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**POLICY REGARDING
SEXUAL ABUSE OF MINORS
BY AN EMPLOYEE**

(Revision of September 28, 2009)

A. Preamble

The problem of sexual abuse of minors is recognized by society as a tragedy. The Catholic Church in the United States is deeply committed to addressing this problem positively.¹ The tragedy is compounded when an employee of the Church is involved, even by unfounded allegation. The Diocese of Baton Rouge therefore in 1989 first developed a formal policy to deal with such situations.

By means of this policy, the Bishop of Baton Rouge and entire community of the Diocese hopes, first and foremost, to bring the healing ministry of the Church to bear on the victims of abuse: the persons involved and their families. Those who engage in such activity, or who even are accused of it, also deserve the Church's pastoral care.

Most importantly, the local Church wishes to convey its strong concern and continued commitment toward preventing child abuse in our society, by means of both prudent education and preventative measures.

All educational institutions, whether diocesan or private, must instruct youth in their care as well as personnel in their employ, in programs of awareness of the problem of sexual abuse and how to prevent becoming a victim.

Employees of the Church must be properly screened prior to being hired and be provided with programs of awareness and learning of appropriate behavior with minors. They are to be provided with periodic updating through in-service programs specifically designed to help in recognition of behaviors that are problematic. They must become familiar with the policy presented in this document.

This policy is specifically designed to comply with canon, criminal, and civil law, and to deal in an appropriate manner with questions of liability.

As in other diocesan policies, charity must be the keystone of this effort.² The Catholic Church unequivocally follows Jesus Christ's command to "love one another," and to extend that love and concern especially to those who are powerless and outcast.³ Thus, both those who suffer any abuse and those who might inflict it warrant the Church's solicitude and assistance.

Of course, this does not excuse abusive behavior, which is radically incompatible with Christianity itself. Abuse of children is particularly wrong, is irreconcilable with the ministries of the church, and is contrary to both Church and civil law.⁴ Thus, this policy in no way seeks to encourage or permit continued ecclesial service by those who are not psychologically or emotionally capable of healthy relationships with children.

This policy establishes a process to offer outreach to victims, verify the truthfulness of any allegations of abuse of minors by an employee, and to organize and direct subsequent action as it might become advisable or necessary. It seeks to respect the various roles necessarily involved in these investigations and programs of care. Evaluative and therapeutic roles, in particular, are kept distinct, so as to better serve both society and those individuals they assist. The policy sets up a decision-making process intended to be prompt, reasonable, and fair to all persons involved, and will help ensure that action is taken only when indicated by established fact or circumstantial prudence.

In this policy, 'employee' is used as any person compensated by the Church for specific duties rendered in carrying out a ministry of the church or fulfilling a supportive role in such ministries, including clergy (priests and deacons), seminarians, and laity."

The "local ordinary" is the diocesan bishop, vicar general, or episcopal vicar as defined in canon law.⁵ Sexual abuse in the Louisiana criminal code is included under abuse of a minor: "the infliction by a caretaker of physical or mental injury or the causing of the deterioration of a minor child, including, but not limited to, such means as sexual abuse, sexual exploitation, or the exploitation or overwork of a minor to such an extent that his (or her) health, moral or emotional well being is endangered."⁶ "Neglect," which is also considered minor abuse, is "the failure by a caretaker to provide for a child the proper or necessary support or medical, surgical, or any other care necessary for his (or her) wellbeing."⁷ Finally, an "allegation" is any indication which is not patently absurd.

B. Policy

This policy shall be observed when any allegation is made or any suspicion is raised that sexual abuse of a minor may have been committed by any employee of the Diocese of Baton Rouge or any local division thereof.⁸ The first activity mandated by this policy is twofold: immediate outreach to one who claims or appears to have been victimized, and a brief, initial pastoral review of the circumstances of the case. This review will normally be followed by a more active phase, which always includes appropriate care of those who appear to have been harmed, and may include additional investigation, evaluative and therapeutic steps, legal consultation, precautionary action, disciplinary action, further pastoral care, and/or communications to particular individuals and communities affected and even the public at large as appropriate. It is during the action phase that appropriate resources are marshaled for these tasks and coordinated decisions made.

I. The Pastoral Review

When an allegation is made or a suspicion is raised, the local Ordinary (and if the accused is a religious, the proper religious superior⁹) shall be informed. The diocesan Victim Assistance Coordinator is also informed.

The local ordinary, in consultation with the Victim Assistance Coordinator as necessary or useful, shall appoint, in writing, a "pastoral reviewer" [and a "supervisor"] of the reviewer's choice, from among those who have been chosen in advance and adequately trained for this task. In the absence of the ordinary, either the Victim Assistance Coordinator or any of the Pastoral Reviewers may initiate the process on his/her own authority, notifying the local ordinary in writing. Both the Victim Assistance Coordinator and the Pastoral Reviewer are *ex officio* endowed with all necessary authority to reach out in pastoral concern, within 72 hours, to the persons involved in the allegation.

The first priority, as spelled out in Article 1 of the USCCB's 2002 *Charter for the Protection of Children and Young People*, is always outreach to all persons who appear to be victims of abuse. As agents of the Diocese, the Victim Assistance Coordinator and Pastoral Reviewer will first bring to those involved, the concern of the diocesan Church and an assurance of the intent of the Church to hear and respond in appropriate ways to the circumstances of the allegations. The Victim Assistance Coordinator and Pastoral Reviewer shall listen to information given by accusers, the accused, and any other relevant persons, assure the parties of the Church's concern and explain to them the process which will follow this initial contact. The response of the Victim Assistance Coordinator and Pastoral Reviewer shall always include an offer of counseling, spiritual assistance, and other assistance as agreed upon by the victim and the diocese. It will further always include a specific offer of a meeting between the Bishop of Baton Rouge and the victims(s) and their families. During this pastoral contact, the Victim Assistance Coordinator and Pastoral Reviewer will be discreet, pastoral, and impartial, always in view of the goal of this phase of the policy.

In view of the varied nature of how alleged abuse cases may present themselves, the Victim Assistance Coordinator and Pastoral Reviewer will normally work together to organize and/or approve the review as the particular circumstances demand. Frequently the first response of the Diocese will be through one or both of them, but at times other contact with Church officials may have been made prior to the reviewer's action. The work of the Pastoral Reviewer in most cases will comprise the preliminary canonical investigation called for in canon 1717 of the *Code of Canon Law* and Article 5 of the *Charter for the Protection of Children and Young People*.

Nonetheless, should clarity be needed, the Victim Assistance Coordinator is the officially appointed person endowed with authority to respond to those claiming to be victims in the name of the Diocese and shall not be superseded. If it is necessary, or if deemed advisable, the Victim Assistance Coordinator can associate others with him/her in this work.

The accused employee will be contacted as well, as will the alleged victim's parents or guardians and other appropriate persons if the alleged victim is still a minor.

"When there is an allegation against an employee for sexual abuse of a person who is a minor at the time of the allegation, the Pastoral Reviewer will immediately report the abuse to the proper public authorities and will comply with all other laws regarding reporting to civil authorities as these are applicable. Furthermore, the Victim Assistance Coordinator and Pastoral Reviewer will advise victims or others making allegations of their right and duty to report directly to public authorities. In the case of an allegation against a cleric, even if the alleged victim is no longer a minor, the Pastoral Reviewer will report the abuse to the proper public authorities and will comply with all other laws regarding reporting to civil authorities as these are applicable."

Within a reasonable time after initiating their work, the Victim Assistance Coordinator and Pastoral Reviewer (and the case supervisor) will meet to discuss the findings of the pastoral review and decide whether to proceed to the action phase. At that point the reviewer may withdraw from the case but may also be asked to continue as a member of the supervisor's action team. A written record of the pastoral review process, with all information and findings, will be developed by the Victim Assistance Coordinator and/or Pastoral Reviewer and turned over to the local Ordinary and the Independent Review Board of the diocese [and whoever has been selected to serve as supervisor in managing the ongoing action phase of the matter].¹⁰

II. The Action Phase

The *action phase will be initiated* if either the Victim Assistance Coordinator, Pastoral Reviewer, case supervisor, or local Ordinary determines that it is reasonable to do so. The local Ordinary, the Independent Review Board, and the employer will be informed of this at least by means of the written report of the Pastoral Reviewer who has been endowed with authority to respond in the name of the diocese. The supervisor who takes over the action phase shall *ex officio* be empowered to execute the Ordinary's decisions regarding the status of the accused and to take all steps deemed necessary in this process regarding the employee.

It should be noted that the initiation of an action phase does not in and of itself mean that a criminal offense has occurred or has yet been substantiated, but only that some further action is called for in order for an optimum resolution to be achieved in the case. At the least, if ongoing pastoral outreach to those who feel victimized is needed, an action phase is necessary.

If the allegation of sexual abuse of a minor is deemed to be a credible one (although at this point of course it will not have been definitively proven by civil or canonical process), an immediate administrative leave from employment and ministry will be directed by the employer for the accused employee. These steps are not punitive and are taken as a reasonable precaution against the possibility of abusive activity and as a means of providing an appropriate climate for decision-making and personal assistance. The supervisor ensures that the decisions regarding the status of the accused and any other necessary steps in this process are accomplished.

Should the accused employee be a member of a religious institute, his or her major superior shall be kept informed in writing throughout the process and may be asked to participate in the action phase as needed. Special pastoral concern will be shown to the immediate relatives of the accused when applicable and appropriate during this initial contact and/or in any investigative process that follows.

The supervisor shall encourage appropriate legal counsel for the church institution involved and recommend that the accused retain legal counsel. The supervisor shall then select and convene a specific "action team," consisting of this legal counsel and other persons whose task it shall be to provide a professional investigation and pastoral care for those involved. Other persons as needed may also be added to this action team, although the accused employee's legal counsel and any treating therapists shall not be members of it.

The supervisor as leader of the action phase is professionally trained to gather, or have gathered, information needed from all relevant sources and to coordinate the use of mental health professionals chosen from the community in achieving this goal. He or she will secure whatever legal, psychological, canonical or other professional advice as may be necessary, and is authorized to expend such funds or to engage the services of such persons as may be necessary to fulfill any official responsibilities or those of the action team, keeping the diocesan Finance Office informed of all such expenditures or financial commitments.

The supervisor shall also coordinate the ministry of the various "pastoral workers," some of whom shall reach out with the Church's care to the victim and family, and other to the accused. Consistent with parental wishes if such approval is needed, appropriate counseling or therapy at diocesan expense shall be assured to the victim and other family members. The accused may be requested to seek, or urged voluntarily to comply with, an appropriate medical and/or psychological evaluation, so long as this does not interfere with any investigation by civil authorities.

The Diocese of Baton Rouge is committed to being transparent and open in matters pertaining to allegations of sexual misconduct by its employees. A supervisor will coordinate, in consultation with the local ordinary, the public statements on behalf of the diocese regarding the allegations and subsequent diocesan actions with regard to the case. He or she will work with the diocesan Director of Communications in choosing appropriate spokespersons, as needed to aid in this important task. All allegations will be taken seriously, investigated by a pastoral reviewer, and reported to the legal authorities. When a determination of sexual abuse of a minor is made and after giving due consideration to the facts and circumstances of each case, the faith community and the public will be informed by the bishop or his delegate. Throughout the action phase, the supervisor will coordinate the exchange of necessary information among the pastoral workers, the faith community, legal representatives, spokespersons, health care professionals, and diocesan officials, especially the person acting as liaison between the bishop and action team.

At all stages, the supervisor will keep the local Ordinary informed as to events, and maintain written records of these, having prudent regard for the appropriate distinctions between fact, opinion, and rumor.

The supervisor shall, in consultation with the action team, determine subsequent steps to be taken by the various parties and recommendations for action by the ordinary. These shall include: care for the victim and family; status of the accused (including the conditions, if any, under which the employee might return to work); criminal or civil legal actions; and related financial matters. It is understood that the supervisor acts at all times on the behalf of the Church and in the perceived best interests of all concerned.

The supervisor's responsibilities for a particular case shall come to an end if the following circumstances are met: 1) definitive determination that either no adequate basis exists to believe that abuse has occurred and the employee is returned to normal work or ministry duties; 2) one year passes since the initiation of the action phase with no substantial movement toward an outcome. In this latter case, however, the action team may request that the local Ordinary extend the supervisor's responsibility in the case for an additional specific period, or the local Ordinary may request that the case be kept open.

When civil or criminal investigation or legal actions are a factor, the supervisor and action team may, always properly cooperating with the secular authorities, cease to have a primary role in the investigation. Pastoral outreach to victims remains the dominant priority within the action phase and under normal circumstances shall continue.

Moreover, when professional therapy has begun with victim(s) and families, the role of the Victim Assistance Coordinator and supervisor in relation to victim and family ordinarily becomes secondary to the role of the appropriate therapist(s).

Any records maintained by the Victim Assistance Coordinator, Pastoral Reviewer and supervisor concerning each case shall be marked confidential and be securely kept in the proper archive of the Chancery.¹¹ Access to these records and any destruction schedule pertaining to these shall be governed in accord with canon and civil law by the pertinent policies drawn up by the diocesan Archives Department.

III. Return to Ministry and Employment

The diocese retains the right to insist on professional evaluation as a precondition to any decision regarding the possible return to work or ministry by an accused employee. In no case will a decision approving such a return to work or ministry and its specific form be made by someone other than the employer and after appropriate consultation with the local ordinary.

Yet, as required now by Article 5 of the *Charter for the Protection of Children and Young People* and the corresponding canonical norms which accompany it, a single act of sexual abuse of a minor constitutes a nonnegotiable bar to ministry and so to ministry and/or employment with the Diocese of Baton Rouge. In the case of clergy (i.e., priests and deacons) the ultimate ecclesiastical decisions regarding this are reserved to the Congregation for the Doctrine of the Faith,¹² but in addition to this the Bishop of Baton Rouge "shall exercise his legitimate power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor shall not continue in active ministry."

IV. Review Board

An Independent Review Board as called for in Article 2 of the *Charter for the Protection of Children and Young People* will advise the Bishop of Baton Rouge in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry of potential employees. This Independent Review Board in ordinary circumstances when an allegation of child abuse by an employee is made shall review the written reports of the Victim Assistance Coordinator

and Pastoral Reviewer and advise the Bishop as regards the foreseen action phase. This Independent Review Board also shall meet periodically to evaluate the effectiveness of this policy and to propose revisions it deems are warranted.

V. Ongoing Training

Additional persons shall be trained periodically to serve as Victim Assistance Coordinator, Pastoral Reviewers and case supervisors. They are approved for service by the local Ordinary after consultation with the Independent Review Board.

APPENDIX

PERSONS INVOLVED IN THE PROCESS

A. The Local Ordinary

The diocesan bishop has, by virtue of his office, ultimate responsibility and authority in the local Church. As such, some decisions covered by the enclosed policy are properly his, either by reason of their importance or their subject-matter. However, this policy in its use of the term “local Ordinary” envisages the bishop delegating others to act in his stead and to take such action as those more knowledgeable about and active in the particular situation recommend. The most important role which the bishop plays will be at the end of the Pastoral Review to ensure that the best decisions for the future are reached so that appropriate pastoral care is provided to those involved.

Other diocesan officials can undertake certain actions within this policy, but should only do so if such actions cannot be handled by others more proximate and knowledgeable in the case.

B. The Victim Assistance Coordinator

The “Victim Assistance Coordinator” called for in Article 2 of the *Charter for the Protection of Children and Young People* shall be a competent person who will be charged with coordinating assistance for the immediate pastoral care of persons who claim to have been abused as minors by employees of the Diocese of Baton Rouge and its subsidiary institutions.

C. The “Pastoral Reviewer”

A group of persons should be nominated to serve as pastoral agents of the Diocese in cases covered by this policy; they should enjoy the complete confidence of the bishop. Each must undergo prior orientation, training, and continued updating in the areas of child abuse, crisis intervention, appropriate criminal, and canon law; completely understand and support this policy; and be committed to complete availability on short notice to undertake the pastoral review. The group shall not include any local ordinary or diocesan judicial official.

D. The “Supervisor”

Several persons should be nominated, any of whom could serve in this capacity in a particular case; again, they should enjoy the complete confidence of the bishop and receive the independent authority necessary to fulfill their role. They should be skilled leaders and decisive in their management styles. Each must undergo prior orientation, training, and continued updating in the areas of child abuse, crisis intervention and management, appropriate criminal and canon law, etc., completely understand and support this policy, and be available as needed in order to coordinate the findings of the reviewer and mental health professionals, and oversee the “action phase.”

E. Spokespersons

A certain person or persons ought to be designated to work, under the direction of the supervisor and in consultation with the diocesan Director of Communications and the employer, in providing appropriate information concerning any investigation and action phase to the public and to others. It may happen that direct statements by the bishop and/or supervisor become advisable as well. Since various rights to privacy and confidentiality must at all times be respected, in balance with a responsible candor appropriate to the circumstances, some advance orientation and training for such spokespersons is required.

F. "Pastoral Workers"

Among the members of any action team will be specific persons who will, as appropriate, initiate and enable ministry to the specific persons involved in a case. These could be clerics or laity, but especially ought to be those skilled in the pertinent psychological and social sciences. While it is hardly realistic to provide prior orientation and training to every possible person who might be involved in the process, certain key persons within the diocesan service structure will be identified and made aware of this policy and its overall thrust. In this way they can assume more particular roles as decided by the action team in a specific case.

Most importantly, those who are victims of any sort of child abuse (including not only the abused minor but also parents, family members, and others) must be approached and offered the assistance of the Church in obtaining suitable consultation and, where indicated, evaluation and therapy. An accused employee too, must be offered such pastoral care, always after being advised to consult legal counsel. Other individuals, such as relatives or co-workers of the accused, may rightly be the objects of the Church's solicitude in this regard as well. Finally, larger groups of persons, such as a parish community or school, may be in need of particular attention and care.

G. Health Care Professionals

Mental health professionals and other specialists in the scientific and healing professions will likely be involved in a case, either at the insistence of some individual(s) or of the action team. While it is again impossible to foresee every contingency here, specific personnel and institutions which might provide this specialized care will be identified and contacted. It is clear that evaluative and therapeutic roles must be kept distinct, and that during the course of a case, several different evaluations and several different periods or types of therapy by different experts might be indicated.

ENDNOTES

¹ Cf. the *Charter for the Protection of Children and Young People* adopted by the United States Conference of Catholic Bishops in November of 2002 (Washington, DC: USCCB)

² Cf. S. J. Ott, Letter of December 18, 1984, promulgating the diocesan *Policy and Procedures concerning Alcoholism and other Chemical Dependencies among the Clergy*

³ Cf., for example, John 15:12, Matthew 25:40, and Luke 5:12-13

⁴ In *The Code of Canon Law* (revised in 1983), cf. canons 277, §1, 599, 672, 1934, and 1935, esp. its §2

⁵ Cf. canon 134, §§1 and 2

⁶ *Louisiana Revised Statutes* 14:403 (B) (1)

⁷ *L.R.S.* 14:403 (B) (5).

⁸ A special telephone number has been set up exclusively for such reports: 225-242-0250

⁹ Cf. canons 678 and 683

¹⁰ Canon 1719

¹¹ *Ibid.*

¹² Cf. *Pastor bonus*, art. 52, in *AAS* 89 (1988), p. 874, and *Sacramentorum sanctitatis tutela*, *AAS* 93 (2001), pp. 737-739