child protection policies to address this discrepancy and establish a more consistent minimum standard. Including neglect within the conceptualization of child maltreatment could provide a frame for understanding neglect that contributed to child sexual abuse within the context of the Catholic Church.

Child Maltreatment: Emotional Abuse

Three archdioceses were categorized as ambiguous-misaligned and two archdioceses were categorized as conclusive-aligned for the child maltreatment: emotional abuse dimension. No archdioceses were categorized as conclusive-misaligned or ambiguous-aligned. Consistent with both the child maltreatment: physical abuse and neglect dimensions, this study found that several archdioceses' child protection policies incorporated emotional abuse as a type of child maltreatment in their child protection policies while others were silent on the issue of emotional abuse. The archdioceses of Boston and New Orleans incorporated definitions of emotional abuse in their policies that were based on statutory definitions while the archdioceses of Chicago, Los Angeles, and New York did not make any mention of emotional abuse within their policies (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2021). Based upon these findings, one can conclude that emotional abuse, like physical abuse and neglect, is not

consistently incorporated in Catholic archdioceses' child protection policies as a type of child maltreatment.

A recent review of global meta-analyses found the overall prevalence rates for self-reported child maltreatment studies are 363/1000 for emotional abuse, which is the most predominant type of maltreatment reported by participants (Stolenborgh et al., 2015). Further, the ongoing COVID-19 pandemic has exacerbated child maltreatment, in particular incidents of emotional abuse, especially for families with a history of child abuse or neglect (Lawson et al., 2020). The lack of consistent application of the emotional abuse dimension among archdioceses policies reinforces the notion that only a subset of child maltreatment is the focus of child protection efforts within the Catholic Church in the United States.

Consistent with physical abuse and neglect, the policy stream demonstrates that emotional abuse remains a problem that has yet to rise to the policy agenda within the Catholic Church (Kingdon, 1984, 2011). Thus, a gap remains between secular and Catholic child protection systems as it relates to emotional abuse. Archdioceses should, at a minimum, consistently include emotional abuse as a type of child maltreatment incorporated in child protection policies to address this discrepancy and establish a more consistent minimum standard.

Child Maltreatment: Sexual Abuse

Two archdioceses were categorized as conclusive-aligned, two archdioceses were categorized as ambiguous-misaligned, and one archdiocese was categorized as conclusive-misaligned for sexual abuse dimension of child maltreatment: No archdioceses were categorized as ambiguous-aligned. In contrast with all other child maltreatment dimensions (physical abuse, neglect, and emotional abuse), this study found that all five archdioceses' child protection

policies incorporated sexual abuse as a type of child maltreatment in their child protection policies; however, the Archdiocese of Los Angeles (2021) policy did not operationally define sexual abuse; rather, the policy referred to procedures of how to report sexual abuse. The Archdiocese of Chicago (2010) uses the *Charter's* definition, which operationalizes sexual abuse as a “delict against the sixth commandment of the Decalogue,” which states “thou shall not commit adultery.” Based upon these findings, one can conclude that sexual abuse is the primary type of child maltreatment Catholic archdioceses’ policies are intended to address. Furthermore, the operationalization of sexual abuse within the Catholic Church is split between canonical and civil definitions.

In the United States in 2020, sexual abuse accounted for 9.4 percent of all maltreated children reported to child protective services (Children’s Bureau, 2022). Meanwhile, between July 1, 2019 and June 30, 2020, 100 percent of allegations of child maltreatment ($N = 3,583$) that were publicly reported by the USCCB Secretariat for Child and Youth Protection are sexual abuse of a minor (USCCB, 2021). It is not surprising that Catholic archdioceses’ child protection policies primarily focus on sexual abuse. Between 2004 and 2020, Catholic dioceses and religious orders in the United States spent \$4.3 billion on abuse related costs, which does not include the opportunity loss due to scores of Catholics who left the Church or reduced Mass attendance and scaled back the amount of money they donated or stopped making financial contributions all together as a result of the ongoing abuse scandal (Pew Research Center, 2019; Rocca, 2021). Given the economic and human cost, it is understandable that sexual abuse has risen on the agenda as the primary focus of child maltreatment efforts within the Catholic Church in the United States.

Compared to other types of child maltreatment (physical abuse, neglect, and emotional abuse), sexual abuse has risen from the primeval soup as a critically important problem that requires comprehensive policy solutions in the context of the Catholic Church (Kingdom, 1984, 2011). When the Archdiocese of Boston (2019) scandal broke publicly in 2002, a window of opportunity opened and decisions makers (the United States Conference of Catholic Bishops) sought viable solutions from policy entrepreneurs. The *Charter for the Protection of Children and Young People* (USCCB, 2002) is one such example. In the case of sexual abuse of minors in the Catholic Church, MSA clearly demonstrates how a problem, which endured for decades in secrecy, can be propelled onto the agenda while other problems, ideas, and solutions remain mired in the primeval soup.

Although sexual abuse is firmly on the agenda, there are discrepancies across archdioceses' policies and civil statutes in terms of how this key policy dimension is defined as well as discrepancies between archdioceses and civil statutes. A minimum standard is needed to ensure sexual abuse is consistently defined and operationalized across child protection policies. Further, incorporating other types of child maltreatment, as described above, along with sexual abuse could provide a comprehensive conceptualization of child maltreatment aligned with the secular child welfare system. Identifying incidents of child maltreatment, current and historic, is necessary to provide interventions to help attenuate the long-term deleterious effects of early and developmental trauma (Anda et al., 1998; Anda et al., 2006; D'Andrea et al., 2012; Perry, 2009; van der Kolk et al., 2005)

Historical Sexual Abuse of a Minor

Three archdioceses were categorized as conclusive-misaligned, one archdiocese was categorized as ambiguous-aligned, and one archdiocese was categorized as ambiguous-misaligned for the historical sexual abuse of a minor dimension. No archdioceses were

categorized as conclusive-aligned. In contrast to civil mandated reporting statutes that require reporting of suspected current abuse or neglect of a child (a person who is currently under the age of 18 years), the present study found that archdioceses' policies required reporting to civil authorities even in cases where the victim is now an adult (a person who is currently over the age of 18 years) and the sexual abuse is reported to have occurred when the victim was a minor. Based upon these findings, one can conclude that requirements for reporting historical sexual abuse of a minor in the Catholic Church's child protection policies exceed requirements established by mandatory reporting civil statutes.

Mandated reporting laws exist to bring cases of child maltreatment to the attention of authorities that otherwise would have remained unknown and hidden for the purpose of initiating child protection interventions, as needed (MacMillan et al., 2003; Matthews & Bross, 2008). However, critics and dissenters of mandated reporting laws cite the longstanding history of parental surveillance, especially of impoverished single female headed households, to determine eligibility for services and allocation of resources (Bridges, 2017; Eubanks, 2017; Soss et al., 2011), the unintended consequence of decreased help seeking behaviors among vulnerable populations due to fear of being reported to child protective services (Lippy et al., 2020), and disproportionality within the child welfare system due to racial and ethnic bias in reporting (Dettlaff & Johnson, 2011; Putnam-Horstein et al., 2013).

Meanwhile, in the context of the Catholic Church, the overwhelming majority of cases of child maltreatment involve historical allegations of sexual abuse of a minor, meaning that the abuse is reported to have occurred when the victim who is now an adult was a child (Terry et al., 2011; USCCB, 2021). Given the history of non-reporting known cases of child sexual abuse and cover-up by officials and leaders within the Catholic Church (Kirkman & Thompson, 2003;

Rezendes, 2002), the aims of mandated reporting in the Catholic Church differ from the public child welfare system. For archdioceses, reporting historical allegations of sexual abuse of a minor ensures crimes of the past are reported to civil authorities for potential prosecution, when possible, rather than reporting for the primary purpose of initiating a child protection response.

Policy streams (Kingdon, 1984, 2011) help distinguish policy solutions decided upon by decision makers who represent various institutions, have different stakeholders, and diverse problems. In the case of historical sexual abuse of minors, policy streams help differentiate why a solution, such as requiring mandated reporting of historical abuse, may differ based on the institution's history (Catholic Church versus secular systems), its purpose, and goals of adopting a specific policy solution to address a particular problem. In the case of the Catholic Church, exceeding civil mandated reporting requirements is an example of a policy solution tailored to meet the needs of the institution, which has been rightfully criticized for a longstanding and systemic failure to contemporaneously report incidents of child sexual when they occurred.

The present study's use of civil statutes as the benchmark implies that civil statutes are preferred and more comprehensive than archdiocesan policies; however, that is not always the case. In the matter of historical sexual abuse of a minor, archdioceses' policies exceeded civil statutes by requiring all sexual abuse of a minor, regardless of when the abuse is reported to have occurred, to be reported to civil/criminal authorities (e.g. such as with New York State civil statutes). Civil statutes should minimally address historical sexual abuse of a minor, which would help facilitate prosecution of offenders (e.g. the indictment in Massachusetts of former cardinal Theodore McCarrick in 2021) and other appropriate child welfare interventions (e.g. assessment of a caretaker safety where an alleged perpetrator of historical sexual abuse of minors

still has access and caretaking responsibilities with children). A national, overarching framework could strengthen civil statutes across states to address this important statutory gap.

Mandated Reporters, Clergy

Three archdioceses were categorized as conclusive-misaligned, one archdiocese was categorized as conclusive-aligned, and one archdiocese was categorized as ambiguous-aligned for the mandated reporters, clergy dimension. No archdioceses were classified as ambiguous-misaligned. The present study found that the archdioceses of Boston, Chicago, and New Orleans incorporated universal mandated reporting requirements that exceeded civil statutory requirements while the Archdiocese of Los Angeles (2021) cited California mandated reporting laws (Penal Code §§ 11166; 11165) as its standard, and the Archdiocese of New York (2021) broadly stated, “specified persons and institutions are required to report certain incidents...” and then referenced the civil statute (Soc. Serv. Law §§ 413; 415) as its standard without providing a clear explanation of the requirement while the statute is silent on mandated reporting requirements for clergy. Based upon these findings, one can conclude that requirements for clergy as mandated reporters are split between universal requirements that exceed statutory requirements and directly adopting civil statute as the archdiocesan standard.

Catholic archdioceses mandated reporting requirements for clergy parallel civil schemes. Presently, 28 states’ mandatory reporting statutes explicitly name clergy among the professionals who are mandated reporters. An additional 18 states and Puerto Rico’s statutes have universal requirements, which are inclusive of clergy (Child Welfare Information Gateway, 2019). Past research suggests that when a state’s mandated reporter statute included clergy, there is an increased number of reports of child maltreatment that are confirmed or substantiated (Palusci et al., 2016). The present study demonstrated that archdioceses use civil mandated reporting

requirements as the minimum standard and, in some instances, implement universal requirements that exceed the statutory minimum and create broader reporting requirements. Yet, what is not known is whether these broader requirements are effective at ensuring child maltreatment, whether historical or current, is identified and reported appropriately. Further research is needed to investigate the performance of mandated reporting requirements among Catholic archdioceses to help determine the efficacy of this policy solution.

The era of mandated reporting on a national scale was ushered in by the passage of CAPTA in 1974. However, it wasn't until the Catholic sexual abuse crisis was publicly known that the Catholic Church adopted a policy solution that required mandated reporting throughout the institution in the United States. This is a salient example of a focusing event and demonstrates the explanatory power of Kingdon's (1984, 2011) MSA framework, in particular the policy stream. While MSA helps explain how mandated reporting was elevated onto the decision making agenda within the Catholic Church, the theory is limited as it cannot inform analysis of the policy making process or policy performance.

This study demonstrates that, despite the spotlight of the clergy sexual abuse scandal over the past 20 years, some archdioceses' child protection policies are ambiguous and misaligned with respect to clergy as mandated reporters. Inconsistent civil statutes contribute to this dynamic, which provides further evidence that a national, overarching framework is necessary. Archdioceses should ensure that policies clearly define clergys' role and responsibilities as mandated reporters, and not just generally refer to statutes in a policy that guides and directs specific behavior given certain circumstances. Thus, there is no room for ambiguity. Further, the issue of priest-penitent privilege as an exception to mandated reporting is a significant issue, as

discussed below, that must be clearly addressed when delineating clergys' roles and responsibilities.

Mandated Reporters, Laity

Consistent with the mandated reporters involving clergy, three archdioceses were categorized as conclusive-misaligned, one archdiocese was categorized as conclusive-aligned, and one archdiocese was categorized as ambiguous-misaligned for the mandated reporters, laity dimension. No archdioceses were classified as ambiguous-aligned. The present study found the archdioceses of Boston, Chicago, and New Orleans (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of New Orleans, 2021) incorporated universal mandated reporting requirements that exceeded civil statutory requirements while the Archdiocese of Los Angeles (2021) cited California mandated reporting laws as the requirement outlined in its policy, and the Archdiocese of New York (2021) generically referenced the civil statute (Soc. Serv. Law § 413) as defining who a mandated reporter is without providing a clear explanation of the statutory requirements within the policy. Based upon these findings, one can conclude that requirements for lay mandated reporters, as in the case of requirements for clergy, are split between universal requirements that exceed statutory requirements and adopting the civil statute as the minimum requirement.

Past research suggests that nonprofessionals are more likely to report suspected child maltreatment in states with universal mandated reporting statutes; however, the rate of confirmed or substantiated allegations does not differ in jurisdictions with universal mandated reporting laws compared to jurisdictions that specify that certain professions are required to be mandated reporters (Ho, Gross, & Bettencourt, 2017). Problematically, no peer-reviewed research has investigated whether different mandated reporting requirements (e.g. universal versus specific)

among Catholic archdioceses' child protection policies are associated with increased rates of reporting and, if so, whether these policy variations are associated with higher rates of confirmed child maltreatment allegations. Thus, the effectiveness of these institutional level policies has not been empirically evaluated.

As in the former case of clergy as mandated reporters, policy streams help explain how the issue of mandated reporting was elevated on the decision making agenda within the Catholic Church. However, the locus of responsibility for the clergy abuse crisis is skewed towards Church hierarchy who facilitated and exacerbated the cover-up (e.g. bishops, cardinals, etc.). Thus, policy streams and MSA are not sufficient for analysis of mandated reporter policy that distinguishes between clergy and laity.

Reporting Process/ Requirements: Criminal Authorities

The requirement to report to criminal authorities is a critical aspect of child protection policy. In this study two archdioceses were categorized as ambiguous-misaligned, one archdiocese was categorized as conclusive-aligned, one archdiocese was categorized as conclusive-misaligned, and one archdiocese was categorized as ambiguous-aligned for the reporting process/ requirements: criminal authorities' dimension. The archdioceses of Chicago and New Orleans policies (Archdiocese of Chicago, 2010; Archdiocese of New Orleans, 2021) stipulate that reports shall be filed with the appropriate civil authorities; however, the language used in the policies are vague and ambiguous about reporting to law enforcement versus child protective services. The Archdiocese of Los Angeles (2021) clearly aligned policy language with the State of California, which permits reporting to any public law enforcement agency who in turn are obligated to forward reports to child protective services. The Archdiocese of New York (2021) stipulates two offices within the archdiocese who are designated to receive reports and

who, in turn, notify law enforcement for allegations involving clergy; meanwhile, the State of New York statute (Soc. Serv. Law § 413) is silent on the matter. Lastly, the Archdiocese of Boston (2019) policy states that reports may be filed with criminal or child protective services based on the circumstances, which are not circumscribed. At the same time, the Commonwealth of Massachusetts statute (Gen. Laws Ch. 119, § 51A) permits reporting to law enforcement in addition to child protective services; however, the statute is not clear what circumstances would trigger a law enforcement report by a mandated reporter. Based upon these findings, one can conclude that the reporting process/ requirements for criminal authorities was not uniformly operationalized in Catholic archdioceses' child protection policies.

Cross-reporting between child protective services and law enforcement agencies is frequently required by civil statute; however, the requirements vary based on circumstances of the case. Twenty-six states require cross-reporting when the suspected child maltreatment is caused by someone other than a family member, involves sexual abuse, or there is severe injury to the child (Child Welfare Information Gateway, 2021). While reports of suspected maltreatment received by child protective services are often required to be reported to law enforcement agencies when a potential crime has been committed (e.g. sexual abuse), cases first reported to law enforcement are not always reported to child protective services for investigation and intervention (Dawson & Wells, 2008). Further, cases of historical sexual abuse of a minor by a representative of the Catholic Church often are not reported until after the perpetrator is deceased (USCCB, 2021), which makes reporting requirements opaque. Given the multiple pathways required for reporting to child protective services or law enforcement agencies based upon circumstances, it is incumbent upon Catholic archdioceses to ensure their policies and procedures about mandated reporting are clearly written, provide appropriate guidance based

upon different circumstances (e.g. current versus historical allegations), and personnel responsible for implementation receive appropriate, competency-based training.

Complex decision-making processes, such as cross-reporting by mandated reporters, necessitate assessment and analysis of policy performance. Policy streams are not sufficient for this purpose and provide little explanatory value in the present study for the reporting process involving criminal authorities.

Reporting Process/ Requirements: Child Protection Authorities

Reporting suspected or known cases of child maltreatment to child protection authorities, as all other mandated reporters must do, is the cornerstone of the public child welfare system. However, requirements among archdioceses' policies were not uniformly prescribed. In the present study three archdioceses were categorized as conclusive-aligned and two archdioceses were categorized as ambiguous-misaligned for the reporting process/ requirements: child protection authorities' dimension. No policies were classified as conclusive-misaligned or ambiguous-aligned. The present study found the archdioceses of Los Angeles, New Orleans, and New York's policies clearly articulate the requirements and process for reporting to suspected maltreatment to child protective services (Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2021). The Archdiocese of Boston (2019) requires dual reporting to child protective services and institutional representatives within the Church, and roles and responsibilities for reporting to child protective services are opaque. Lastly, the Archdiocese of New York (2021) requires reporting to institutional representatives in the church who in turn have the responsibility for notifying civil authorities while New York State law (Soc. Serv. Law § 413) is clear that reporting to a supervisor does not satisfy a mandated reporter's notification requirements. Based upon these findings, one can conclude that

the reporting process/ requirements for child protection services was not uniformly operationalized in the Catholic archdioceses' child protection policies studied here.

Incidents of child maltreatment are vastly underreported and mandated reporters do not report suspected maltreatment for various reasons (Falkiner et al., 2017; Sedlak et al., 2010). Generally, barriers to reporting fall into one of two groups, lack of knowledge and recognition of child maltreatment or decision not to report due to concern about the impact on the individuals involved (Crowell & Levi, 2012; Falkiner et al., 2017; Sege & Flaherty, 2008; Wilson & Lee, 2021). While training and education have been linked with improving reporting effectiveness (Walsh et al., 2012), gaps in mandated reporter training curricula exist and include lack of definition, indicators, and example of different types of maltreatment (Baker et al., 2021). Given these circumstances, it is imperative that archdiocesan policies and procedures do not further limit the reporting of suspected maltreatment. Thus, there are signs of encouragement among archdioceses with conclusive policies that are aligned with civil statutes. Also, archdioceses with ambiguous policies that are misaligned should take note as their policies may further preclude effective reporting.

Archdioceses with ambiguous and misaligned policy dimensions should, at a minimum, revise their policies so they are conclusive and aligned with civil statutes. Since the passage of the *Charter* (USCCB, 2018) in 2002, dioceses have been audited on their conformance. The audit process should be strengthened to include qualitative review of policies and procedures which could help ensure that child protection policies are robust and their procedures are tested to assess operationalization. In addition, USCCB should consider adopting a national minimum standard for reporting processes with child protection authorities and this should be included within the *Charter* to help remedy disparate policies and procedures.

Complex processes with inherent barriers, such as reporting suspected maltreatment to child protection authorities, necessitate assessment and analysis of the policy performance. Policy streams are not sufficient for this purpose and provide little explanatory value in the present study for the reporting process/ requirements involving criminal authorities.

Reporting Process/ Requirements: Church Authorities

The requirement to report child maltreatment to Church authorities is vital to ensure canon law is applied. In the present study five archdioceses were categorized as conclusive-misaligned for the reporting process and requirements: church authorities' dimension. No archdioceses were classified as conclusive-aligned, ambiguous-aligned, or ambiguous-misaligned. The present study found the archdioceses of Boston, Chicago, Los Angeles, New Orleans, and New York clearly described procedures for reporting suspected child maltreatment to Church officials (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2021). Since reporting to ecclesiastical authorities is outside of the scope of secular authorities, it is unremarkable that archdiocesan policies and civil statutes were misaligned. Based upon these findings, one can conclude that the reporting process/ requirements for church authorities were uniformly operationalized in Catholic archdioceses' child protection policies.

Despite widespread revelations of the sexual abuse crisis within the Catholic Church on a global scale over the course of the last 20 years, recent research found that Christian religious identification (Catholic and non-Catholic denominations) impacted churchgoers' propensity to believe an allegation of historical sexual abuse by a Catholic priest (Minto et al., 2016; Rezendes, 2002; Terry et al., 2011). At the same time, victims of historical sexual abuse continue to report their maltreatment to Church officials at a high rate (Harper & Perkins, 2018; USCCB,

2021). Given these factors, it is critical that archdioceses have clear mandated reporting policies, that personnel receive adequate training, and that oversight is provided to ensure that the policies are in fact implemented as they are intended.

An analysis of policy performance is vital to assess whether a particular policy is achieving its intended purpose. However, policy streams are not sufficient for this purpose and provide little explanatory value in the present study for the reporting process/ requirements involving church authorities.

Priest-Penitent Privilege

Three archdioceses were categorized as conclusive-aligned, one archdiocese was categorized as conclusive-misaligned, and one archdiocese was categorized as ambiguous-misaligned for the priest-penitent privilege dimensions. No archdioceses were classified as ambiguous-aligned. The present study found the archdioceses of Boston, Chicago, and New Orleans ratified the priest-penitent privilege as an exception, only for priests, for mandated reporting requirements (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of New Orleans, 2021). At the same time, the civil mandated reporting statutes for Massachusetts (Gen. Laws Ch. 119, § 51A), Illinois (Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20), and Louisiana (Children's Code Art. 603(17); 609; 610) also permit exemptions from reporting for the priest-penitent privilege. The Archdiocese of New York's (2021) policy upheld the priest-penitent privilege while the State of New York statute (Soc. Serv. Law § 413) is silent on the issue. Conversely, the Archdiocese of Los Angeles (2021) policy is silent on the priest-penitent privilege while the State of California statute (Penal Code §§ 11166; 11165) upholds the exemption to mandated reporting for the priest-penitent privilege. Based upon these findings, you can conclude that there is widespread acceptance between the Catholic Church and civil

statutes that the priest-penitent privilege is a legitimate exemption to mandated reporting requirements.

Although the priest-penitent privilege is a widely accepted exemption to mandated reporting requirements for child maltreatment in the United States that is codified in civil statute, it is a controversial issue (Cassidy, 2003; Orton, 2020; Semonin, 2021). Currently, six states and a U.S. territory (New Hampshire, North Carolina, Oklahoma, Rhode Island, Texas, West Virginia, and Guam) deny the priest-penitent privilege in cases of child maltreatment (Child Welfare Information Gateway, 2019). Further, there is a growing movement internationally to deny the priest-penitent privilege in cases of child maltreatment. In Australia in 2017, the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) issued a final report recommending that each state and territory government should introduce legislation that exclude privileges, such as the priest-penitent privilege, and establish criminal penalties for failing to report child maltreatment that otherwise would be subject to the priest-penitent privilege. As governments reconsider their stance on the privilege, a dilemma for priests and the Catholic Church writ large emerges: Does one follow civil or canon law on this issue? How does the Catholic Church reconcile the goal of child protection with a movement to abolish a central tenet of Catholicism, the seal of confession, through eliminating the priest-penitent privilege, for incidents of child maltreatment?

The seal of confession is central to Catholic doctrine (Canon Law Society of America, 1983; Pope Francis, 2019a) yet the priest-penitent privilege is a controversial exemption to mandated reporting requirements for clergy (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017) that differs from all other professional requirements pertaining to confidentiality (e.g., National Association of Social Workers, 2021). A national, overarching

framework could establish clear guidelines for addressing priest-penitent privilege pertaining to incidents of child maltreatment. Such a framework would require the privilege's constitutionality being tested vis-à-vis protections for religious freedom, the Establishment Clause and the Free Exercise Clause (Lieberman, 2022).

MSA (Kingdon, 1984, 2011) is well-suited to investigate these questions; however, doing so is outside the scope of the present study. In the current matter, policy streams can help frame the issue and identify whether it a problem that has been elevated on the agenda; however, the theory provides little use otherwise.

Discrepancies Across Archdioceses and Civil Statutes

In order to analyze how archdiocese policy compares to civil statute, a typology was developed to evaluate and classify the relevant policies. Four definitional categories comprise the archdiocesan child protection typology: Conclusive-Aligned; Conclusive-Misaligned; Ambiguous-Aligned; and Ambiguous Misaligned (see Figure 1). In the section that follows, a discussion is presented on the analysis of archdiocesan child protection policies and civil mandated reporting statutes based on key policy dimensions applying the typology.

Conclusive-Aligned

Three policies categorized the reporting process/ requirements: child protection authorities' dimension as conclusive-aligned (Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2021); three policies classified the priest-penitent privilege dimension as conclusive-aligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of New Orleans, 2021); two policies categorized the child maltreatment: physical abuse dimension as conclusive-aligned (Archdiocese of Boston, 2019; Archdiocese of New Orleans, 2021); two policies categorized the child maltreatment: neglect

dimension as conclusive-aligned (Archdiocese of Boston, 2019; Archdiocese of New Orleans, 2021); two policies categorized the child maltreatment: emotional abuse dimension as conclusive-aligned (Archdiocese of Boston, 2019; Archdiocese of New Orleans, 2021); two policies categorized the child maltreatment: sexual abuse dimension as conclusive-aligned (Archdiocese of Boston, 2019; Archdiocese of New Orleans, 2021); one policy categorized the mandated reporter, clergy dimension as conclusive-aligned (Archdiocese of Los Angeles, 2021); one policy categorized the mandated reporter, laity dimension as conclusive-aligned (Archdiocese of Los Angeles, 2021); and one policy categorized the reporting process/ requirements: criminal authorities dimension as conclusive-aligned (Archdiocese of Los Angeles, 2021).

Taken together, 17 key policy dimensions were classified by archdiocesan policies as conclusive-aligned, which accounted for nearly one third of all dimensions. Notably, the dimensions most frequently classified in this category were reporting to child protection authorities ($N = 3$) and the priest-penitent privilege ($N = 3$). Based upon these findings, one can conclude that the conclusive-aligned category captured a substantial amount of variability between archdiocesan child protection policies and civil mandated reporting statutes.

Conclusive-Misaligned

Five policies categorized the reporting process/ requirements involving church authorities as conclusive-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New Orleans, 2021; Archdiocese of New York, 2021); three policies categorized the historical sexual abuse of a minor dimension as conclusive-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021); three policies categorized the mandated reporter, clergy

dimension as conclusive-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of New Orleans, 2021); three policies categorized the mandated reporter, laity dimension as conclusive-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010; Archdiocese of New Orleans, 2021); one policy categorized the child maltreatment involving sexual abuse policy as conclusive-misaligned (Archdiocese of New York, 2021); one policy categorized the reporting process/ requirements involving criminal authorities dimension as conclusive-misaligned (Archdiocese of New York, 2021); and one policy categorized the priest-penitent privilege as conclusive-misaligned (Archdiocese of New York, 2021).

Taken together, 17 key policy dimensions were classified by archdiocesan policies as conclusive-misaligned, which accounted for nearly one third of all dimensions. Remarkably, the dimension most frequently classified in this category was reporting to church authorities ($N = 5$). Based upon these findings, one can conclude that the conclusive-misaligned category captured a substantial amount of variability between archdiocesan child protection policies and civil mandated reporting statutes.

Ambiguous-Aligned

One policy categorized the reporting process/ requirements involving criminal authorities' dimension as ambiguous-aligned (Archdiocese of Boston, 2019); one policy categorized the historical sexual abuse of a minor dimension as ambiguous-aligned (Archdiocese of New York, 2021); one policy categorized the mandated reporter, clergy dimension as ambiguous-aligned (Archdiocese of New York, 2021); and one policy categorized the mandated reporter, laity dimension as ambiguous-aligned (Archdiocese of New York, 2021).

Taken together, 4 key policy dimensions were classified by archdiocesan policies as ambiguous-aligned, which was the least frequent category dimensions were classified under.

Interestingly, the Archdiocese of New York accounted for three quarters of all dimensions ($N = 3$) classified under this category. Based upon these findings, one can conclude that the ambiguous-aligned category captured a limited amount of variability between archdiocesan child protection policies and civil mandated reporting statutes.

Ambiguous-Misaligned

Three policies categorized the child maltreatment: physical abuse dimension as ambiguous-misaligned (Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New York, 2021); three policies categorized the child maltreatment involving neglect as ambiguous-misaligned (Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New York, 2021); three policies categorized the child maltreatment involving emotional abuse dimension as ambiguous-misaligned (Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021; Archdiocese of New York, 2021); two policies categorized the child maltreatment involving sexual abuse dimension as ambiguous-misaligned (Archdiocese of Chicago, 2010; Archdiocese of Los Angeles, 2021); two policies categorized the reporting process/ requirements involving criminal authorities' dimension as ambiguous-misaligned (Archdiocese of Chicago, 2010; Archdiocese of New Orleans, 2021); two policies categorized the reporting process/ requirements involving child protection authorities' dimension as ambiguous-misaligned (Archdiocese of Boston, 2019; Archdiocese of Chicago, 2010); one policy categorized the priest-penitent privilege as ambiguous-misaligned (Archdiocese of Los Angeles, 2021); and one policy categorized the historical sexual abuse of a minor dimension as ambiguous-misaligned (Archdiocese of New Orleans, 2021).

Taken together, 17 key policy dimensions were classified by archdiocesan policies as conclusive-aligned, which accounted for nearly one third of all dimensions. The dimensions most

frequently classified in this category were child maltreatment: physical abuse ($N = 3$), child maltreatment: neglect ($N = 3$), and child maltreatment: emotional abuse ($N = 3$). Based upon these findings, one can conclude that the ambiguous-misaligned category captured a substantial amount of variability between archdiocesan child protection policies and civil mandated reporting statutes. Interestingly, key policy dimensions were similarly distributed between the conclusive-aligned, conclusive-misaligned, and ambiguous-misaligned-categories.

Disparities Between Archdioceses and Civil Statutes

Five pairs of matched child protection policies from archdioceses and statutes for the respective civil jurisdictions were compared based on key policy dimensions to assess the extent to which there are shared definitional components and characteristics between policies and statutes for the key policy dimensions. The definitional categories of the typology - conclusive-aligned, conclusive-misaligned, ambiguous-aligned, and ambiguous-misaligned - were used to classify the extent to which shared definitional components and characteristics exist. In the section that follows, a discussion of case comparison is presented.

Archdiocese of Boston and the Commonwealth of Massachusetts

Five key policy dimensions were categorized as conclusive-aligned, four dimensions were classified as conclusive-misaligned, one dimension was categorized as ambiguous-aligned, and one dimension was classified as ambiguous-aligned for the case comparison of the Archdiocese of Boston's (2019) child protection policy and the Commonwealth of Massachusetts statutes (Gen. Laws Ch. 119, § 51A).

The present study found that all child maltreatment types (physical abuse, neglect, emotional abuse, and sexual abuse) and the priest-penitent privilege dimensions were conclusive-aligned as the policy incorporated language directly from the statute. Historical sexual abuse of a

minor, mandated reporters for clergy and laity, and the reporting process/ requirement for church authorities' dimensions were conclusive-misaligned as the policy exceeded the requirements outlined in the statute. The reporting process/ requirements for criminal authorities was categorized as ambiguous and aligned since the policy created a contradictory reporting scheme. Further, the reporting process/ requirements for child protection authorities was classified as ambiguous-misaligned since the policy, as in the case of reporting to criminal authorities, created a contradictory report scheme. Based upon these findings, you can conclude that Archdiocese of Boston (2019) child protection policy was overwhelming aligned with the Commonwealth of Massachusetts statutes and exceeded the minimum statutory requirements in many areas, especially where universal reporting requirements and historical sexual abuse of a minor are concerned.

It is not surprising that the Archdiocese of Boston (2019) has substantially aligned its child protection policy with the Massachusetts statutes (Gen. Laws Ch. 119, § 51A). The Boston scandal broke the clergy sexual abuse crisis wide open and was the focus of media coverage (Kirkman & Thompson, 2003; Rezendes, 2002), political and legislative oversight (Cabral, 2016), and state executive branch investigation (Office of the Attorney General of the Commonwealth of Massachusetts, 2003). Notably, the Archdiocese of Boston (2019) policy exceeds the minimum statutory requirement for mandated reporters by creating a universal reporting scheme for all personnel and has clearly articulated requirements and processes for reporting allegations of historical sexual abuse of a minor.

Archdiocese of Chicago and the State of Illinois

Six key policy dimensions were categorized as ambiguous-misaligned, four dimensions were categorized as conclusive-misaligned, and one dimension was categorized as conclusive-

aligned for the case comparison of the Archdiocese of Chicago's (2010) child protection policy and the State of Illinois statutes (Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20). No dimensions were classified as ambiguous-aligned.

The present study found that all child maltreatment types (physical abuse, neglect, emotional abuse, and sexual abuse) and reporting process/ requirements for criminal and child protection authorities were ambiguous-misaligned because the policy omitted these dimensions and the statute clearly addressed the dimensions. Historical sexual abuse of a minor, mandated reporters for clergy and laity, and reporting process/ requirements for church authorities' dimensions were conclusive-misaligned because the policy exceeded the statutes requirements, in particular by using a universal mandated reporting scheme for all personnel and establishing a requirement to report historical sexual abuse of a minor. The priest-penitent privilege dimension was conclusive-aligned since the policy adopted the statutory standard. Based upon these findings, one can conclude that Archdiocese of Chicago's (2010) child protection policy was overwhelming misaligned with the State of Illinois statutes (Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20). However, the policy exceeded statutory requirements by establishing a universal mandated reporting scheme and historical sexual abuse of a minor reporting requirements. In addition, the archdiocesan policy was skewed towards sexual abuse and did not address other types of child maltreatment.

On its face, it is surprising that the Archdiocese of Chicago's (2010) child protection policy is misaligned with the Illinois statutes (Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20). However, the analysis of the key policy dimensions demonstrates that the policy exceeded minimum statutory requirements in areas of priority for the Catholic Church involving historical sexual abuse of a minor and broadening mandated reporting requirements for clergy and laity.

Consistent with MSA's policy stream (Kingdon, 1984, 2011), policy solutions that address significant problems for the institution emerged and are reflect in the present policy.

Archdiocese of Los Angeles and the State of California

Five key policy dimensions were categorized as ambiguous-misaligned, four dimensions were categorized as conclusive-aligned, and two dimensions were categorized as conclusive-misaligned for the case comparison of the Archdiocese of Los Angeles' (2021) child protection policy and the State of California statutes (Penal Code §§ 11166; 11165). No dimensions were classified as ambiguous-aligned.

The present study found that all child maltreatment types (physical abuse, neglect, emotional abuse, and sexual abuse) and the priest-penitent privilege were ambiguous-misaligned because the policy omitted these dimensions and the statute clearly addressed the dimensions. Mandated reporters, clergy and laity as well as reporting process/ requirements for criminal and child protection authorities' dimensions were conclusive-aligned because the policy incorporated language directly from the statute. Historical sexual abuse of a minor and reporting process/ requirements for church authorities' dimensions were conclusive-misaligned because the policy exceeded the statute by creating a requirement for reporting sexual abuse of a minor and also required reporting to Church authorities. Based upon these findings, you can conclude that the Archdiocese of Los Angeles (2021) child protection policy was split between alignment and misalignment with the State of California statutes (Penal Code §§ 11166; 11165).

That the Archdiocese of Los Angeles' (2021) child protection policy is split between alignment and misalignment with the California statutes (Penal Code §§ 11166; 11165) is not remarkable. As in the case of the Archdiocese of Chicago, analysis of the key policy dimension for the Archdiocese of Los Angeles (2021) policy demonstrates that the policy exceeded

minimum statutory requirements in priority areas for the Catholic Church: historical sexual abuse of a minor and broadening mandated reporting requirements for clergy and laity. This example provides further evidence in support of MSA's policy stream (Kingdon, 1984, 2011), where policy solutions emerged to address significant problems for the institution, which are reflected in the present policy.

Archdiocese of New Orleans and the State of Louisiana

Six key policy dimensions were categorized as conclusive-aligned, three dimensions were categorized as conclusive-misaligned, and two dimensions were categorized as ambiguous-misaligned for the case comparison of the Archdiocese of New Orleans (2021) child protection policy and the State of Louisiana statutes (Children's Code Art. 603(17); 609; 610). No dimensions were classified as ambiguous-aligned.

The present study found that all child maltreatment types (physical abuse, neglect, emotional abuse, and sexual abuse), reporting process/ requirements for child protection authorities, and the priest-penitent privilege dimensions were conclusive-aligned as the policy incorporated language directly from the statute. Mandated reporters, clergy and laity and reporting process/ requirements for church authorities' dimensions were conclusive-misaligned because the policy established a universal reporting scheme that exceeded statutory requirements and also required reporting to Church authorities. Historical sexual abuse of a minor and reporting process/ requirements for criminal authorities' dimensions were ambiguous-misaligned. Requirements for reports of historical abuse of a minor by a victim who is now an adult were opaque and placed the locus of reporting on the victim rather than institutional representatives who are designated as mandated reporters. Based upon these findings, one can conclude that the Archdiocese of New Orleans (2021) child protection policy was split between

alignment and misalignment with the State of Louisiana statutes (Children’s Code Art. 609; 610).

In general, the Archdiocese of New Orleans (2021) child protection policy was aligned with or exceeded minimum requirements of the Louisiana statutes (Children’s Code Art. 609; 610). Unexpectedly, historical sexual abuse of a minor was not consistent with other archdiocesan policies where the institution assumed responsibility for reporting these historical allegations to civil authorities. Rather, in the case of the Archdiocese of New Orleans, the policy states that the institution “may” report, but that the victim will be advised of their right to report directly to law enforcement. Essentially, the Archdiocese of New Orleans approach places the locus of responsibility on the individual victim rather than on the mandated reporter or the institution itself.

Archdiocese of New York and the State of New York

Four key policy dimensions were categorized as conclusive-misaligned, three dimensions were categorized as ambiguous-aligned, three dimensions were categorized as ambiguous-misaligned, and one dimension was categorized as conclusive-aligned for the case comparison of the Archdiocese of New York (2021) child protection policy and the State of New York statutes (Soc. Serv. Law § 413; 415).

The present study found that child maltreatment involving sexual abuse, reporting process/ requirements for criminal and church authorities, and the priest-penitent privilege dimensions were conclusive-misaligned as they exceeded minimum requirements established by the statute (Soc. Serv. Law § 413). Child maltreatment types for physical abuse, neglect, and emotional abuse were ambiguous-misaligned because the policy omitted these dimensions and the statute clearly addressed the dimensions. Historical sexual abuse of a minor and mandated

reporters, clergy and laity dimensions were ambiguous-aligned. Historical sexual abuse of a minor was not addressed by the policy while the statute addressed maltreatment of a child currently under the age of 18. With respect to the mandated reporters, clergy dimension the statute omits this dimension all together and the policy broadly references the statute as the standard for defining who mandated reporters are. For the mandated reporters, laity dimension the policy again broadly references the statute as defining who mandated reporter are without providing clear guidance without cross-referencing and interpreting the statute. The reporting process/ requirements for child protection authorities is conclusive-aligned because the policy incorporated language directly from the statute. Based upon these findings, one can conclude that the Archdiocese of New York (2021) child protection policy was overwhelming misaligned with the State of New York statutes (Soc. Serv. Law § 413; 415).

In general, the Archdiocese of New York (2021) child protection policy was misaligned with the requirements of the New York statutes (Soc. Serv. Law § 413; 415). Unexpectedly, the New York statute (Soc. Serv. Law § 413; 415) does not name clergy as mandated reporters and the archdiocesan policy (Archdiocese of New York, 2021) does not address historical sexual abuse of a minor. As expected, the policy's child maltreatment focus is on sexual abuse.

The comparative content analysis demonstrated that archdioceses in the sample aspire to align child protection policies with civil statutes (e.g. *Charter for the Protection of Children and Young People [USCCB, 2018]*). However, there is a lack of internal consistency across civil statutes that creates significant barriers to achieving this aim. Today, more than 40 years after CAPTA was established, there are still no federal definitions for key policy dimensions (e.g. a federal definition for neglect) and there is a patchwork of statutes throughout the country. Consequently, child protection policies across archdioceses and civil statutes lack uniform

minimum standards, which contributed to discrepancies across archdioceses and civil statutes as well as between archdioceses and civil statutes. The secular child welfare system and the Catholic Church's child protection system would benefit from a guiding, overarching framework that establishes federal definitions and minimum standards. Such a framework could help guide the Catholic Church as well as other child and youth serving organizations by establishing benchmarks to align child protection policies to.

Strengths, Limitations and Delimitations of the Study

This study is the first of its kind that examined child protection policies across Catholic archdioceses and civil statutes. The study extended Kingdon's (1984, 2011) MSA into the child welfare and social work fields for the first time by using the policy stream. Further, the combination of data from civil and ecclesiastical sources brings considerable strength to these findings. Studies that compare institutional policies and civil statutes should capture as full a view as possible of the key policy dimensions, assuring that findings are rooted in the details and context of the policy under investigation.

The present study assumed Kingdon's (1984) MSA could be applied to Catholic archdioceses and dioceses in the United States, which are akin to state and local governments in the civil system, to analyze aspects of their respective policies. Although MSA is well suited for analyzing civil statutes, there were significant limitations with respect to MSA's application to archdiocesan policies. First, the policy stream by itself was not robust enough for the Catholic Church's unique characteristics concerning child protection policies. Kingdon's (1984, 2011) MSA is well suited for explaining how policies are made by government under conditions of uncertainty and ambiguity (Jones et al., 2016; Kingdon, 1984, 1995; Zahariadis, 1999, 2007, 2014) but not for institutional practice, which archdiocesan policies principally addressed.

Second, only one of MSA's three streams were used in the present study. The study's design specifically delimited the political stream from the analysis due to ethical considerations described above (see Chapter 3). MSA's five major components – problems, policies, politics, policy windows, and policy entrepreneurs – provide insight into the entire policy making process: agenda setting, decision making, and implementation. Only using the policy stream compromised the holistic nature of MSA. Although Kingdon (1984, 2011) asserts that the three policies streams are independent, it is the convergence of streams that provides MSA's explanatory value. Consequently, the author's professional background as a social worker with expertise in child protection within the Catholic Church informed the framing of the study to augment where the policy stream by itself was deficient. Specifically, the author's practice experience informed the identification and operationalization of the key policy dimensions as well as interpretation of the data. In retrospect, some of these findings could fit better in the frame of disjointed incrementalism (Lindblom, 1959, 1965, 1977, 1982, 1990).

In stark contrast to rational decision making, disjointed incrementalism describes how decisions are made in complex organizations whereby decisions are made step by step as a problem unfolds. Further, disjointed incrementalism posits that the different incremental stages of decisions-making are dependent upon the preceding stage(s) (Lindblom, 1959, 1965, 1977, 1982, 1990). Compared to MSA (Kingdon, 1984, 2011), a more delimited frame could have addressed the parallel incremental approach employed by child protection policies across archdioceses and civil statutes. However, both disjointed incrementalism and MSA draw upon "the garbage can model," which asserts perfect and complete information is almost never known by organizations as they face complex decisions about intractable problems (Cohen, March, & Olsen, 1972; Kingdon, 1984, 2011; Lindblom, 1959, 1965, 1977, 1982, 1990).

It should also be noted that policies from which the present study is drawn may be undergoing emergent changes based on legislative or executive branch actions. Such actions include but are not limited to The Child Victims Act in New York (S2440) in 2019 or the Mandated Reporter Commission in Massachusetts created by the Childhood Wellness Bill of 2019. Since the study uses one database that is systematically reported policy, more recent actions, such as those described above, may amplify and/or changes reporting for some of these policies.

Specific strengths in this study include the in-depth exploration of archdiocesan policies and civil mandated reporting statutes. The development of a typology to classify key child protection policy dimensions contributed to the rigor of the study. In addition, another strength was the application of the typology as an analytic tool to conduct case comparisons of archdiocesan policies and civil mandated reporting statutes, which yielded credible findings strengthened by interjudge reliability. Ideally, future research would capture how these policies were developed, implemented, measure outcomes, and the effectiveness of requirements through policy performance analysis.

There are limitations to this study. Because the analysis of the current study employed a relevance sample ($N = 5$) of archdioceses policies, generalizability of the findings was not the goal. The purpose of this inaugural study was to conduct a high-level analysis to explore and illuminate this new area of social work and child welfare policy research – the intersection of canon and civil law – and establish a foundation for future research; generalizability and transferability of the findings were not the aim. Rather, studying the unique sample was the goal and had intrinsic value. In addition, due to ethical issues and logistical barriers in collecting primary data from diocesan officials and actors involved in the policy process around mandated

reporting in the Catholic church, utilizing secondary data was the approach taken in this study. While the generic qualitative approach employing content analysis of documents of publicly available policies yielded robust data for the present study, solely utilizing secondary data precludes the use of traditional qualitative research methodologies that are commonly used for policy analysis, such as case study, phenomenology, and grounded theory.

The study also assumed that civil child protection statutes were preferred and more comprehensive than archdiocesan policies. Thus, civil statutes were used as the benchmark that archdioceses were compared with. However, inequities and deficiencies with child welfare laws have long been documented (e.g., Baker & Brassard, 2019; Berger & Slack, 2020). The array of variance in child maltreatment statutes is vast, which suggest that civil statutes, are not necessarily exemplars that should be used as the basis for comparison for all child protection practices, including those within the Catholic Church. In 1974, CAPTA required states to adopt definitions of child maltreatment that met the minimum requirements established by the federal definition. However, nearly 50 years later states have created a patchwork of statutes with substantial variation. This approach has precluded standardization of child abuse and neglect statutes and policy dimensions across the country.

Because the study focused on the current state of archdiocesan policies and civil mandated reporting statutes, only the most recent policies and statutes were included in the sample. Cross-sectional data precluded investigating how Church policies and civil statutes changed over time, and how the policy stream affected this process.

Implications for Social Work Practice

Findings from this study have implications for social work practice at the international, state, archdiocesan, and micro and macro practice level. Internationally, the social work

profession is involved in advocating for vulnerable and oppressed populations and also advocating for policies to address critical social problems. Child sexual abuse committed by Catholic clergy is a global crisis that cuts across canon and civil law. Despite the scope of this crisis in the United States being revealed over the past 20 years, principally due to advocacy by victims/survivors, investigations by journalists and coverage by secular media, many countries around the world have not yet placed the Catholic CSA crisis on their public policy agenda or they are in the very early stages of doing so (e.g. Poland and Germany). Therefore, social workers must be on the frontline advocating for necessary changes with secular and ecclesiastical authorities. This study found that Catholic archdioceses can implement comprehensive policies for mandated reporting of historical sexual abuse of minors that exceed civil mandated reporting requirements.

At the federal policy level, social work legislative advocacy is needed to advocate for reforms for adoption of one guiding overarching framework that establishes federal definitions and minimum standards for key child protection policy dimensions. Such a framework could help address internal consistency issues among civil statutes while also establishing a benchmark for the Catholic Church and other child and youth serving organizations to which to align child protection policies.

At the state policy level, social work legislative advocacy is needed to ensure civil statutes adopt provisions that provide clarity and guidance for practitioners around the issue of historical sexual abuse, especially in cases where the alleged abuser is still living and may have access to children and other vulnerable populations. Further, as the scope of sexual abuse within institutions, which include but are not limited solely to the Catholic Church (e.g. Orthodox Judaism and other religious institutions, Boy Scouts, USA Gymnastics and other youth sporting

organizations, and myriad youth serving organizations), is better understood, further research is needed. Such research could help determine whether mandated reporting statutes rooted in the history of the Battered-Child Syndrome (Kempe et al. 1962) and focused on assessing imminent danger and risk sufficiently address historical sexual abuse of minors, especially in an institutional context. This study found that civil mandated reporting statutes in the sample were silent on the issue of historical sexual abuse of minors.

At the archdiocesan level, social workers who practice in victim assistance offices, employed by other Catholic ministries (e.g. Catholic Charities Agencies, schools, etc.), and volunteer in parishes must understand the scope of CSA. Further, they must also be aware of the current archdiocesan policies and civil mandated reporting statutes so they can be implemented and, when there is misalignment or gaps, advocate for necessary changes.

At the micro practice level, social work practitioners who work with victims/survivors of CSA, including individuals who are making initial disclosures of historical CSA, should understand policies and statutes related to mandated reporting. At the macro practice level, social work practitioners should conduct research, including policy analysis and program evaluation, to understand whether changes to Church policy or civil statutes are needed to address this historically underserved and marginalized population, victims/survivors of CSA by priests and other representatives of the Catholic Church.

Directions for Future Research

Having established a high-level picture of how a sample of child protection policies across archdioceses and civil statutes vary based on key policy dimensions, there are multiple possible next steps for future research. The present study explored policy products (archdiocesan policy and civil statutes) for a relevance sample to investigate (Q1) How do key child protection

policy dimensions differ in various Catholic archdioceses in the United States and (Q2) How do various child protection policies vary across Catholic archdioceses and civil statutes? This study provided rich data for five archdioceses in the sample and the respective civil statutes, which are described in the above discussions. However, this study is just the starting point for a broad research agenda that seeks to further investigate the relationship and intersection of canon and civil law related to child protection within the Catholic Church.

Future research that builds upon this study could include analyses from varied samples as well as the policy making process and policy performance. A study with a varied sample could explore how policies compare with civil statutes using the typology developed in the present study with a nationally representative sample or in a context outside of the United States (e.g. Australia, Germany, or Poland). Such a study could replicate the theoretical framework of Kingdon (1984, 2011) or, as a policy product analysis, utilize the model described by Gilbert and Terrill (2010) to further explain the dimension of the policies.

A study of the policy process could utilize Kingdon's (1984, 2011) MSA to explore how the problems, policies, and politics streams were coupled and converged to open a policy window that facilitated the development of the policy. Its research questions would be based on the MSA framework as described above. Such a study could employ case study methodology focusing on a sample of exemplary cases as described by Yin (2009, 2012). However, a study such as this would require primary data collection, access to policy actors, especially those who were involved in various stages of development likely over a period of more than 20 years, and also require significant mitigation strategies to attend to subjects being triggered and re-traumatized.

A study of policy performance could assess two possible areas. First, analyses could focus on performance within an archdiocese, which would require access to data on process measures and actions taken since the policy was enacted. Second, analyses could focus on performance within a civil jurisdiction to investigate what reports have been received since an archdiocesan or civil statute charge was enacted. One possible way to do this would be to analyze publicly available child maltreatment surveillance data, such as the National Child Abuse and Neglect Data System (NCANDS) that collects data on reports of child abuse and neglect from all 50 states, the District of Columbia, and Puerto Rico, to assess the relationship between reporting trends and pre and post enactment of statutes and/or policies.

As stated above, using civil statutes as benchmarks has an implicit assumption that the civil statutes are preferred and more comprehensive than archdioceses policies. This assumption could be interrogated further using disjointed incrementalism as the theoretical frame (Lindblom, 1965, 1977, 1982, 1990). Such a study could investigate the step-by-step decision making process used by archdioceses as the clergy sexual abuse crisis has unfolded on the world stage over the past 20 years.

As further research is conducted into the Catholic Church's child protection policies compared with civil statutes, additional questions will invariably emerge. These questions will further inform and help shape the direction for future research in this important and emergent area of social work and child welfare research.

Conclusions

There is a dearth of research pertaining to the child protection policies that the Catholic Church in the United States has enacted since 2002 and how these policies compare to civil statutes. This study is the first of its kind to investigate this new area of child welfare and social

work research: the intersection of canon and civil law framing child protection policy at the archdiocesan (local) level. First, data from a generic qualitative approach employed content analysis of documents through the analytical lens of the policy stream from Kingdon's (1984, 2011) MSA framework assessed the extent to which there are shared definitional components and characteristics for the key policy dimensions. Second, qualitative methods progressed to the development of a working typology of Catholic archdiocesan mandated reporting policies that provided clarity regarding some of the consistency, coherence, and commonalities in these policies. Third, archdioceses' child protection policies were considered utilizing the working typology as an analytic tool to systematically assess how these policies compared to civil mandated reporting statutes based on key policy dimensions. Finally, content analysis of policy dimensions was conducted and compared across two entities, archdioceses child protection policies and civil mandated reporting statutes, which have been matched and analyzed for the comparison according to civil/diocesan jurisdictional alignment.

The present study identified that archdioceses' child protection policies operationalized child maltreatment as either unidimensional (sexual abuse) or multidimensional (physical abuse, neglect, emotional abuse, and sexual abuse). Next, the study described how archdioceses often exceeded civil mandated reporting requirements by requiring reporting of historical sexual abuse of minors to civil authorities and employed a universal scheme requiring all persons who minister, work, or volunteer within the Church to act as mandated reporter, even when they are not required by civil statute to be mandated reporters. Thereafter, the study identified that there generally is agreement between archdiocesan policies and civil statutes with respect to upholding the priest-penitent privilege as an exception to mandated reporting. Finally, the process of reporting – whether an individual or institutional responsibility – was described.

The typology categorized archdiocesan child protection policies vis-à-vis civil mandated reporting statutes as conclusive-aligned, conclusive-misaligned, ambiguous-aligned, and ambiguous-misaligned. These classifications explicated areas where there are gaps between archdiocesan policies and civil statutes based on key policy dimensions as well as areas where there is alignment. The typology helped create a roadmap for assessing how archdiocesan policies compare with civil statutes. Finally, content analysis compared policy dimensions across two entities, archdioceses child protection policies and civil mandated reporting statutes, which have been matched for the comparison according to civil/diocesan jurisdictional alignment classified the extent to which the definitional components and characteristics existed. No archdiocese exceeded more than half of its key policies dimensions as being in alignment with civil mandated reporting statutes.

Taken together, these findings are instructive for the social work field. Social workers practicing in the child welfare field within the Catholic Church, within the secular child protection system, and those working clinically with survivors of sexual abuse perpetrated by representatives of the Catholic Church are directly and indirectly affected by alignment or misalignment between archdiocesan policies and civil mandated reporting statutes. Social workers practicing at the intersection of canon and civil law must be cognizant of areas of misalignment as these areas pose both practice and ethical dilemmas that must be navigated, especially when there may be conflict with the National Association of Social Workers (NASW) Code of Ethics. Further, social workers within the Catholic Church including those in Catholic child welfare and social services agencies (e.g. Catholic Charities) and secular child protection systems are called to be advocates for change to address issues affecting oppressed, marginalized and disenfranchised populations. The present study provides a roadmap for an advocacy agenda

to address areas of needed change to strengthen child protection policies within the Catholic Church as well as civil mandated reporting statutes.

The present study utilized aspects of Kingdon's (1984, 2011) MSA to establish a high-level picture of how archdiocesan child protection policies compared with civil mandated reporting statutes. There is agreement with identifying child sexual abuse as a type of maltreatment; archdioceses established broader requirements for reporting historical sexual abuse of minors than is required by civil mandated reporting statutes; there are similar schemes for mandated reporting where Catholic archdioceses often exceeded the statutory minimum requirements; and there is agreement that the priest-penitent privilege is an accepted exception to mandated reporting requirements pertaining to child maltreatment. However, utilizing only one of MSA's streams, the policy stream, for the analysis compromised MSA's holistic nature. Thus, the author drew upon his professional background as a social worker with expertise in child protection within the Catholic Church to inform the framing of the study to augment where the policy stream by itself was deficient. Through these analytical processes, further questions emerged and were raised about the agenda setting, policy making, and implementation processes of these policies within Catholic archdioceses. In fact, this is among the present study's most important contributions to the social science literature: the creation of a foundation and empirical roadmap for future inquiry into this important and under researched area of child welfare, the intersection of canon and civil law pertaining to child protection within the Catholic Church.

The present study demonstrated that there is a substantial need for further research to investigate the Catholic Church's child protection policies, procedures, and practices to help understand whether sufficient progress has been made to address the impact of the sexual abuse crisis or whether further reforms are still needed. While this study's research questions resulted

in a rich and detailed description and comparison of archdiocesan policies and civil statutes, these analyses raised more questions than they answered. As such, this initial study is just the beginning of a targeted research agenda that seeks to contribute to the empirical knowledge base and social science literature.

The sexual abuse of children by adults, especially those in positions of trust, has existed throughout the human experience. Today, the rate of CSA persists at epidemic levels throughout all facets of society. Since 2002, the Catholic Church in the United States has undertaken a national effort to systemically address its legacy of CSA by clergy by enacting guidelines for reconciliation, healing, and accountability at the same time they are implementing measures to prevent future acts of abuse (USCCB, 2018). The traumatic impact of CSA and the systematic cover-up has caused irreparable damage to myriad victim-survivors, their families, communities, the faithful, and the Church itself. Yet, there is much to be hopeful about. Reforms in the Catholic Church over the past 20 years have the potential to help end the cycle of CSA within the context of the Church. Further, the Catholic Church is well positioned to adopt and scale best practices from the behavioral health field to transform itself into a trauma-informed and trauma-responsive system. Nevertheless, there is much work that still needs to be done.

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Appendix A: Archdiocese Population Characteristics

Archdiocese	State	Total Population	Total Catholic Population	Percentage of Population/ Catholic
Archdiocese of Mobile	Alabama	1,808,886	86,697	4.79%
Archdiocese of Anchorage-Juneau	Alaska	539,604	28,672	5.31%
Archdiocese of Los Angeles	California	11,331,612	4,025,346	35.52
Archdiocese of San Francisco	California	1,737,000	472,000	27.17
Archdiocese of Denver	Colorado	3,877,352	609,057	15.71%
Archdiocese of Hartford	Connecticut	1,926,810	449,469	23.33%
Archdiocese of Washington	District of Columbia	3,035,056	667,712	21.99%
Archdiocese of Miami	Florida	4,752,179	475,774	10.01%
Archdiocese of Atlanta	Georgia	7,700,000	1,190,000	15.45%
Archdiocese of Chicago	Illinois	5,846,758	2,163,000	36.99%
Archdiocese of Indianapolis	Indiana	2,753,423	234,882	8.53%
Archdiocese of Dubuque	Iowa	1,007,531	186,779	18.53%
Archdiocese of Kansas City	Kansas	1,400,090	184,702	13.19%
Archdiocese of Louisville	Kentucky	1,396,298	155,998	11.17%
Archdiocese of New Orleans	Louisiana	1,295,628	518,251	39.99%
Archdiocese of Baltimore	Maryland	3,249,312	575,816	17.72%
Archdiocese of Boston	Massachusetts	4,255,803	1,925,117	45.24%
Archdiocese of Detroit	Michigan	4,278,248	1,131,660	26.45%
Archdiocese of St. Paul and Minneapolis	Minnesota	3,489,904	750,000	21.49%
Archdiocese of St. Louis	Missouri	2,251,000	500,208	22.22%

Archdiocese of Omaha	Nebraska	1,017,223	235,975	23.20%
Archdiocese of Newark	New Jersey	2,959,909	1,220,143	41.22%
Archdiocese of Santa Fe	New Mexico	1,306,204	206,774	15.83%
Archdiocese of New York	New York	6,238,441	2,807,298	44.99%
Archdiocese of Cincinnati	Ohio	3,051,560	429,140	14.06%
Archdiocese of Oklahoma City	Oklahoma	2,231,272	178,502	8.00%
Archdiocese of Portland	Oregon	3,654,887	430,687	11.78%
Archdiocese of Philadelphia	Pennsylvania	4,134,985	1,265,960	30.62%
Archdiocese of San Antonio	Texas	2,772,852	812,035	29.29%
Archdiocese of Galveston-Houston	Texas	7,401,286	1,700,000	22.97%
Archdiocese of Seattle	Washington	5,994,070	600,605	10.02%
Archdiocese of Milwaukee	Wisconsin	2,351,501	547,733	23.29%

Appendix B: Codebook

Code Name	Code Description	Sample Coded Text
Child Maltreatment At-Large	This code will be used when the policy or statute identified any of the following types of child maltreatment as defined by the key policy dimensions: Physical abuse, neglect, or emotional abuse.	No definition provided or reference to (physical abuse, Neglect, or emotional abuse) within the policy.
Child Sexual Abuse Only	This code will be used when the policy or statute identified sexual abuse as defined by the key policy dimensions as the only type of child maltreatment.	“Per note, USCCB Charter and Preamble, USCCB Essential Norms: "Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law...”
Historical Abuse	This code will be used when the policy or statute identified historical sexual abuse of a minor as defined by the key policy dimensions.	"Past incidents of sexual abuse that are alleged to have occurred when the victim was a minor, even if the victim is now an adult, also must be reported."
Current Sexual Abuse	This code will be used when the policy or statute identified sexual abuse as being restricted to individuals who are currently younger than 18 years.	"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.”
Universal Mandated Reporter(s)	This code will be used when the policy or statute identified all persons within the institution are required to function as mandated reporters, even when they are not required by law to be.	"Any Archdiocesan personnel, including those who do not work or volunteer with children, who has reason to believe or suspects that any child has been the victim of physical abuse, sexual abuse, sexual assault or neglect shall make a report to the appropriate civil authorities,

		identified in Sec. 5.3, and to the appropriate Archdiocesan authorities, identified in Sec. 6."
Specific Mandated Reporter(s)	This code will be used when the policy or statute identified specific professionals required by statute to function as a mandated reporter.	Persons are officials required to report cases of suspected child abuse or maltreatment. 1. (a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child is coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist...
Privileged Communication	This code will be used when the policy or statute identified the priest-penitent privilege.	A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure. § 8-803. Clergy. A clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs, shall not be compelled to disclose in any court, or to any administrative board or agency, or to any public officer, a confession or admission made to him or her in his or her professional character or as a spiritual advisor in the

		course of the discipline enjoined by the rules or practices of such religious body or of the religion which he or she professes, nor be compelled to divulge any information which has been obtained by him or her in such professional character or as such spiritual advisor.
Institutional Responsibility	This code will be used when the policy or statute identified a specific person, positions, or office to reports allegations of any type of maltreatment to civil authorities, which include law enforcement and child protective services.	“...the Office of Legal Affairs will make an immediate report to the appropriate civil authorities. If the alleged child sexual abuse was committed by a priest or deacon, this report will be made to the appropriate District Attorney's office(s).”
Individual Responsibility	This code will be used when the policy or statute identified that an individual, who is required by policy or law to function as a mandated reporter, to report allegations of any type of maltreatment to civil authorities, which include law enforcement and child protective services.	“Mandated reporters do not satisfy their obligation under New York law by reporting incidents to their supervisor.”
Ambiguous	This code will be used when the policy or statute identified does not substantially define and/or operationalize the dimension OR the dimension is omitted from the policy.	No definition provided or reference to Neglect within the policy
Conclusive	This code will be used when the policy or statute identified substantially defines and/or operationalizes the dimension.	“If archdiocesan personnel receive a report of any form of alleged child abuse or neglect that occurred outside of an archdiocesan institution or program, they shall: (a.) immediately report the incident to the New York Statewide Central Registry of Child Abuse and Maltreatment, as well as the appropriate police agency; and

		(b.) immediately notify the Safe Environment Office or Office of Legal Affairs.”
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Appendix C: Archdiocesan Policies and Civil Statutes

State	Mandated Reporting Statute	Statute URL
California	Penal Code §§ 11166; 11165	https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11166&lawCode=PEN
Illinois	Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20	https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1460&ChapterID=32
Louisiana	Children’s Code Art. 603(17); 609; 610	https://codes.findlaw.com/la/childrens-code/la-ch-code-tit-vi-art-609.html
Massachusetts	Gen. Laws Ch. 119, § 51A	https://malegislature.gov/laws/generallaws/parti/titlexvii/chapter119/section51a
New York	Soc. Serv. Law § 413; 415	https://law.justia.com/codes/new-york/2021/sos/article-6/title-6/

Archdiocese	Civil Jurisdiction	Child Protection Policy URL
Boston	Massachusetts	https://www.bostoncatholic.org/sites/g/files/zjfyce871/files/2021-01/Child_Protection_Policy_for_Website_Rev_Jun_2019.pdf
Chicago	Illinois	https://protect.archchicago.org/offices-and-services/office-for-child-abuse-investigations-review
Los Angeles	California	https://protect.la-archdiocese.org/
New Orleans	Louisiana	https://nolacatholic.org/safe-environment
New York	New York	https://archny.org/ministries-and-offices/child-protection/child-protection-policies/