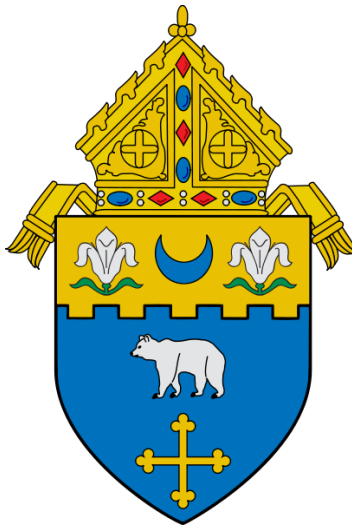


POLICY FOR RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS AND VULNERABLE ADULTS



Diocese of Kansas City-St. Joseph

Approved By: Most Reverend Robert W. Finn, DD

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POLICY FOR RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

I. INTRODUCTION

In June 2002, the United States Conference of Catholic Bishops (USCCB) approved and promulgated the Charter for the Protection of Children and Young People and Essential Norms that address the Church's commitment to deal appropriately and effectively with allegations of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). At that time, many of the protections of the USCCB's Charter and the Essential Norms already had been incorporated into the Diocese of Kansas City-St. Joseph's policies and procedures. The Charter and Norms were revised and promulgated again on May 5, 2006, and after recognition by the Apostolic See, for a second time the Norms became particular law for the dioceses, eparchies, clerical religious institutes and societies of apostolic life with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States, and the Charter documented their collective commitment to child protection. At its November 2011 General Meeting, the USCCB approved promulgation for a third time and committed to review the Charter every three years. Each revision of the Charter and Essential Norms represents the ongoing efforts of the Diocese of Kansas City- St. Joseph to respond appropriately to allegations of sexual abuse and to reach out to those who have been sexually abused as minors by anyone serving the Church as a minister, employee, or a volunteer, whether the sexual abuse was recent or occurred many years ago.

This Policy super cedes the Policy of the Diocese of Kansas-City Regarding Sexual Misconduct, revised December 31, 2008.

II. GENERAL PROVISIONS

Funding, Staff and Facilities

The Diocese of Kansas City-St. Joseph shall provide sufficient funding, staff, and facilities to assure the effective implementation of the programs, policies and procedures established by these provisions.

Review and Amendment of Policies and Procedures

The Diocesan Independent Review Board (IRB) shall periodically review these policies and procedures and make any recommendations for amendment to the Bishop, as directed by the Director of the Office of Child and Youth Protection. The Bishop may amend these policies and procedures at any time upon the recommendation of the IRB or on his own initiative (cf., *USCCB Essential Norms*, #4B).

III. RESPONDING TO ALLEGATIONS

RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS AND VULNERABLE ADULTS

The Diocese of Kansas City-St. Joseph will respond promptly to any allegation involving personnel of the Diocese, where there is reason to believe that sexual abuse of a minor or vulnerable adult has occurred. Any act of sexual abuse of a minor or vulnerable adult which is admitted or established after an appropriate process in accord with Canon Law, violates both this policy and Church Law. Even a single act, whenever it occurred, requires permanent removal from ministry or service. All reports of sexual abuse of a minor or vulnerable adult must be referred to the Diocesan Ombudsman or Diocesan Legal Counsel.

Precautionary Suspension from Ministry

In the case of clergy, the Bishop will immediately apply the precautionary measures referenced in the *Code of Canon Law*, c. 1722, and remove the accused from sacred ministry or from any ecclesiastical office or function, remove or restrict his faculties, impose or prohibit residence in a given place or territory, and prohibit public celebration of the Sacraments pending the outcome of the process (cf., *USCCB Essential Norms*, #9). The Independent Review Board shall be notified. *Precautionary Suspension from Ministry should not be viewed as a punishment or as any indication of wrongdoing, but rather as a protective measure for all persons involved.*

Precautionary Suspension from Service

In the case of non-clergy, the Bishop will immediately apply the precautionary measure of placing the accused on administrative leave pending the outcome of the process. The Independent Review Board shall be notified. *Administrative leave should not be viewed as a punishment or as any indication of wrongdoing, but rather as a protective measure for all persons involved.*

Civil Reporting Requirements

In all instances where sexual abuse of a minor is believed to have occurred, the Diocese shall make a report to the proper civil officials, including social services and law enforcement.

The Diocese shall cooperate with public authorities and make reports even when the victim is no longer a minor (cf., *USCCB Charter*, art. 4).

In every instance, the Diocese shall advise and support a victim's right to make a report to public authorities (cf., *USCCB Essential Norms*, #11).

Diocesan personnel are expected to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, and shall cooperate in investigations by civil authorities (cf., *USCCB Essential Norms*, #11).

The Diocese shall take all appropriate steps to protect the good name and reputation of all persons involved in this process (cf., *Code of Canon Law*, c. 220; *USCCB Essential Norms*, #6; *USCCB Charter*, art. 5).

Diocesan Independent Review Board (IRB)

Recommendations regarding allegations of sexual abuse of minors or vulnerable adults shall be made to the Bishop by the Diocesan Independent Review Board (IRB), which shall function as a confidential consultative body to the Bishop in discharging his responsibilities (cf., *USCCB Charter*, art. 2; *USCCB Essential Norms*, #4). The Diocese shall maintain by-laws of governance for the IRB, to be published in the Office of Child and Youth Protection Manual.

If a Preliminary Investigation has not already been initiated and the IRB determines that the information received warrants further investigation, a canonical Preliminary Investigation will be opened (cf., *Code of Canon Law*, c. 1717).

The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation (cf., *USCCB Charter*, art. 5; *USCCB Essential Norms*, #6).

Notice to the Congregation for the Doctrine of the Faith

The Congregation for the Doctrine of the Faith (CDF) shall be notified when there is sufficient evidence that sexual abuse of a minor or vulnerable adult by a priest or deacon has occurred (cf., *USCCB Essential Norms*, #6).

Protection of Rights and Unfounded Allegations

Care shall be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. If the accusation proves to be unfounded, every step possible shall be taken to restore the good name of the person falsely accused (cf., *USCCB Essential Norms*, #13).

IV. ASSISTANCE TO THOSE AFFECTED

The Diocese of Kansas City-St. Joseph recognizes the Church's pastoral responsibility to assist those affected by sexual abuse of a minor or vulnerable adult: the victim, his or her family, the community, as well as the accused (clergy, religious, employee or volunteer).

Assistance to the Victim/Survivor

The first obligation of the Church with regard to the victim is healing and reconciliation through a commitment to his/her spiritual and emotional well-being.

The Diocese employs a *Victim Advocate* (cf., *USCCB Essential Norms*, #3) whose duties include:

1. to serve as the primary contact person for anyone who reports having been sexually abused as a minor or vulnerable adult by personnel of the Diocese, including clergy, religious, employee or volunteer;
2. to assist the victim, victim's family, and other persons affected, doing so with a sincere commitment to their spiritual and emotional well-being; and
3. to identify pastoral and professional resources in order to assist victims of abuse.

The Victim Advocate shall comply with all applicable civil laws and report all allegations of sexual abuse of minors or vulnerable adults to the Ombudsman or to the Director of the Office of Child and Youth Protection. The Ombudsman will both contact the civil authorities and initiate an investigation. The Diocese shall not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement (cf., *USCCB Charter*, art. 3).

Through pastoral outreach to victims and their families, the Bishop or his representative shall offer to meet with them and to listen with patience and compassion to their experiences and concerns. This pastoral outreach by the Bishop or his representative shall also be directed toward faith communities in which the sexual abuse is said to have occurred (cf., *USCCB Charter*, art. 1).

Assistance to the Community

The Diocese shall reach out to those in the community who have been affected by the abuse (cf., *USCCB Charter*, art. 7) and shall maintain "safe environment" programs for the wider community (cf., *USCCB Charter*, art. 12).

1. The Bishop shall be clear in relating to the community all that is being done to address a report of sexual abuse of a minor or vulnerable adult. Additionally, the Bishop or his representative will speak at Masses of a parish where a priest has been removed for a verified act of abuse.
2. The Diocese shall make appropriate assistance available to those affected by the sexual abuse of a minor or vulnerable adult by clergy, whether the abuse was recent or occurred many years in the past. This outreach may include the provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Diocese (cf., *USCCB Charter*, art. 1).

Assistance to Clergy

The Vicar for Clergy will provide assistance, advice, support, and facilitate referrals to resource persons and other professionals. A priest or deacon who is accused of sexual abuse of a minor or vulnerable adult will be accorded the presumption of innocence during the investigation of the allegation, and all appropriate steps will be taken to protect his reputation. He will be encouraged to retain the assistance of civil and canonical counsel. If the allegation is deemed not substantiated, every step possible will be taken to restore his good name, should it have been harmed (cf., *USCCB Charter*, art. 5).

In the case of clergy placed on precautionary suspension, the accused may be asked to undergo a professional treatment assessment (cf., *USCCB Essential Norms*, #7), to be performed by a professional who is included on the Approved List of Treatment Providers. An accused priest or deacon shall be offered professional therapeutic assistance for his own healing and well-being, as well as for the purpose of prevention (cf., *USCCB Charter*, art. 5).

V. CANONICAL RESOLUTION AND CONCLUSION

This section recognizes that clergy who have admitted or been found, by due process in accord with Church law, to have engaged in sexual abuse of a minor or vulnerable adult shall not continue in active ministry.

Permanent Removal from Ministry

When even a single act of sexual abuse of a minor or vulnerable adult by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon shall be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state if the case so warrants (cf., *USCCB Charter*, art. 5; *USCCB Essential Norms*, #8; *Sacramentorum sanctitatis tutela*, art. 6; *Code of Canon Law*, c. 1395, §2). If after considering the danger of scandal to the community, dismissal from the clerical state is not sought for reasons of advanced age or infirmity, the offender is to lead a life of prayer and penance (cf., *USCCB Essential Norms*, #8b). Removal from ministry is required whether or not the offender is diagnosed by qualified experts as suffering from a sexual disorder that requires treatment (cf., *USCCB Essential Norms*, #8, footnote 5).

Because sexual abuse of a minor or vulnerable adult by a priest or deacon is a crime in the universal law of the Church (cf., *Code of Canon Law*, c. 1395, §2) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the Bishop shall exercise this power of governance to ensure that any clergy who has committed even one act of sexual abuse of a minor or vulnerable adult as described above shall not continue in active ministry (cf., *USCCB Essential Norms*, #9, footnote 7).

VI. CREATING A SAFE ENVIRONMENT

Training of Seminarians, Clergy and other Church Personnel

Seminarians, clergy, religious, employees and volunteers of the Diocese shall participate in all programs mandated by the Diocese regarding the nature, effect and prevention of sexual abuse of a minor or vulnerable adult. These programs are intended to prevent abuse by increasing awareness of indicators of inappropriate behavior, as well as by teaching appropriate behavioral boundaries and ethical standards.

Education of the Community

The Diocese shall cooperate with parents, civil authorities, educators and community organizations in order to provide education and training for children, youth, parents, ministers, educators, volunteers and others regarding ways to make and maintain a safe environment for children and youth (cf., *USCCB Charter*, art. 12).

The Diocese shall publicize to all members of the community the standards of conduct for clergy, religious, employees and volunteers of the Diocese with regard to creating a safe environment for children and youth (cf., *USCCB Charter*, art. 6, 12).

All clergy, employees and volunteers serving within the Diocese are required to abide by the *Policy on Ethics and Integrity in Ministry of the Diocese of Kansas City-St. Joseph* (cf., *USCCB Charter*, art. 6).

All clergy, religious, employees and volunteers serving within the Diocese are required to abide by the mandatory reporting laws of the State of Missouri (cf., *USCCB Charter*, art. 4). The Diocese shall provide ongoing training and education regarding these legal and moral requirements.

VII. PERSONNEL RECORDS

The Diocese is required by its Priest Personnel Record Keeping Policy to maintain a unified priest personnel record keeping system in order to ensure accountability for his assignments and record of service. The policy also applies to the permanent deacons of the Diocese. The record of clergy shall commence upon his acceptance into candidacy for ordination and shall be maintained throughout the remainder of his life as clergy.

In the event of an allegation of the sexual abuse of a minor or vulnerable adult by clergy, all files, information and records pertaining to the accused are subject to review in accord with canon and civil law. In the event of an allegation of the sexual abuse of a minor or vulnerable adult by a diocesan employee or volunteer, all diocesan employee and volunteer files, information and records pertaining to the accused are subject to review in accord with civil law.

Status of Files, Information and Records

Files, records and information shall be considered confidential and restricted; disclosure shall be made only in accord with canon and civil law.