

ARCHDIOCESAN REVISED POLICY ON SEXUAL ABUSE OF MINOR¹

I. INTRODUCTION

Sexual abuse of a minor by a member of the clergy, a religious, or by one who represents the Church constitutes reprehensible conduct directed at a most vulnerable member of our society. The lasting impact of such incidents is a profound tragedy for both Church and society.

The primary purpose of the Archdiocesan Policy on Sexual Abuse of Minors is the safety of children, the well being of the community, and the integrity of the Church. The policy is designed to provide education and seek prevention of sexual abuse of minors whenever possible, to repair whatever damage has been done to the victim and family, to provide treatment to, and to protect the rights of, those accused, and to bring the healing ministry of the Church to bear wherever possible.

The Archdiocese of Detroit was among the first in the country to promulgate a policy on this complex issue when it published comprehensive guidelines in November of 1988. Since that time, the Archdiocesan policy has been illuminated by pastoral experience, as well as increasing medical and sociological knowledge about the roots of this behavior. The Archdiocese recognizes, as does most of society, that sexual abuse has multiple causes for which treatment is essential. Sometimes the treatment may be successful; sometimes it is not. The Archdiocese will do all it can to prevent those guilty of sexual abuse of minors from ever again abusing the trust of anyone. Because of the special difficulties surrounding sexual abuse in a ministry-related setting, the Archdiocese must and will quickly take some responsive steps. However, that immediate willingness by the Archdiocese to respond to a complaint or to provide assistance to those who come forward should not be interpreted as a "judgment" of the accused. Similarly, participation by the accused in an initial assessment does not constitute an admission of guilt.

The Archdiocese of Detroit is open to and respects complaints brought under this policy. Complaints can be brought directly to the Archdiocese by calling (313) 237-5800 or by writing the Archbishop's Office, 1234 Washington Boulevard, Detroit, Michigan 48226. Additionally, complaints can be brought forward to pastoral leadership, who, in turn will contact the Archdiocese immediately.

Further experience and more study by the Archdiocese and others will contribute to the revision of this policy from time to time.

II. PROGRAM & POLICY

- A.** The Archdiocese of Detroit had established this policy for the following reasons:
- 1.** To provide a program of broad-based education in order that clergymen, administrators, staff and volunteers of the Archdiocese, or its parishes, institutions and entities, be acquainted with the policy and its requirements.
 - 2.** To educate clergymen, administrators, staff and volunteers about prevention so that they in turn may instruct parents whose children come under their care.
 - 3.** To define the actions to be taken when a complaint of sexual abuse of a minor is received.
 - 4.** To ensure a prompt response in the event of an allegation or complaint.
- B.** In addition to the appointment of a Delegate of the Archbishop to coordinate and implement this policy, the Archdiocese of Detroit establishes an Assessment Team which:

¹For the purpose of these policies and procedures, "minor" is defined as any person under the age of eighteen years.

1. Will assist the Archbishop's delegate in the assessment of complaints or allegations of sexual abuse of a child, during the time of his or her minority, made against clergymen, religious, and lay persons who either are employed by or volunteer their services to the parishes, institutions and agencies of the Archdiocese.
2. Is composed of a religious woman, a priest with background in canon law, a therapist, and an attorney who are professionally trained or knowledgeable in the subject of sexual abuse of minors. The committee will have other resources available for its work as needed.

III. RESPONSE TO COMPLAINTS & ALLEGATIONS

- A. Any clergyman, administrator, staff person or volunteer of the archdiocese receiving or becoming aware of a complaint or allegation of sexual abuse of minors **MUST**:
 1. Inform the person making the complaint or allegation that the Archdiocese has both a policy and a procedure to be followed in this matter and that the procedure will now be activated.
 2. Report the matter immediately to the Archdiocese at 237-5800 providing details as known, including the identity and means of contacting the person making the complaint or allegation. The official person shall immediately inform the Archbishop's delegate who will contact general counsel for the Archdiocese and will also inform the Director of the Archdiocesan Department of Communications. The Archbishop's delegate, usually along with a member of the assessment team, will visit the one making the allegation.
 3. Observe the provisions of Michigan law. (See Appendix.)
- B. The Investigation of Complaints and Allegations:
 1. Contact with the individual making the complaint (or allegation) will be made by the Archbishop's delegate, usually with the assistance of one member of the assessment team. The Archbishop's delegate shall contact the assessment team and work in collaboration with them as appropriate. Arrangements to begin the assessment and evaluation of the complaint will be made in conjunction with legal counsel. The Archbishop's delegate will complete an initial report form.
 2. The Archbishop's delegate, in conjunction with the assessment team, will begin a preliminary assessment to determine the facts by talking with the complainant (if an adult), parents of the child, the child if deemed prudent, and the accused.
 - a) If after the preliminary assessment the Archbishop's delegate and team judge the accusation to be unfounded, they will bring their work to conclusion as quickly as possible, and make whatever recommendations for pastoral care judged appropriate. The delegate will prepare a written report which will be communicated to the Archbishop, the Archdiocesan legal counsel, and the Director of the Department of Communications.
 - b) If the assessment team in collaboration with the Archbishop's delegate believes there is reasonable cause to suspect sexual abuse of a minor, the Archbishop's delegate will:
 - (1) Notify the Archbishop in writing, the Director of the Archdiocesan Department of Communications, religious order superior if appropriate, civil authorities as required by law, and Archdiocesan legal counsel.

- (2) Bring the assessment process to conclusion with all possible speed. Prepare a written report for the Archbishop without delay.
- (3) Present the recommendations of the assessment team and Archbishop concerning interim assistance to the alleged victim, the alleged victim's family, the community, and the accused.
- (4) Safeguard the confidential integrity of all the activities, proceedings and files.

IV. STEPS TO BE TAKEN IF THERE IS REASON TO SUSPECT SEXUAL ABUSE OF MINORS ON THE PART OF AN ARCHDIOCESAN PRIEST OR DEACON

A. The Archbishop or his delegate will:

1. Decree an administrative leave for the priest or deacon pending a resolution of the complaint.
2. Move the priest from his permanent assignment to another place for the safety of all concerned.
3. Mandate a thorough evaluation and treatment plan as outlined by medical authorities for the priest or deacon using all available tests from the medical, psychological, and spiritual methods, as well as investigating for substance abuse and drug abuse. The priest or deacon will be asked to sign a contractual agreement with the Archdiocese of Detroit to comply with the proposed evaluation and subsequent treatment plan as outlined by medical authorities.
4. Notify Archdiocesan legal counsel and consult with canonical authority so that civil and canonical questions may be addressed.
5. Advise the accused priest or deacon of his right to retain legal counsel of his own choosing, and request his cooperation in the investigation of the accusation by fulfilling the contractual terms of the psychological evaluation and/or treatment plan as outlined by medical authorities and approved by the Archbishop.

B. If the accused priest or deacon does not fulfill the contractual agreement, due either to noncooperation or to psychological inability to assume its obligations, the Archbishop or his delegate will meet with the accused and inform him of the right to apply for laicization or the right of the Archdiocese to proceed with a canonical trial which can result in canonical consequences, up to and including laicization.

V. STEPS TO BE TAKEN IF THERE IS REASON TO SUSPECT SEXUAL ABUSE OF MINORS ON THE PART OF A MEMBER OF A RELIGIOUS COMMUNITY

- A.** The Archbishop or his delegate 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 religious from his/her permanent assignment to another place where access to victims is reduced and, if at all possible, 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.

VI. STEPS TO BE TAKEN IF THERE IS REASON TO SUSPECT ABUSE OF MINORS ON THE

PART OF A LAY PERSON EITHER EMPLOYED BY OR VOLUNTEERING SERVICES TO THE ARCHDIOCESE OF DETROIT

- A.** The chief administrator who has authority over the accused will place the accused person on administrative leave or suspend the services of the volunteer.
- B.** The chief administrator will advise the accused of his/her own right to obtain legal counsel of his/her own choosing.
- C.** The chief administrator will act in accord with Michigan law and local personnel policies.

VII. PUBLIC COMMUNICATIONS AND MEDIA

The Director of the Archdiocesan Department of Communications is appointed as the official, first-line spokesperson for the Archbishop and the Archdiocese in matters and personnel involved with this policy and will:

- A.** Serve as the primary spokesman to the news media both in answering questions about a particular case and in addressing the broader questions raised by such cases. Release of public information will preserve and protect the integrity of the policy and respect the rights of those involved.
- B.** Coordinate public communications from pastoral or school staff with the general community.
- C.** Provide assistance to the Archbishop's delegate and assessment team concerning public communication.

VIII. FOLLOW-UP CARE

The pledge to follow up and offer pastoral care to all involved is firm.

- A.** The Archdiocese of Detroit, through the Archbishop's delegate, will assist in the pastoral and professional care, both immediate and ongoing, of the victim and/or the family.
- B.** The Archdiocese of Detroit will assist in finding competent spiritual and psychological help and direction to address any damage to the victims' relationship to God and his/her faith community
- C.** The Archdiocese of Detroit may require ongoing treatment and/or evaluation for the accused. During the aftercare period, there may be clear restrictions on what sort of ministry, if any, the accused can exercise.

IX. APPENDIX

Michigan Law (eg, MCL 722.621-.623 ex seq.)

X. PREVENTION

- A.** In-service days for clergy, employees, religious.
- B.** Behavior commonly associated with sexual abuse of minors.
- C.** Publication/dissemination of these policies and procedures (to Archdiocesan personnel, clergy, administrators or institutions).