

2 February 1993

Dear Friends,

On November 19, the National Conference of Catholic Bishops approved a resolution urging all of our dioceses in the United States to take quick action on accusations of sexual abuse by clergy and other Church personnel. The resolution also urges each diocese to be a "healing presence" whenever such accusations occur.

The issue of sexual abuse of minors, which has recently received widespread media attention, is a gravely serious matter. Whenever such abuse occurs, it causes inestimable pain and anguish among the victims and their families and among those who are responsible for perpetuating this psycho-sexual disorder (known as "pedophilia" when the victim is a child under thirteen). Psychiatrists tell us that any kind of person can be afflicted with this very serious disorder, but when the abuser is someone whom children trust (a family member, a teacher, a coach or a priest), the suffering and sense of shame are magnified -- causing all concerned to ask how such things could possibly happen.

Until recently, very little was known about this serious disorder. All forms of sexual misconduct were considered to be the result of spiritual or moral lapses which could be dealt with by sincere repentance and by the promise never to repeat the offense. Today, we know that serious psycho-sexual disorders like pedophilia require sustained therapeutic treatment and that very often the offender must be completely isolated from access to young people. When the offender is a priest, an employee, or a volunteer working for the Church, any allegation of sexual abuse must be taken quite seriously. Where there is sufficient evidence to support such allegations, the individual must be immediately removed from his or her areas of responsibility and appropriate procedures for evaluation and referral must be initiated as quickly as possible. And, above all, the Church must be ready to reach out to victims and their families in ways that will help to sustain the difficult healing process.

In the past, because our knowledge was limited and because we had little or no experience with this kind of serious disorder, Church officials made mistakes in their dealings with abusers and in their response to victims and their families. Earlier this year Archbishop Daniel Pilarczyk of Cincinnati, the immediate past president of our bishops' conference, spoke for all of us when he said:

Where lack of understanding and mistakes have added to the pain and hurt of victims and their families, they deserve an apology and we do apologize. However, regret, sadness, apology -- all appropriate -- are not enough. Action is what matters most.

As a conference of bishops and as individual dioceses, we are committed to action -- to prevent the sexual abuse of children before it occurs; to respond quickly and decisively when the tragedy of sexual abuse does occur; and, afterwards, to provide comfort and assistance in the healing process for victims and their families and for those who are afflicted with this awful disorder.

In recent years, our Archdiocese has had policies for dealing with sexual abuse of minors which are in full conformity with the resolution approved by the U.S. bishops at our meeting November 19. These policies (which have recently been updated and which are now being distributed to all parishes, schools and agencies in our Archdiocese) require us to:

- * Respond promptly to all allegations of abuse where there is reason to believe that abuse has occurred.
- * If such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of any ministerial duties and refer the person for appropriate medical evaluation and intervention.
- * Comply with the obligations of civil law as regards reporting of the incident and cooperating with the investigation.
- * Reach out to victims and their families and communicate our sincere commitment to their spiritual and emotional well-being.
- * Within the confines of respect for the privacy of the individuals involved, deal as openly as possible with members of the community.

The comprehensive policies which we follow in this Archdiocese for cases dealing with sexual abuse of minors reflect our commitment to protect our children from all threats against their dignity and privacy; they also emphasize our desire to bring the healing ministry of our Church to all who suffer from this devastating social problem.

As Archbishop, I ask for your heartfelt prayers for both the victims of sexual abuse of children and the perpetrator. May our loving God, who chose to become one of us help us to protect and defend our children from all harm -- now and forever. Amen.

+ Thomas C. Kelly *d.p.*
Archbishop of Louisville

**Archdiocese of Louisville
Statement of Policy and Procedures
On Sexual Abuse**

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ARCHDIOCESE OF LOUISVILLE
STATEMENT OF POLICY AND PROCEDURES
ON SEXUAL ABUSE

I. PRIESTS AND DEACONS OF THE ARCHDIOCESE

POLICY

Our society has grown acutely and painfully aware of the tragedy of child sexual abuse. The trauma and damage such abuse causes its victims, their families, and the community are compounded when the abuser is a priest or deacon. Similarly, great harm is done whenever a priest or deacon is guilty of sexual misconduct of whatever nature, involving either children or adults, which is connected to his role of trust and responsibility as a minister of the Gospel or to his role as consoler or counselor to those in need. In these situations, not only the victims and their families, but also the religious congregation and diocese as well as the universal Church are seriously compromised and jeopardized. In other words, when a person representing the institutional Church is responsible for such conduct the whole People of God suffers.

Therefore, the Archdiocese of Louisville commits itself, as a policy of paramount importance, to make every reasonable effort within its power to prevent the occurrence of any such activity by any of its priests or deacons and to deal promptly and effectively with any such allegations which may arise. In any and all cases of alleged sexual abuse, the Diocese will seek to move quickly and with compassion to attend to the temporal and spiritual needs of the alleged victims and their families and to protect against any further abuse. At the same time, every reasonable effort should be made to afford the accused member adequate assistance and opportunity to defend himself, since even the allegation of such misconduct, founded or unfounded, can have catastrophic consequences.

The allegation of any sexual abuse involving minors or allegedly occurring in the context of ministry with children or adults will be treated with the utmost seriousness and investigated thoroughly. As noted, concern for the alleged victim and prevention of any further harm will be the priorities of first importance in any such investigation.

It is recognized, moreover, that the allegation of any such abuse is also a matter of grave concern and responsibility to the local Church and to the civil authorities. Therefore, all legal and canonical requirements regarding notification of such charges will be carefully observed.

The procedures which the Diocese has developed for dealing with accusations of sexual abuse by its members are set forth in this manual. These procedures are intended as a guide to assist the archdiocesan leadership in addressing such accusations. All of the procedures may not apply to a given situation; likewise, they may require modification or supplementation to meet the needs of a particular case. Therefore, the Archbishop reserves the right to modify or replace these procedures at his discretion and commits himself to review them periodically for adequacy.

Definitions [For purposes of this policy only]:

- * **Sexual Abuse** means any sexual conduct of diocesan personnel which is:
- * Unlawful as described by the laws of the state of Kentucky, or contrary to the moral instructions, doctrines and canon law of the Catholic Church and causes injury to another.
- * **Vulnerable persons** means all persons under 18 years of age and shall include all vulnerable adults as defined. Any person 18 years of age or older is considered "vulnerable" when that person because of impairment of mental or physical function or emotional status is unable or unlikely to report abuse or neglect without assistance.
- * **Diocese or diocesan** includes the Archdiocese of Louisville as a corporation sole, all the parishes, all diocesan schools, all diocesan agencies for the Archdiocese of Louisville.

Initial Notification

Any accusation of sexual abuse involving a minor or arising in the context of ministry should be immediately referred to the Archbishop or his delegate or, in his absence, the Vicar General. No action or investigation of any nature should be initiated at the local level without the explicit authorization of the Archbishop. Any priest making or relaying such an accusation must maintain the strictest confidence regarding the matter, except in situations where the priest is required by law to make an immediate report of the accusation to civil authorities.

Upon receipt of such an allegation the Archbishop, or his delegate, will contact and assemble an advisory group consisting of, in addition to himself, the Vicar General, Clergy Personnel Director, a canonist, and two lay persons who shall constitute an advisory group to the Archdiocese until the allegation is resolved.

The advisory group will be assisted in its deliberations and investigations by a mental health professional chosen for their expertise in cases of sexual abuse and the diocesan attorney. (Because of the need to act promptly in these cases, an ongoing relationship with outside experts will be established to assure their prompt availability if a case should arise.)

Throughout the whole process involved in resolving an accusation of sexual abuse, the Archdiocese will provide ongoing pastoral care for the alleged victim and others affected by the alleged abuse.

Investigative Procedures

If an accusation is made, the Archbishop and his advisory group will proceed as follows:

1. The Archbishop or his delegate will notify the priest or deacon against whom an accusation has been made and direct him to refrain from all public ministry and, if the accusation involves the alleged abuse of a child, from all unsupervised contact with children pending further notice.

The one accused should be directed for the moment to discuss the accusation only with an attorney or a penitent/confessor context and to remain within reach at a location specified by the Archbishop or his delegate.
2. The Archbishop or his representative will contact the alleged victim, or, in the case of a minor, his or her family, to obtain additional information concerning the basis for the accusation and to provide pastoral support and whatever other assistance may be appropriate under the circumstances.
3. The advisory group will promptly determine whether the accusation must or should be reported to appropriate civil authorities, including a law enforcement agency. If such action is required or deemed advisable, the person who has the obligation will promptly make the required reports. (The Archdiocese recognizes that, persons may have a legal obligation to report accusations of child abuse to civil authorities immediately and nothing in these procedures should be interpreted so as to delay such reports.) The Archdiocese will cooperate fully with all public investigative agencies.
4. The Archbishop, in consultation with the advisory group, will determine whether the accused priest or deacon should be removed from his assignment while the accusation is being investigated. There should be strong, well-articulated reasons to support any decision not to remove the accused. If he is not removed his activity should be severely circumscribed so as to avoid any contacts which may pose a risk to others. All such decisions, including the restrictions imposed, should be carefully documented.
5. The advisory group will investigate the allegation as fully as possible to determine whether there is credible evidence to support the accusation, whether there may be other victims, and whether the accused has other problems that should be addressed.

Action Where Credible Evidence is Determined

Where there is credible evidence of abuse, the accused shall be required to undergo a psychiatric evaluation by a mental health facility or counselor specializing in sexual disorders. The Archbishop or his delegate will designate where this evaluation is to be conducted. Based on this evaluation and its own assessment of its investigative findings, the advisory group will present short-term and long-term remedial recommendations.

When the psychiatric evaluation has been completed and/or when a residential treatment program has been completed, the Archbishop or his delegate, in consultation with the advisory group and its outside consultants, will also recommend whether the priest or deacon should be permitted to engage in ministry and under what circumstances.

Action When Accusation is Substantiated

1. Ordinarily, no priest or deacon against whom a serious accusation of sexual misconduct has been substantiated will be permitted to return to public ministry unless:
 - (a) he has undergone long-term treatment and the professionals responsible for his treatment have advised that he is not a threat to the public;
 - (b) he receives ongoing personal counseling and he participates in a therapy group or life management support group on an ongoing basis, both such activities being subject to termination only with the permission of the Archbishop;
 - (c) it is possible to adequately supervise and monitor his contact with the public;
 - (d) he is subject to special placement and to be supervised by an on-site supervisor and the Archbishop or his representative;
 - (e) that the priest be prepared to meet with the members of the parish council, or with a group of parishioners to ask for their support, understanding and prayer;
 - (f) that he contributes, as much as possible, toward paying the expenses incurred because of his conduct.
2. In the case of a priest or deacon against whom an accusation of serious sexual abuse has been substantiated, suspension of canonical faculties in accord with canon law, either on a temporary or on an ongoing basis, must be considered by the Archbishop as one potentially necessary measure in dealing with the issue.
3. Should it be determined that a priest or deacon against whom a serious accusation of sexual abuse has been substantiated cannot safely be permitted to return to public ministry, the Archbishop will promptly inform him of that determination. The Archbishop will make full disclosure to any local Church leaders and to the head of any institution in which such a priest or deacon seeks a ministerial assignment or affiliation on his own initiative. In appropriate cases, the Archbishop may take steps toward the removal of a priest or deacon from the clerical state or pursue other penal sanctions.
4. Where criminal prosecution is a likely consequence of an allegation of sexual abuse, the accused should be directed to seek independent legal counsel of his own choosing.
5. The alleged victim and/or the family will be encouraged to receive appropriate care from mental health professionals and the diocese will provide the resources for such care, as appropriate. The alleged victim or, in the case of a minor, the family will be informed of the action taken by the diocese in resolving the accusation.

False or Unsubstantiated Accusation Procedures

If an accusation of sexual misconduct is, after review and investigation and the professional advice of knowledgeable experts, found to be unsubstantiated, the Archbishop shall, in consultation with the advisory group:

- a. inform the accused priest or deacon that the investigation failed to establish that the report or accusation was substantiated;
- b. make written summary of the investigation and put it in the personnel file of the priest;
- c. terminate promptly any restrictions and other preventive measures taken during the investigation, unless the investigation has yielded other reasons justifying the continuation of restrictions;
- d. encourage fraternal solicitude to allay the hurt and injury to reputation experienced by the accused. The member who had been accused shall be encouraged to receive ongoing counseling for a suitable period in order to deal with the effects of the ordeal.
- e. notify the alleged victim, or in the case of a minor, his or her family of the outcome and afford pastoral assistance, as appropriate.
- f. The Clergy Personnel Director, after consultation with the member who had been accused and the advisory group, shall make an appropriate assignment or reassignment taking into account as fully as possible the greatest good for all concerned.
- g. Every reasonable effort will be made to help restore the reputation of the accused.

Media Inquiries

Any media contact or inquiries regarding an incident of sexual abuse should be directed to the diocesan Director of Communications. Statements released by the Director of Communication should be prepared in consultation with the Advisory Group.

Education

The Archdiocese will take steps to provide ongoing education opportunities for the membership in the areas of sexuality and sexual abuse. On an individual basis, access to counseling will be made available, and strongly urged, for any priest who feels the need to address sexual adjustment or behavioral issues. Any such member should direct his request for such assistance to the Archbishop, Vicar General or Clergy Personnel Director on a confidential basis.

Background/Assessment Checks and References

Candidates are screened and seminarians are evaluated on a wide variety of issues and factors, including their sexual maturity and the appropriateness of their behavior and background. Efforts will continue to assure that the criteria and techniques utilized in these processes are in conformity with the most up-to-date testing and assessment procedures.

Obligation to Report

Because past behavior can have consequences far into the future, as for example, with the wide variety of state laws governing statutes of limitations for civil and criminal suits for sexual abuse, there is a need for diocesan leadership to be aware of past allegations of sexual abuse. Such information is also important to the Personnel Director in making future assignments and personnel decisions.

It is equally important that such information be treated with the utmost discretion; therefore, priests and deacons are strongly encouraged to apprise the Archbishop or his delegate of any such allegations from the past that involve them so that an assessment can be made, to determine if preventive or remedial measures are necessary.

Moreover, any priest or deacon who has knowledge or a reasonable belief that a fellow priest or deacon is guilty of sexual abuse involving a minor or the abuse of ministry situations should direct such information to the Archbishop or his delegate. Obvious exceptions would be any such information acquired in the internal forum, especially, in the celebration of the sacrament of reconciliation.

Under strict supervision of the Archbishop, personnel files and the past Clergy Personnel Directors will be consulted to determine if there are any recorded or unrecorded accusations that may need further review, evaluation, and possible action. (While it is unfortunate to have to dredge up the past, such an effort is in the long-range best interest of individual priests as well as the best way to protect the Archdiocese as a whole and the people with whom we minister.)

Preventative Actions

In a fraternal and mutually supportive spirit, the priests and deacons of the diocese should reflect with each other on the need to be especially careful and conscious of behavior around children and to avoid even the appearance of impropriety. Ours is an extremely litigious society and the times in which we live suggest the prudence of avoiding anything that might reasonably give rise to even the appearance of improper behavior in the volatile area of sexual abuse involving minors.

Therefore, in light of these considerations, pastoral prudence would dictate that Minors (those under the age of 18) are restricted to the public rooms of our residences and rectories.

Minors who are not blood relatives or who are unaccompanied by a parent or legal guardian may be neither overnight guests in our rectories nor guests at houses used by priests for rest and relaxation.

Priests of the Archdiocese may not take overnight trips and vacations with minors who are not blood relatives or who are unaccompanied by a parent or legal guardian unless such trips or vacations are officially sponsored and supervised by one of our institutions or some other institution with which the priest is affiliated in his ministry.

The patience, understanding and good will of all in the Archdiocese are urgently needed to implement the policies and procedures outlined in this document. Above all else, however, we all must be faithful and responsible stewards of the Gospel we preach and of the trust which has been given to us by the Church and the people we serve. Ultimately that, and the grace of God, will be our best protection in these difficult times.

STATEMENT OF POLICY AND PROCEDURES

ON SEXUAL ABUSE

II. CLERGY AND LAY PERSONNEL
EMPLOYED BY THE ARCHDIOCESE OF LOUISVILLE

POLICY

Sexual misconduct by paid personnel as well as all volunteers of the diocese is contrary to Christian principles and is outside the scope of the duties and employment of all personnel of the diocese. All personnel of the diocese must comply with applicable state and local laws regarding incidents of actual or suspected sexual misconduct and with the following policies.

This document does not address sexual misconduct in general, but only in the special circumstances described herein. It is intended to establish procedures in an effort to prevent sexual misconduct by all paid personnel and volunteers of the diocese and the resulting harm to others, and to provide guidance to the personnel and volunteers of the diocese on how to respond to allegations of sexual misconduct if any do occur.

Definitions [For purposes of this policy only]:

* **Sexual Abuse** means any sexual conduct of diocesan personnel which is:

* Unlawful as described by the laws of the state of Kentucky, or contrary to the moral instructions, doctrines and canon law of the Catholic Church and causes injury to another.

* **Vulnerable persons** means all persons under 18 years of age and shall include all vulnerable adults as defined. Any person 18 years of age or older is considered "vulnerable" when that person because of impairment of mental or physical function or emotional status is unable or unlikely to report abuse or neglect without assistance.

* **Diocese or diocesan** includes the Archdiocese of Louisville as a corporation sole, all the parishes, all diocesan schools, all diocesan agencies for the Archdiocese of Louisville.

Personnel

All non-incardinated clergy, religious, seminarians, and lay employees, serving in schools, parishes, agencies and institutions of the diocese.

Policy Distribution

This policy is to be distributed to all personnel as listed above. All such personnel shall sign an acknowledgment of receipt, understanding and acceptance of this policy. A copy of the required receipt accompanies this policy. The required receipt for paid employees is to be forwarded by the employee to the Office of Personnel. All volunteers should submit their receipt to their immediate supervisor.

Applicable Law

This policy is intended to address violations of civil and criminal law. A violation of the criminal law can subject the perpetrator to a prison sentence and/or a monetary fine. It can also be the basis for a civil suit for monetary damages.

The law changes from time to time by enactment of amendments to statutes and judicial interpretations. Because of this it is incumbent upon all personnel to familiarize themselves with such changes that may occur. It is not possible to set out all of the laws in this document, but assistance will be given to all personnel having questions or seeking knowledge concerning the law. (See Archdiocese of Louisville Personnel Policies and Procedures Manual, Page 8.)

Education

Education alone cannot shape mature attitudes and behavior, nor will it change inappropriate sexual behavior. To support this responsibility the diocese may, from time to time, arrange programs which include knowledge or training applicable to these areas, and appropriate persons will be required to attend.

Background and Reference Checks

The diocese continues its policy to require the pre-employment background check required by Kentucky Statutes and as stated in the Archdiocese of Louisville's Personnel Policies and Procedures Manual, Page 13.

Any further investigations of diocesan personnel must be approved and coordinated by the Director of Personnel.

An agreement will be reached with the respective religious order/diocese of priests or religious which stipulates that the Archdiocese of Louisville shall be informed of any allegation of physical or sexual abuse by such individuals of which the religious order/diocese is or may become aware. On its part, the Archdiocese of Louisville shall, in writing, inform the superior of such personnel of any allegation of sexual abuse.

Obligation to Report

Any personnel of the diocese, who knows or has reason to know of an incident of sexual abuse by any personnel of the diocese, shall comply with any applicable reporting or other requirements of state and local laws (unless to do so would violate priest/penitent relationship of the sacrament of reconciliation), and shall report as follows:

- 1 A verbal report of the incident shall be made immediately to the appropriate staff as determined by each diocesan entity and shall be followed immediately by a written report with a copy to the Director of Personnel and Agency Planning.
- 2 The Director of Personnel shall notify the Archbishop or his designate of the diocese.

Investigation of Incident Reports

Each reported incident will be immediately investigated, with care taken not to interfere with any criminal investigation and with a high level of Christian care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident and the alleged accused.

All investigations shall be conducted by the bishop or his designee in order to determine the validity for any allegation.

If the allegation is substantiated or appears to be substantiable in accordance with canonical and other considerations, the accused may be relieved of all responsibilities in the diocese, parish, office or institution and placed on administrative leave pending the outcome of the internal and any outside investigation, (leave to be with or without pay or benefits as the Archbishop or his designee may decide).

Appropriate records will be kept by the Archbishop (or his designate) of each incident reported and of the investigation and the results thereof.

When accusations are made of sexual abuse involving personnel of the diocese, contact by the appropriate diocesan staff with the alleged victim and family should be promptly initiated.

Because of unique rights and obligations afforded clergy by The Code of Canon Law, an accusation made against a member of the clergy is to be processed according to the procedures outlined in the diocesan document, Statement of Policies and Procedures on Sexual Abuse for Priests and Deacons of the Archdiocese.

Media Inquiries

Any media contact or inquiries regarding an incident of sexual abuse should be directed to the Archbishop or his designate and the diocesan Director of Communications.

Action Where Guilt is Determined

Any non-clergy personnel of the diocese who admits to, does not contest, or is found guilty of an incident of sexual abuse, shall be immediately terminated from employment and any position of responsibility with the diocese. Any clergy, ecclesiastical officeholder, non-incardinated priests or deacons and religious personnel in similar circumstances will be suspended from the exercise of their ministerial duties according to the provisions of canon law. Further penal sanctions, including but not limited to, dismissal from the clerical state, may be imposed pending the outcome of any civil/criminal actions.

False Accusation and Unsubstantiated Claims

There is always the possibility of false accusations or unsubstantiated claims made for whatever reason. It is important for all diocesan personnel to know that both civil law and canon law (Canons 1390-1391) provide penalties for the crime of falsehood in which individuals become victims of false denunciation and calumny. Every reasonable effort will be made to help restore the reputation of the accused.