

Sexual Abuse of Minors Policy 2002-Revision

Working Draft September 19, 2002

INTRODUCTION

On June 14th 2002 the bishops of the United States approved *The Charter for the Protection of Children and Young People*. This document along with *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Other Church Personnel* established the manner in which the Catholic Church in the United States will address the tragic matter of sexual abuse of minors in accord with canon law and the approval of the Holy See.

The Archdiocese of Detroit has had a policy for addressing issues of sexual abuse of minors in place since 1988. This policy was subsequently updated in 1993 and in 1999. With the issuance of the *Charter* and the *Essential Norms*, the Archdiocese of Detroit is again updating its policy by which these matters will be addressed to better serve the needs of the church and especially the needs of minors and others who have been victims of sexual abuse by clergy, religious or other church personnel. Sexual abuse of a minor in this policy is defined as it is stated in the Charter.

The Archdiocese has revised this policy because we recognize the pain, anger and confusion that have been caused to victims of sexual abuse by some priests and other church personnel. At the same time the Archbishop and the church in Detroit wish to restate once again, in union with the Bishops of the United States, their determination to “provide safety and protection for children

and young people in our church ministries and institutions”(Charter Preamble). Through this policy we seek to attain this goal.

1. The goal of the Archdiocese is to repair the hurt and heal the wounds of pain inflicted upon victims of sexual abuse.
2. To insure that justice is carried out for all parties including the accused.
3. We seek to assist in a process of healing and reconciliation for any victims and to provide such care as we can to ensure that a perpetrator does not act again in this manner.
4. We seek to assist the parish communities as they grieve the loss of a priest, deacon, member of a religious community or other church personnel that arises from such an allegation.
5. We seek to provide through Archdiocesan structures (departments and agencies) a program of broad-based education in order that clergy, administrators, staff and volunteers of the Archdiocese or its parishes, institutions and entities, are acquainted with the policy and its requirements.
5. We seek to educate through Archdiocesan structures (regions, vicariates) clergy, administrators, staff and volunteers about prevention of sexual abuse of minors so that they in turn may educate parents whose children come under their care.

6. We seek to define the actions to be taken when a complaint of sexual abuse of a minor is received and insure a prompt response to each complaint.

Responding to Allegations of Abuse:

- A. To carry out this policy the Archbishop will appoint a Delegate to coordinate and implement this policy as well as provide for a Review Board to assist in the implementation of this policy. To assist the Delegate of the Archbishop there will be a professionally trained intake worker to receive the initial calls and obtain the necessary preliminary information.
- B. In accord with the Charter and the April 22, 2002 Archdiocesan agreement with the various county prosecutors, the Delegate of the Archbishop through legal counsel will report all allegations of sexual abuse of minors and criminal sexual conduct of adults involving a priest, deacon, religious or other church personnel to the appropriate county prosecutor for investigation. In the event that the county prosecutor decides not to investigate the complaint then the services of an independent investigator may be engaged to provide a report to the Review Board for their review and recommendation. In addition all provisions of civil law will be observed and Archdiocesan officials will cooperate with civil authorities.

C. The Archbishop will appoint a Review Board. This Review Board will consist of 7-10 members, the majority to be lay members who are not in the employ of the Archdiocese.

The Archbishop shall appoint the chairperson of the Review Board.

- a. Terms for members of the Board shall be five years and renewable.
- b. Other designated Archdiocesan staff who are not members of the Review Board shall serve in a consultative role as needed.
- c. One member of the Review Board will be a priest. At least one member must have a particular expertise in the treatment of the sexual abuse of minors and one member will have knowledge of canon law.

D. The functions of the Board shall include:

- a. Assisting in the assessment of and making recommendations regarding all allegations brought to the Archdiocese. This will include the initial assessment of allegations and recommendations to the Archbishop as to the merit of the allegations. Upon request the alleged victim and the accused may meet with the Board according to rules established by the Board. These rules will be set forth in a document to be prepared. The deliberations of the Board will be communicated in summary form to the victim and the accused.
- b. Reviewing every two years the Archdiocesan policy and procedures for dealing with allegations and making appropriate recommendations to the Archbishop for change or modification.

- c. Making recommendations to the Archbishop concerning fitness for ministry in particular cases where there has been an allegation brought forward.

Actions to be taken:

When an allegation is brought forward, the victim assistance coordinator or the Delegate of the Archbishop will contact the individual making the complaint without delay to obtain the basic information needed to make the report to civil authorities and initiate assistance to victims and the parish or institution where the accused has served.

When an allegation of sexual abuse is determined to be serious or substantive and have merit by the Review Board or by some other means, the alleged offender will be relieved of any ministry or function and placed on a paid temporary leave of absence pending the resolution of the complaint.

A. Any priest or deacon placed on a temporary administrative leave will, pending the resolution of the allegation, be prohibited from the exercise of any public ministry, wearing clerical garb or publicly representing himself as a priest or deacon. During the time of a temporary leave the Archbishop or his Delegate may grant permission for an accused priest to exercise public ministry for a specific occasion(e.g. death of a parent). The accused priest or deacon may be asked to undergo appropriate medical and psychological evaluation. An investigation in accord with canon law will begin promptly. The cleric involved will be encouraged to retain the

assistance of civil and canonical counsel. When requested the Archdiocese will assist the accused in obtaining canonical counsel.

B. When a serious or substantive allegation of sexual abuse by a member of a religious community residing or serving in the Archdiocese is made, the appropriate religious superior will be contacted to insure that the appropriate actions are taken, the person placed on leave and removed from any parish or institution.

- a. The Delegate of the Archbishop will contact the major religious superior and arrange for the accused to be returned to the immediate supervision of the superior.
- b. The religious superior will be apprised of the necessity to remove the accused from his/her permanent assignment to another place where access to victims is eliminated.
- c. In the case of a religious priest or deacon, the Archbishop or his delegate will immediately remove any faculties the accused may have been granted.

C. When the accused is a layperson, the administrator who has authority over the accused will place the accused person on leave or suspend the services of a volunteer.

When for serious reasons (e.g. priest, deacon or religious is criminally charged or acknowledges the abuse) the Board cannot be convened to address an allegation of abuse, the Delegate of the

Archbishop shall address the situation on a temporary basis and review his actions with the Review Board at the next meeting.

D. If abuse is admitted or established after an appropriate investigation:

- a. For any incident of sexual abuse of a minor—past, present—the offending priest or deacon shall be permanently removed from the ministry.
- b. The processes provided in canon law will be observed (Cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical S, 1995; cf. Letter from the Congregation of the Doctrine of the Faith, May 18, 2001).
- c. These provisions may include a request by the priest for a dispensation from the obligation of holy orders and the loss of the clerical state; also, these provisions may include a request from the Archbishop for dismissal from the clerical state without the consent of the priest or deacon.
- d. If for serious reasons, e.g. advanced age or infirmity, the penalty of dismissal from the clerical state is not applied; the priest offender is to lead a life of prayer and penance. He is not permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest.

When an accusation has proven to be unfounded, every step possible will be taken to restore the good name of the priest or deacon or other church personnel. Such means will include but not be limited to notices to the media, general public and the Catholic community as well as the communities and institutions where the person has served.

Addendum:

1. The Archdiocese is committed to continue to reach out to victims of sexual abuse for healing and reconciliation through a victim assistance coordinator. This outreach shall include provisions for counseling, spiritual assistance and with the cooperation of others to develop support groups where appropriate. The Department of Parish Life, working together with the Department of Christian Service and the Catholic Social Service agencies, is charged with the responsibility to develop and maintain these services working in collaboration with other Archdiocesan Departments and the Archbishop's Delegate. The Department of Parish Life shall provide an annual report to the the Review Board of its work in this area.
2. The Archdiocese pledges to establish "safe environment" programs and cooperate with parents and community leaders to provide education and training to all church personnel, parents and other interested parties about ways to maintain a safe environment for children. The Department Education of the Archdiocese is charged with the gathering and distribution of materials to parishes, schools and religious education programs. The

Archdiocese will make clear to all clergy and members of the community the standards of conduct for clergy and other persons in positions of trust. The Education Department shall provide an annual report to the Review Board of the steps taken.

3. Utilizing the resources of law enforcement and other community agencies, the Archdiocese and its parishes and institutions will evaluate the background of all archdiocesan and parish personnel who have regular contact with minors. The Human Resources Department of the Archdiocese is charged with the implementation of this directive. Each parish and agency of the Archdiocese shall submit an annual report on the status of these background checks in connection with the annual financial report.
4. The Vocations Director of the Archdiocese, Sacred Heart Major Seminary and the Director of the Permanent Diaconate shall provide for comment and review the screening process that is utilized for candidates for priestly and diaconal ministry. This shall be provided upon request of the Review Board on an annual basis.
5. When ever a priest or deacon from another (Arch) diocese or religious community is proposed for an assignment or residence in the Archdiocese, the sending bishop or major superior will forward to the Archdiocese for review, before such an assignment is made, an accurate description of the cleric's record, including whether there is anything in his background or service that would raise any questions about his fitness for ministry. An annual report shall be developed and made available to the Review Board through the

Delegate, indicating the names of those appointed and verifying that the appropriate credentials are in order.

6. Within the confines of respect for the individuals involved, the Archdiocese will deal as openly as possible with the media and those parishes and institutions involved. The Director of Communications or his delegate shall be the spokesperson to the media. The Department of Parish Life will assist parishes and be as open as possible in dealing with the issues of sexual abuse of minors by clergy. Where schools and religious education programs are involved, the assistance of the Department of Education will be expected and coordinated through the Department of Parish Life.
7. The Archdiocese through the office of the Moderator of the Curia shall maintain an up-to-date listing of priests who may be called upon to help minister in parishes and institutions as well as a list of those currently prohibited or restricted. Those prohibited from public ministry shall be identified to the pastors of the Archdiocese in a timely fashion and on an annual basis.
8. In all proposed appointments when there is an unresolved allegation or instance of sexual misconduct, the Archdiocesan Review Board shall be consulted and make a recommendation to the Archbishop before any assignment is made.
9. All persons associated with the Archdiocese are expected to cooperate with civil authorities and comply with legally established reporting requirements. Any clergy,

administrator, staff person or volunteer of the Archdiocese receiving or becoming aware of a complaint or allegation of sexual abuse of a minor or criminal sexual conduct with an adult by a priest, deacon or other church personnel must:

- a. Inform the person making the complaint that the Archdiocese has a policy for addressing these matters, which will be followed.
- b. Report the matter immediately to the Office of the Delegate of the Archbishop providing details known so that appropriate contact and outreach can be made with alleged victims and the necessary civil reporting can take place.

10. The Presbyteral Council of the Archdiocese shall within six months of the promulgation of this policy recommend to the Archbishop a Code of Professional Conduct for clergy and set standards regarding appropriate boundary issues.

11. A designated representative of the Archbishop shall have the responsibility to maintain regular contact with priests and deacons who have been accused and provide assistance, advice, and support and facilitate referrals to resource persons and other professionals. A designated representative of the Archbishop working together with the Delegate shall have the responsibility to monitor those who may be on leaves of absence or removed from the ministry but not dispensed or permanently removed from the ministry in accord with the Charter.
