

# *Sexual Abuse of Minors Policy*

## *2003-Revision*

### **Introduction**

On June 14, 2002, the Catholic bishops of the United States approved the *Charter for the Protection of Children and Young People*. This Charter, along with *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, established the manner in which the Catholic Church in the United States will address matters related to the sexual abuse of minors, in accord with canon law and the approval of the Holy See. The approval of the Congregation for Bishops on December 8, 2002 revised and established these Essential Norms as particular law for the United States. Sexual Abuse of a minor is understood as defined in the above documents.<sup>1</sup>

The Archdiocese of Detroit adopted a policy for addressing issues of sexual abuse of minors in 1988. This policy was updated in 1993 and 1999. With the issuance of the *Charter* and the *Essential Norms*, the Archdiocese of Detroit is once again updating this policy to better serve the needs of the Church, as well as victims of sexual abuse by priests, deacons or other church personnel.

The Archdiocese developed and revised this policy recognizing the pain, anger and confusion that have been caused to victims of sexual abuse by some priests, deacons or other church personnel. We want to restate once again, in union with the Bishops of the United States, our determination to “provide safety and protection for children and young people in our church ministries and institutions,” (*Charter Preamble*). Through this policy, we continue to seek to attain these goals:

- We seek to alleviate the hurt and assist in the healing of victims of sexual abuse.
- We seek to ensure that justice is carried out in a timely way for all parties, including the accused.
- We seek to assist in a process of healing and reconciliation for victims, and offer such care as we can, to ensure that any perpetrator of such abuse does not act again in this manner.
- We seek to assist a parish community in whatever way necessary as they experience the loss of a priest or deacon resulting from such an allegation.
- We seek to provide a program of broad-based education to assure that clergy, administrators, staff and volunteers of the Archdiocese in its regions, vicariates, parishes, institutions, departments and other entities (e.g. St. John Center for Youth and Family) will be familiar with the policy and its requirements.
- We seek to educate clergy, administrators, staff and volunteers about detection and prevention of sexual abuse of minors so they, in turn, may educate parents whose children come under their care.
- We seek to define the proper actions when a complaint of sexual abuse of a minor is received and ensure a prompt response to each complaint.

### ***Responding to Allegations of Abuse:***

- A. To carry out this policy, the Archbishop of Detroit will appoint a Delegate to coordinate and implement this policy. He will also provide for a Review Board to assist in the implementation of this policy. To assist the Delegate, a Victim Assistance Coordinator will be selected who will receive initial calls, obtain necessary background information and coordinate assistance to victims.
- B. In accord with the Charter, the Essential Norms and the requirements of the Clergy Reporting Law of Michigan,<sup>2</sup> all allegations of sexual abuse of minors and criminal sexual conduct involving priests or deacons will be reported to the Family Independence Agency or to appropriate law enforcement agencies as required by law. Any communications between

the Archdiocese and civil officials will be made by the Delegate through legal counsel. In addition, all provisions of civil law will be observed regarding the reporting of abuse or neglect of minors. Cooperation of Archdiocesan officials is ensured with civil authorities in this regard.

- C. The Archbishop of Detroit will maintain a Review Board (the “Board”) to assist in the implementation of this policy. The Board will serve as a confidential consultative body to the Archbishop of Detroit. The Board will consist of seven to ten members, the majority to be laity not employed by the Archdiocese. The Archbishop of Detroit shall appoint the chairperson of the Board.
  - 1. Terms for Board members shall be five years and renewable.
  - 2. Designated Archdiocesan staff members who are not members of the Board may serve in a consultative role as needed.
  - 3. One member of the Board will be a priest/pastor.
  - 4. At least one member must have expertise in the treatment of the sexual abuse of minors.
  - 5. One of the members must have knowledge of canon law.
  - 6. The Promoter of Justice may attend and participate in Board meetings.
- D. The specific functions of the Board shall include:
  - 1. Initial assessment of allegations of sexual abuse of minors and subsequent recommendations to the Archbishop of Detroit regarding credibility of the allegations (Cf. cc. 1717-1719). Upon request, the alleged victim and the accused may meet with the Board according to rules established by the Board.

In the event the agency or county prosecutor decides not to investigate a complaint, or in other special circumstances, the Archdiocese may engage the services of an independent investigator to provide a report to the Board for its review and recommendation.

2. Every two years, reviewing this policy and its procedures for dealing with allegations of sexual abuse of minors. The Board will make recommendations to the Archbishop of Detroit for any proposed change or modification.
3. Recommendations to the Archbishop of Detroit concerning possible restriction of ministry following Board assessment of an allegation of sexual abuse involving a minor.

### ***Actions to be taken:***

- A. When an abuse allegation has been made, the Victim Assistance Coordinator or the Delegate will contact the complainant without delay to obtain information required for a report to civil authorities and initiate assistance to the victim and the parish or institution where the accused may have served.
- B. When an allegation of sexual abuse of a minor is determined to be serious or substantive by the Archbishop upon recommendation of the Board, or by some other means, and following the procedures of cc.1717-1719, the alleged offender will be relieved of any ministry or function and placed on a paid temporary administrative leave pending resolution of the complaint. The Congregation for the Doctrine of the Faith (“CDF”) shall be notified without delay and their instruction followed.
- C. Any priest or deacon placed on a temporary administrative leave will, pending resolution of the allegation and the outcome of the process, be prohibited from the exercise of any public ministry, wearing clerical attire or publicly representing himself as a priest or deacon. In addition, a specific residence may be imposed or prohibited. During such a temporary leave, the Archbishop of Detroit or his Delegate may grant permission for an accused priest or deacon to exercise limited 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, and will be encouraged to retain civil and canonical counsel. When necessary, the Archdiocese will assist the accused in obtaining canonical counsel.

- D. When a substantive allegation of sexual abuse of a minor is made against a member of a religious community residing or serving in the Archdiocese, pending the resolution of the allegation or the outcome of the process, the following action will be taken:
  - 1. The Delegate will contact the major religious superior and arrange for the accused to be immediately returned to the supervision of the superior.
  - 2. The Archbishop of Detroit or his Delegate will immediately remove any faculties the accused clergy may have been granted.
  - 3. The religious superior will be apprised of the necessity to remove the accused from his permanent assignment to another place where access to potential victims is eliminated.
- E. Although not specifically the focus of this policy, 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.
- F. When for serious reasons (e.g. priest, deacon or religious has been criminally charged or has acknowledged the abuse), the Delegate, in consultation with some members of the Board, shall address the situation on a temporary basis, which will be reviewed by the Board at the next meeting.

**If abuse is admitted or established after an appropriate investigation and canonical process:**

- 1. For any incident of sexual abuse of a minor — past or present — the offending priest or deacon shall be permanently removed from public ministry.
- 2. The processes provided in canon law will be observed (Cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; cf. Letter from the CDF, May 18, 2001; the Essential Norms and subsequently issued documents).

3. 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; or a request by the Archbishop of Detroit for dismissal from the clerical state without the consent of the priest or deacon.
4. If for serious reasons (e.g. advanced age or infirmity) the penalty of dismissal from the clerical state is not applied after consultation with the CDF, the priest or deacon offender will be required to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or exercise any public ministry, wear clerical attire, present himself publicly as a priest or deacon, or to be alone with minors or other possible victims in an unsupervised setting.

When an accusation is determined to be unfounded, every possible step will be taken to restore the good name of the accused priest or deacon. Such means may include, without limitation, notices to the media, general public and Catholic community, as well as the communities and institutions where the accused has served. Because of the uniqueness of each allegation, it is not always possible to specify one approach that will fit all situations.

### **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, developing support groups where appropriate. The Department of Parish Life, working with the Delegate and Archdiocesan departments (including the Department of Christian Service and the Catholic Social Service agencies) will develop and maintain these services. The Department of Parish Life shall provide an annual report to the Board of its work in this area.
2. The Archdiocese will establish “safe environment” programs where they do not now exist, 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. This shall be accomplished mainly through the “Virtus” Program. The Department of Education will gather and distribute materials to parishes, schools and religious education programs, and provide an annual report to the Board of its work in this area.

3. Utilizing the resources and support of law enforcement and other community agencies, the Archdiocese and its parishes and institutions will evaluate the criminal history background of all Archdiocesan and parish personnel and volunteers who have unsupervised contact with minors. The Human Resources Department of the Archdiocese will implement this directive. Each parish and agency of the Archdiocese shall submit an annual report confirming that such required background checks are being obtained as part of the annual financial report to the Archdiocese.
4. The Vocations Director, the Rector of Sacred Heart Major Seminary, and the Director of Permanent Diaconate shall make available to the Board for annual comment and review the screening process that is utilized for candidates for priestly and diaconal ministry.
5. Whenever a priest or deacon from another arch/diocese or religious community is proposed for an assignment or residence in the Archdiocese, the referring bishop or major superior will submit for review, before such an assignment is made, an accurate description of the cleric’s record, including anything in his background or service that might raise any questions about his fitness for ministry. An annual report shall be developed and made available to the Board through the Moderator of the Curia, identifying such assignments, and verifying that appropriate credentials have been furnished.
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 the Delegate shall be the Archdiocesan media spokesperson and media contact. The Department of Parish Life will assist parishes in dealing with the issues of sexual abuse of minors by priests and deacons or members of a religious community. Where schools or religious

education programs are involved, the assistance of the Department of Education will be provided and coordinated through the Department of Parish Life.

7. The Archdiocese, through the office of the Moderator of the Curia, shall maintain a current listing of priests who may be requested 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 of sexual misconduct involving a minor, the Board shall be consulted and will make a recommendation to the Archbishop of Detroit before any assignment is made.
9. All persons associated with the Archdiocese are expected to cooperate in any investigations involving civil authorities and comply with legally established reporting requirements. Any clergy, administrator, staff person or volunteer of the Archdiocese who is made aware of possible sexual abuse of a minor by a priest, deacon or other church personnel must:
  - a. Make appropriate reports to the Family Independence Agency in accord with Michigan State Law reporting requirements for clergy and other professions.
  - b. Inform the person making the complaint that the Archdiocese has a policy, which will be followed, for addressing these matters.
  - c. Report the matter immediately to the Delegate, providing all known information so that appropriate contact and outreach can be made with alleged victims, and assuring compliance with any civil reporting obligations.
10. Within six months of the promulgation of this policy, the Presbyteral Council of the Archdiocese shall recommend to the Archbishop of Detroit a Code of Professional Conduct for priests and deacons and set standards regarding appropriate boundary issues.

- I I. A designated representative of the Archbishop of Detroit shall have the responsibility to maintain regular monthly contact with priests and deacons who have been accused of sexual misconduct with minors, and provide assistance, advice, and support and facilitate referrals to resource persons and other professionals. A designated representative of the Archbishop of Detroit, 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 and the Essential Norms.

<sup>1</sup> 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. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p.6). A canonical offence against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, “imputability [moral responsibility] for a canonical offense is presumed upon external violation ... unless it is otherwise apparent” (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416. (Cf. Essential Norms - Preamble)

“If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p.6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.” (Cf. Essential Norms - footnote 2)

<sup>2</sup> Michigan Child Protection Law, MCL 722.622.