

ARCHDIOCESAN POLICY on SEXUAL ABUSE by CLERGY

INTRODUCTION

The Archdiocese of Los Angeles recognizes that sexual abuse by clergy constitutes one of the most serious breaches of trust in human relationships, and that it can have devastating consequences for the victim and his or her family, for the Church Community at large, and for the priest or deacon involved. Therefore, to deal with abuse that has occurred and to prevent further problems in the future, the Archdiocese of Los Angeles sets forth the following policy.¹

POLICY

It is the policy of the Archdiocese that sexual abuse by clergy is a most serious abuse of trust and will not be tolerated. The Archbishop has the responsibility to the People of God to appoint priests and deacons to positions of trust only if he is morally certain that they will be able to properly serve the people entrusted to their pastoral care.

In dealing with issues of sexual abuse involving clergy, the Archdiocese will:

- treat all allegations of sexual abuse seriously and never deal with a problem of sexual abuse on the part of a priest or deacon by simply moving him to another ministerial assignment;
- educate clergy and people about the problem of sexual abuse and set in place screening procedures and educational policies on this subject for those training for the ordained ministry;
- cooperate fully with civil reporting procedures governing sexual abuse.

In situations involving accusations of sexual abuse by a priest or deacon, the Archbishop is the shepherd and advocate of all parties. He must seek the good of all. This good involves providing a full and fair hearing both for those who complain of abuse and for clergy accused of such abuse. The good of all demands that the Archbishop appoint to function in ministry clergy he is certain will minister properly and will not sexually abuse those to whom he ministers. It also demands that clergy be protected against false accusations of sexual abuse.

¹ This policy refers to sexual abuse by clergy. Any sexual misconduct on the part of a priest or deacon involving a minor constitutes sexual abuse. When adults are involved, sexual abuse occurs when a priest or deacon takes sexual advantage of another person, when he intentionally engages in sexual contact or touching in the context of providing pastoral care, or when he is guilty of sexual harassment, such as unwanted sexual advances or suggestions. This policy does not address instances involving sexual misconduct on the part of a priest or deacon that violates his commitment to celibacy or of a deacon that violates his commitment to matrimony, even if there is scandal, if none of the above conditions is present.

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The Archdiocese acts in the belief that a true solution to a situation involving sexual abuse can proceed only from finding healing for victims of abuse, providing assistance to those who commit abuse, and ensuring that priests and deacons in ministry will not be a danger to minors or adults.

In dealing with accusations of sexual abuse involving clergy, the Archbishop will name a competent person as his delegate to lead a thorough investigation in accord with the requirements of canons 1717-1719 of the *Code of Canon Law* and with the norms of this policy. The role of the Archbishop's delegate is to seek the truth of the situation. The delegate's role is neither to accuse the priest or deacon in question. Rather, the delegate is to ensure the good of the faithful and all those who come into contact with the Church, including those who complain about clergy, as well as a priest or deacon himself.

In investigating allegations of sexual abuse by clergy, the Archbishop's delegate will ensure that persons who complain of sexual abuse receive a full and fair hearing. The Vicar for Clergy will ensure that the priest or deacon accused of sexual abuse receives a full and fair hearing. Those entrusted with ministry to victims will ensure that those who have been victimized will be extended the ministry of the Church in coping with their trauma and suffering.

In carrying out his duties, the Vicar for Clergy will be assisted by an advisory board composed of individuals possessing a variety of perspectives on, and experience in, dealing with sexual abuse to ensure that the Archdiocese is providing practical support for all parties involved.

Allegations of sexual misconduct presented to the Archdiocese which involve a priest from a religious community serving in an assignment of that community will be referred to the appropriate superior or bishop for investigation and appropriate action. The Archdiocese will require a report of the findings of the investigation and any action taken in order to assist the Vicar for Clergy in making a determination of whether or not the Archdiocese will be willing to accept the priest for assignment, as well as whether or not the Archdiocese will be willing to extend faculties.

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I. PROCEDURES FOR INVESTIGATION AND RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE BY CLERGY

1. SITUATIONS IN WHICH INFORMATION REGARDING SEXUAL ABUSE IS PROVIDED BY THE PRIEST OR DEACON HIMSELF

If a priest or deacon himself discovers or determines that he currently is or in the past has struggled with tendencies toward sexual abuse, he is strongly encouraged to bring this to the attention of the Archbishop or Vicar for Clergy.

In an instance where a priest or deacon comes forward, the Archdiocese will assist him in seeking the help he needs and will do everything possible to support him.

The Archdiocese will immediately contact any known victims, or appropriate family members in the case of minors, and offer pastoral assistance and appropriate counseling. In cases involving minors, appropriate reporting laws will be followed.

2. SITUATIONS IN WHICH CLERGY ARE ACCUSED BY ANOTHER OR OTHERS OF SEXUAL ABUSE

Unless clearly corroborated by other information, the Archdiocese normally does not investigate anonymous allegations. However, unless they are clearly frivolous, such allegations will be communicated to the priest or deacon. Even so, for the protection of minors and the protection of the good name of the cleric, anonymous allegations involving minors are investigated.

Complaints made in person or in written form will be treated respectfully, and permission will be sought by the Archbishop's delegate to present them to the priest or deacon in question. It will be explained to the party making the complaint that it will be presented to him as an allegation, not an accusation. The person making the complaint will also be informed that he or she will be told what action the Archdiocese will take after the priest or deacon responds.

The Archbishop's delegate will inform the Vicar for Clergy of the allegation. The Vicar for Clergy will then call the priest or deacon to apprise him of the allegation of sexual abuse and schedule a meeting with him to review the entire matter and give him the opportunity to respond to the allegation. He will advise the priest or deacon that if he wishes to bring a friend or advisor to the meeting, he may do so and will inform him that the Archbishop's delegate will be present.

At the meeting, the priest or deacon will be given the full report of the alleged abuse, as well as the name(s) of those making the complaint(s). He will be invited to ask questions, offer his response to the allegation(s), and present his version of the events in question. The meeting will proceed along different lines depending on the response:

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A. Denial of the allegation(s) and credible explanation of events by the priest or deacon:

In cases where there are no other witnesses, no previous allegations of a similar nature, or where no other behavior from the past lends substance to the allegations, and where the explanation of events given by the priest or deacon is credible, such credible denial will normally bring the case to a close.

A record of the complaint, the priest's or deacon's response, and the decision not to investigate further is maintained in accord with the norm of canon 1719. In all circumstances the Archdiocese will always treat all parties with pastoral care and sensitivity.

B. Denial by the priest or deacon when substantial issues remain unresolved:

In instances where there is a previous or unrelated allegation against a priest or deacon concerning sexual abuse, or where other behavior on his part lends substance to the allegations, he will ordinarily be asked to undertake a professional evaluation voluntarily. If he refuses to undertake such an evaluation and the evidence is such that the Archbishop must act as envisioned by canon 1718, the appropriate canonical process will be initiated and a professional evaluation employed in an appropriate manner as part of the development of the process.

Such an evaluation is not considered therapy, but rather, a professional psychological assessment through interview and testing to identify problematic areas that may be present in the priest or deacon's life and to make recommendations on how to proceed.

The Archdiocese will determine what professional person or institution will be entrusted with the task of conducting the evaluation. Should the priest or deacon disagree with the results of the evaluation, he has the right to consult another agreed-upon professional for a second evaluation.

Once the evaluation has taken place, a full report of the allegation(s) and the priest or deacon's response will be given to the Archbishop. If the truth of the allegation(s) has been established, or the case is so serious as to warrant residential treatment or resignation from office or the canonical removal of a priest or deacon from his assignment, the Archbishop will meet personally with him following receipt of the evaluation report. The priest or deacon involved may bring a friend or advisor to this meeting.

The goal of this meeting between the Archbishop and the priest or deacon is to arrive at a mutual agreement on the appropriate response and treatment.

If mutual agreement is not reached, the Archbishop may consider initiating the canonical process deemed most appropriate to protect the Christian community (such as the canonical process for removal from office, for withdrawing faculties, for declaring the presence of an impediment to the exercise of ordained ministry, or for the imposition or declaration of a canonical penalty). If a

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canonical process is initiated, the priest or deacon involved will have the right to seek an advocate with training in canon law.

C. Admission of the truth of the allegations by the priest or deacon:

If the priest or deacon admits to the allegation(s), he will be asked to resign from his office and, when the misconduct is serious, to agree voluntarily to limitations on or withdrawal of his faculties. He will not be reassigned until such time as he can properly minister again. Appropriate help will be offered to him, usually in the form of therapy and spiritual direction.

The priest or deacon will be informed that it is his responsibility to provide adequate therapy for the victim(s). Every person who makes an allegation will be informed of the action taken by the Archdiocese after the priest or deacon responds and of his responsibility for providing therapy. However, even though the Archdiocese sees the responsibility as resting with the priest or deacon, it will work with the victim(s) to see that immediate counseling assistance is available.

The Archdiocese, through its assistance ministry office, will always reach out to victims of sexual abuse and most especially to children and to their families and assist them in a pastoral way. This pastoral response will involve working with the person or persons involved so that they will receive help acceptable to them and adequate to their needs.

The Archdiocese will also offer to make available to the victim(s) and, as appropriate, to his or her family, people who will be able to provide spiritual guidance during a very difficult time.

Especially in cases involving child abuse, the Archdiocese will offer to help victims and/or their families find support from people who have experienced child abuse or have dealt with a person who has been abused.

The Archdiocese will also be aware of the needs of the accused priest or deacon in order to see that he receives the personal support he needs during a very difficult time. If the allegations have been reported to the civil authorities, and if there is a possibility of criminal charges, the Archdiocese will urge him to contact a criminal attorney. The cost of such legal assistance will be borne by him.

A record of the complaint, the admission, and the other determinations made will be maintained in accord with the requirements of canon 489.

D. Information provided to the parish community

It is the position of the Archdiocese that accurate information provided in a timely fashion about what has happened in a particular case of alleged sexual misconduct is a most important element in healing within a parish community.

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1. Therefore, in cases in which a priest or deacon had denied allegations of sexual abuse but substantial issues remain unresolved (paragraph 2B, above), appropriate Archdiocesan representatives may meet with the parish staff to inform them of the allegations and to advise them of the action which will be taken. If he has resigned from the parish, appropriate Archdiocesan representatives may inform the parishioners why the priest or deacon is not present and ministering in the parish. The information will always be prepared in the method described below.
2. In cases in which a priest or deacon has admitted the truth of allegations of sexual abuse (paragraph 2C, above), appropriate Archdiocesan representatives may meet with the parish staff to inform them of the circumstances. If he has resigned from the parish, appropriate Archdiocesan representatives may inform the parish staff and parishioners of the reason(s) the priest or deacon is not present in his assignment and the professional services that will be offered to assist any victims, parish staff, and the parish community. The information will always be prepared in the method described below.

In both the above instances, the advisory notice to the parish staff and/or parishioners will be written out in advance, be reviewed by the priest or deacon and by legal counsel of both the Archdiocese and the priest or deacon (if he has retained counsel), and the agreed-upon text be read to those to whom it is directed. The content of the notice will make every effort to reflect the circumstances of the case and will seek to be sensitive to and fully respect the rights of all parties. The notice will seek to observe the Fifth Amendment right of the priest or deacon not to incriminate himself. To respect the requirements of canon law (cf. canon 220), he will be given the opportunity to work with the Vicar for Clergy (or his delegate) in determining what information should or should not be reasonably disclosed. In cases of conflict between the priest or deacon and the judgment of the Archdiocesan authority as to what should be disclosed, every reasonable effort will be made to resolve that conflict in a mutually satisfactory way. If the conflict is not resolved, the final decision concerning disclosure remains that of the Archbishop or Vicar for Clergy. In this situation, the priest or deacon will be informed in advance of the exact nature of that disclosure.

II. POSSIBILITY OF RETURN TO MINISTRY FOLLOWING RESIDENTIAL THERAPY.

The Archdiocese of Los Angeles will not knowingly assign a priest or deacon to serve in its parishes, schools, pastoral ministries or any other assignment when such an individual is determined to have engaged in the sexual abuse of a minor.

The decision to permit a priest or deacon to return to active ministry must take into account the nature and seriousness of the misconduct, the progress in treatment, positive signs of continuing recovery, the need to prevent a relapse into abusive behaviors, and the danger of scandal. In deciding whether to permit a return to active ministry, the Archbishop and Vicar for Clergy will seek advice from experts in the field. There are a number of possibilities:

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1. **Return to ministry with appropriate restrictions and follow-up program.** The priest or deacon's immediate supervisor will be fully informed of his background and present situation.
2. **Three to five years outside active ministry with a good prognosis for return.** From the very beginning, the hope of both the priest or deacon and the Archdiocese is that some form of ministry can be restored, and efforts will be made during the leave to prepare for that possible return. Any return will likewise involve appropriate restrictions and an aftercare program. The purpose of this program is to allow the priest or deacon to demonstrate continuing and progressive signs of recovery.
3. **Three to five years outside active ministry with the understanding that there is little chance of return.** In this situation, a new assessment will be made should the priest or deacon in question petition for reinstatement to active ministry.
4. **No possibility of return.** In this case, the Archdiocese will assist the priest or deacon to petition for laicization. Should the priest or deacon be unwilling to submit such a petition, the Archdiocese will initiate appropriate canonical procedures to preclude him from any active ministry.

III. ADVISORY BOARD

There shall be an Advisory Board to assist the Archbishop or his delegate with the implementation of this policy.

The Board will consist of a minimum of five persons of whom at least two will be priests currently serving in the Archdiocese. The members will be appointed by the Archbishop for three year terms.

The Advisory Board will be consultative in nature and responsible to the Archbishop. It will be independent of internal diocesan structures and will not be involved in the day-to-day implementation of the policy. The Board will periodically evaluate the effectiveness of the policy and propose revisions as indicated.

The Board will meet at least quarterly and will, as requested, provide advice concerning assistance for victims, treatment for abusers, contact with parish communities, and other issues involved in cases dealing with sexual abuse by clergy. In discussion of sexual abuse allegations, the names of the victims and of the priest or deacon are not disclosed.

IV. PREVENTION FOR THE FUTURE

PRECAUTIONS CLERGY NEED TO TAKE

Clergy can and should develop a good rapport with minors. However, they must also avoid the kind of contact with minors that could raise questions or lead to negative comment on the part of reasonable people. Therefore, the Archbishop has established the following regulations:

1. Priests must not have minors in their rooms and should not spend their days off alone with minors. Nor should minors stay overnight at a rectory.
2. Priests must not go on vacation with minors unless parents or other adults are present. On field trips or other outings involving minors, at least one other adult should be present. This regulation includes informal outings and "giving a ride" to minors.
3. Priests must avoid activities such as hugging, tickling, and wrestling that involve physical contact with minors.
4. Both married and celibate deacons should follow similar norms adapted to their family and living situations.

Given the seriousness of the consequences of sexual misconduct, especially when minors are involved, clergy have a responsibility to be their brothers' keepers in these matters. While they must avoid paranoia or unhealthy interference in others' lives, they need to be aware of danger signs in a brother cleric's activities. Such danger signs might be clear violations of the guidelines presented above. In addition, they also need to be aware of the danger to those who, without doing anything wrong, seek the company of children and look to them for the emotional support only normal adult relationships provide.

When a priest or deacon fears that another priest or deacon may be involved in such behaviors, he should normally speak first to him and also bring his concerns to the Vicar for Clergy. Furthermore, it is important to recognize that the abuse of alcohol or other substances can lead to a breakdown of inhibitions that would normally keep someone from acting inappropriately. In all this, clerics must keep in mind their responsibilities as mandated reporters of abuse of minors (cf. Section VII of these *Priest Policies and Guidelines*).

V. SCREENING PROCEDURES

A. CLERGY FROM ELSEWHERE WHO SEEK AN ARCHDIOCESAN ASSIGNMENT

When a priest or deacon applies for an assignment in the Archdiocese, he is asked to fill out an application. As part of that application, he is asked to state that he has not been involved in situations involving sexual abuse. His completed application is then sent to his bishop or proper superior, who is asked to affirm in writing that the answers given in the application are true. In

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addition, the superior is asked to recommend him for ministry in this Archdiocese. The steps of this screening procedure are explained in advance so that he can submit his application with full understanding.

B. RELIGIOUS ORDER PRIESTS RECOMMENDED FOR MINISTRY IN THIS ARCHDIOCESE BY THEIR RELIGIOUS PROVINCIAL

Religious Superiors or Provincials, when they recommend a priest or deacon for ministry in the Archdiocese, are asked to submit a written recommendation stating that he has not had problems involving sexual abuse. Each year the Archdiocese contacts the Provincial of each Religious Community whose members serve in the Archdiocese and reminds him of the policy of the Archdiocese that if a priest or deacon proposed for ministry in this Archdiocese has any history of inappropriate sexual involvement with minors the Archdiocese must be informed of this fact.

C. PRIESTS SEEKING HOSPITALITY OR PERMISSION TO ASSIST ON A TEMPORARY BASIS

Priests may seek hospitality or permission to assist temporarily in a parish for up to two months. If the priest is not known personally to the pastor or administrator of the parish in question, then the pastor must contact the priest's proper superior in order to get a written recommendation for him. If the pastor has any doubt about the priest's suitability for ministry, he must contact the Vicar for Clergy before offering hospitality to the priest. In no case may the priest stay beyond two months without written permission from the Archdiocese and his Superior. Temporary faculties for priests in hospitality or assisting temporarily must be requested from the Vicar for Clergy office before the priest begins in residence in a parish.

VI. SCREENING OF CANDIDATES FOR HOLY ORDERS

The Seminary will continue to offer courses dealing with human sexuality, with celibacy and with the responsibility of ministers in dealing with both children and adults. The Seminary and the Archdiocese will continue to seek ways of screening out persons with tendencies towards child abuse. The diaconate formation program will implement similar programs.

When a priest or deacon is ordained, the Seminary or Diaconate Formation Office will send copies of all relevant materials from his file to the Office of the Vicar for Clergy.

VII. FINANCIAL RESPONSIBILITY

It is the policy of the Archdiocese that if a priest or deacon is involved in sexual misconduct he is financially responsible for counseling or appropriate treatment for the person(s) injured. However, the Archdiocese will make sure that no person will be denied treatment because the priest or deacon involved is unable to pay for it.