



ARCHDIOCESE OF ST. LOUIS

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POLICIES AND PROCEDURES REGARDING CASES OF SEXUAL ABUSE OF MINORS BY CLERGY OR OTHER CHURCH PERSONNEL ARCHDIOCESE OF ST. LOUIS

INTRODUCTION

The Archdiocese of St. Louis (“the Archdiocese”) is committed to protecting children and youth from sexual abuse. Since 1990, the Archdiocese has had a policy and procedures to give guidance to its employees, volunteers, religious, and clergy regarding child abuse and to address the needs of persons affected by child abuse. The following policy and procedures have been adopted to address the particular situation in which an employee, volunteer, or religious working in the Archdiocese or in any parish, school or agency/office of the Archdiocese (hereinafter individually and collectively referred to as “church personnel”), or a member of the clergy (hereinafter referred to as a “cleric”), is accused of sexual abuse of a minor. An allegation of this type of abuse has serious consequences for the person alleged to have been abused and his/her family, for the person accused, and for the larger community.

In accord with the Charter for the Protection of Children and Young People (“Charter”), it is the policy of the Archdiocese that when even a single act of sexual abuse of a minor is established by an appropriate process in accord with canon law, the offending person will not serve as a member of the clergy in active ministry or hold a position working in proximity to children as an employee or volunteer in the Archdiocese or in any parish, school, or agency/office of the Archdiocese. All clergy and other church personnel who minister in the Archdiocese are expected to be familiar with this policy and to comply with the procedures adopted to implement the policy. The Archdiocese will make available the resources required to implement the policy and procedures. By following this policy, the Archdiocese hopes to offer spiritual and psychological assistance as needed to any victim/survivor and to respect the civil and canonical rights of the accused while seeking to assist him or her.



Proceedings pursuant to this policy shall be conducted in compliance with civil law and in accordance with ecclesiastical law, in particular the *motu proprio Normae de Gravioribus Delictis* of Pope Benedict XVI, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* of the USCCB, and the Code of Canon Law.

For the purpose of this policy, any person under 18 years of age is considered a minor. These policies also apply if a person 18 years of age or older habitually lacks the use of reason.

For the purpose of this policy, any external, objectively grave violation of the Sixth Commandment of Decalogue with a minor is considered sexual abuse of a minor.

For the purpose of this policy, the acquisition, possession or distribution of images of a minor for purposes of sexual gratification is considered child abuse.

I. STRUCTURES THAT ENSURE AN EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

In order to respond pastorally and effectively and in keeping with the requirements of ecclesiastical law, the Archdiocese has adopted a process for addressing allegations of sexual abuse of minors by clergy or other Church personnel. This includes four elements:

1. A Review Board whose mission is to advise the Archbishop in responding to allegations and to review archdiocesan policy and procedures for addressing reports of sexual abuse of minors;
2. A Director of the Office of Child and Youth Protection (“Director, OCYP”), who serves as the designated contact for receiving allegations and maintaining the process of addressing allegations;
3. An Investigatory Team assembled by the Director of the Office of Child and Youth Protection to investigate allegations.
4. An Assistance Coordinator who will aid in the immediate pastoral care of persons who allege that they have been sexually abused as minors by a member of the clergy or other church personnel.

The Archdiocese will provide education and training for the members of the Review Board, the Director of the Office of Child and Youth Protection, the Assistance Coordinator, and the Investigatory Team Assessors to enable them to understand and appropriately respond to the issue of sexual abuse of minors.



A. REVIEW BOARD

1. The Archbishop has established a Review Board whose mission is to advise him in responding to allegations of sexual abuse of minors by clergy or other church personnel. The Review Board will be composed of at least five persons who are in full communion with the Church. At least one member will be an archdiocesan priest who is an experienced and respected pastor. The majority of the members will be lay persons not in the employ of the Archdiocese. At least one member will have particular expertise in the treatment of sexual abuse of minors. Members of the Review Board may include permanent deacons, as well as women and men religious. Members will be recommended by the Director, OCYP and appointed by the Archbishop. Members will be appointed to five year terms, which may be renewed once by the Archbishop. No member may serve more than two terms unless the Archbishop determines it is in the best interest of the Review Board and the Archdiocese. The archdiocesan Promoter of Justice will participate in the meetings of the Review Board as an ex-officio and non-voting member.
2. Duties of the Review Board include:
 - a. Providing counsel to the Archbishop in his assessment of allegations of sexual abuse of minors by clerics or other church personnel;
 - b. Providing counsel to the Archbishop in his determination of a cleric's suitability for continued ministry or of church personnel's suitability for continued employment or volunteering;
 - c. Providing counsel to the Archbishop on all aspects of these cases whether retrospectively or prospectively;
 - d. Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by clergy or other church personnel;
 - e. Maintaining an ongoing review of unresolved cases;
 - f. Assisting the Director, OCYP and the Vicar for Priests in the writing and review of safety plans for clerics who are temporarily or permanently removed from ministry because of the sexual abuse of minors;
 - g. Providing counsel to the Archbishop regarding notification of parishioners about allegations against their parish priest, deacon, or other church personnel, with due respect for the civil and canonical rights of those involved;
 - h. Reviewing archdiocesan policies for addressing sexual abuse of minors.



B. OFFICE OF CHILD AND YOUTH PROTECTION

1. The Archbishop has established the Office of Child and Youth Protection, which serves persons who bring allegations of sexual abuse of a minor. It also oversees the implementation of the archdiocesan policies relating to child protection. The Director of the Office of Child and Youth Protection (“Director, OCYP”), appointed by the Archbishop, will serve as the primary point of contact for all such allegations. The Director, OCYP will be appointed by the Archbishop as investigator for the preliminary investigation (Canon 1717). An alternate Investigator may be appointed to serve in case of the unavailability or a conflict of interest on the part of the Director, OCYP.
2. Duties of the Director, OCYP include:
 - a. Interviewing those who report an allegation of sexual abuse of a minor involving a member of the clergy or other church personnel;
 - b. Preparing an initial report of the allegation for the Archbishop, and for the Review Board so that it may advise the Archbishop;
 - c. Appointing the Assistance Coordinator, when appropriate, to assist the person bringing the allegation;
 - d. Assembling the Investigatory Team to investigate allegations that are not manifestly false or frivolous, coordinating the activities of the Investigatory Team, and writing the reports of the Investigatory Team;
 - e. Maintaining ongoing communication with persons bringing such allegations and, as appropriate, with the Assistance Coordinator;
 - f. Attending Review Board meetings, preparing reports, answering questions and assisting the Review Board as needed;
 - g. Assisting the Vicar for Priests in the development of Safety Plans for clerics removed from ministry because of Charter violations.
 - h. Coordinating the implementation of education and training for the members of the Review Board, the Director of the Office of Child and Youth Protection, the Assistance Coordinator, and members of the Investigatory Teams;
 - i. Assisting and advising, when requested, the Archbishop on matters of Child and Youth Protection and implementation of the Charter;
 - j. Serving as Chair of the Child Safety Committee and oversee its activities.



C. INVESTIGATORY TEAMS

1. An Investigatory Team will be established for each allegation that is to be investigated under these policies. The Investigatory Team will consist of the Director, OCYP and two Assessors who are appointed by the Archbishop. Those who conduct the investigation shall not be voting members of the Review Board. These Assessors should have experience in the investigation and treatment of cases of the sexual abuse of minors. One Assessor should be an experienced investigator and one should be a mental health professional. In the event that one or two Assessors are unavailable, the Director, OCYP may choose one or two Review Board members to assist him in the Investigation. When this becomes necessary, those Review Board members will be recused from voting on that case.
2. Duties of the Investigatory Team include:
 - a. Investigating and gathering facts regarding allegations;
 - b. Reporting its findings about each allegation to the Archbishop for his decision;
 - c. Reporting its findings about each allegation to the Review Board so that the Review Board may advise the Archbishop;
 - d. Meeting as needed for specific cases;
 - e. Taking all appropriate steps to protect the reputation of the accused during the review process;
 - f. Maintaining a written record of its activities.

D. ASSISTANCE COORDINATOR

1. The services of an Assistance Coordinator shall be offered, for each alleged victim, when appropriate.
2. Duties of the Assistance Coordinator include:
 - a. Listening to the individual and his or her allegations, treating the individual with respect;
 - b. Being present during meetings between the person alleged to have been abused and archdiocesan personnel, when appropriate;



- c. Explaining the archdiocesan response to the specific allegations raised by the individual in order to allow the individual to select the options for assistance;
 - d. Assisting with referrals to therapists and/or support groups;
 - e. Assisting the individual with information about how to follow-up on the options chosen by the individual.
3. The Assistance Coordinator shall maintain a professional relationship with the individual and will not act as a therapist, attorney, or spiritual director for the individual. A person shall not serve as the Assistance Coordinator for an individual with whom he or she has a family relationship, or of whom he or she is a personal friend, or where there is any other potential conflict of interest.

II. PROCEDURES THAT ENSURE AN EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF A MINOR

The Archdiocese has adopted a process to address allegations of sexual abuse of a minor by a member of the clergy or other church personnel. By following the steps outlined below and by working with the person alleged to have been abused, his or her family members, and appropriate civil authorities, this process will help to ensure an effective response to allegations of sexual abuse of minors.

A. BRINGING AN ALLEGATION

1. A person bringing an allegation of sexual abuse of a minor by a member of the clergy or other church personnel may contact the Office of Child and Youth Protection by telephone, mail or email.

Contact information is as follows:

Archdiocesan Abuse Reporting Hotline: (314) 792-7704

Sandra Price, MSW, LCSW
Executive Director, Office of Child and Youth Protection
Archdiocese of St. Louis
20 Archbishop May Drive
St. Louis, Missouri 63119-5738
Phone: (314) 792-7271
Email: sandraprice@archstl.org



Should any person feel more comfortable making an initial report to someone who is not a member of the clergy he/she may do so to the Archdiocese's Victim Assistance Coordinator.

Contact information is as follows:

Carol Brescia, MSW, LCSW
Assistance Coordinator
Office of Child and Youth Protection
Archdiocese of St. Louis
20 Archbishop May Drive
St. Louis, Missouri 63119-5738
Phone: (314) 997-9807
Email: breshinmo@aol.com

2. Any cleric or church personnel who become aware of an allegation of sexual abuse of a minor shall follow the reporting laws of the State of Missouri and the Abuse Reporting Policies of the Archdiocese of St. Louis.

B. RECEIVING AN ALLEGATION

1. Upon initial receipt of an allegation, the Director, OCYP in every case shall inform the Archbishop of the allegation. At the same time, he shall inform others designated by the Archbishop. If the allegation is not manifestly false or frivolous, the Director, OCYP convenes an Investigatory Team and begins to investigate the allegation.
2. If the allegation involves a minor who is currently under the age of 18, the allegation must immediately be reported to the Child Abuse and Neglect Hotline. The Archdiocese cooperates fully with civil authorities in responding to an allegation of sexual abuse of a minor.
3. The Director, OCYP will arrange a personal interview as soon as possible with the person bringing the allegation.
 - a. Before the interview, the Director, OCYP will assemble an Investigatory Team. Generally, the Investigatory Team will be present when the Director meets with the person bringing the allegation, but the Director, OCYP may offer the person bringing the allegation a meeting without the Investigatory Team if the Director, OCYP determines that meeting without the Investigatory Team would be a more suitable pastoral approach with this particular person bringing the allegation.
 - b. During the interview, the Director, OCYP will advise the person bringing the allegation of his or her right to bring the allegation to civil authorities.



- c. As soon as possible after the interview, the Director, OCYP will prepare a brief summary of the allegation. He will ask the person bringing the allegation to review that summary for errors. Unless the circumstances at that time make it imprudent or not pastoral, the Director, OCYP will request a signed statement affirming the truth of the summary.
 - d. After the interview, the Director, OCYP provides a written report of the interview to the Archbishop, and also to the Review Board and others designated by the Archbishop, so that they may advise him.
4. If an allegation of sexual abuse by a member of the clergy or other church personnel is brought to the Archdiocese by an attorney representing the person making the abuse report, it shall be referred to the archdiocesan attorney who will consult with the Director, OCYP about how best to respond to a request for assistance. The archdiocesan attorney and the attorney representing the person making the abuse report will be primarily responsible for communication between the Archdiocese and the person making the allegation. The implementation of the process for receiving and responding to complaints outlined throughout this Pastoral Policy will occur upon mutual agreement between the archdiocesan attorney and the attorney representing the person making the abuse report.
5. If the allegation of sexual abuse involves a cleric, the Director, OCYP will request from the Archbishop a decree opening the preliminary investigation required by canon 1717. The Director, OCYP carries out the interview and other steps described above even before the Archbishop decrees the opening of the preliminary investigation. Also, the brief summary of the allegation will be notarized by an ecclesiastical notary who is a priest.
6. If the accused person is a cleric from another diocese or is a member of a religious community, the accused person's diocesan bishop or major superior will be informed of the pending investigation and the Archdiocesan protocol in response to allegations of sexual abuse of a minor. The diocesan bishop will be asked to provide full cooperation throughout the process. With the permission of the Archbishop of St. Louis, the Director, OCYP will make full reports throughout the investigation to the accused person's diocesan bishop or major superior.
7. If the allegation is manifestly false or frivolous, the Director, OCYP does not carry out the above steps. Instead, the Director informs the Archbishop, those designated by the Archbishop, and the Review Board about the reasons that show the allegation is manifestly false or frivolous. The Director, OCYP records the allegation but takes no other action.

C. INVESTIGATING AN ALLEGATION



1. The Investigatory Team may meet again with the person who brought the allegation, as necessary.
2. The Investigatory Team will seek to meet with the person alleged to have been abused as a minor, and, if the person is still a minor, with his or her parents or legal guardians.
 - a. The Director, OCYP will encourage the person alleged to have been abused to seek psychological treatment and/or pastoral counseling, or to continue such activities, as needed.
 - b. The Director, OCYP will establish contact between the person alleged to have been abused and the Assistance Coordinator, as needed.
3. The Investigatory Team will seek to meet with the person against whom the allegation has been made and will present him or her with the details of the allegation.
 - a. The Director, OCYP will inform the accused person of his or her right to legal counsel, when appropriate.
 - b. If the accused person is a cleric, the Director, OCYP will inform him of his right to canonical counsel.
 - c. If the accused person is a cleric, the Director, OCYP will ask the Archbishop to impose precepts on the cleric as a temporary, precautionary, and non-punitive measure. The precepts will enjoin or prohibit whatever seems necessary for the protection of children, and will usually include a prohibition from the public exercise of sacred ministry, a prohibition from the exercise of ecclesiastical offices, and an injunction to reside in a certain area. The precepts will automatically expire after the preliminary investigation is concluded.
 - d. If the accused person is a cleric, the Archdiocese will continue the cleric's usual remuneration during the preliminary investigation.
 - e. If the accused person is church personnel, the pastor, Superintendent of Catholic Education, or agency/office director, as applicable, will be informed and the accused will be placed on temporary administrative leave in accordance with the personnel policy for the parish, school, or agency/office as applicable. If the accused person is a volunteer, he or she will be prohibited from volunteering until the the investigation concludes.
 - f. If the accused person is church personnel, the accused may be provided with immediate assistance and support as determined to be appropriate, consistent with applicable personnel policies and benefit plans.



4. The Investigatory Team seeks other evidence necessary to show whether the allegation is true or false.
5. If the accused person is a cleric, the Investigatory Team, whenever possible, will gather evidence in the presence of an ecclesiastical notary who is a priest. If it is not possible to gather some part of the evidence in this way, the Investigatory Team will gather that evidence without a notary, but will then have an ecclesiastical notary who is a priest notarize both the gathered evidence and an explanation of why the notary was not present when the evidence was gathered.
6. Throughout the investigation, the Investigatory Team will report to the Archbishop the status of its investigation. The Investigatory Team will also keep the Review Board informed about its investigation, so the Review Board may advise the Archbishop.
7. The Archbishop may direct the formation of a task force to communicate with the parish, office/agency, and/or school community and to offer help in dealing with the alleged abuse and its effects on the community at large. Spiritual and pastoral care will be offered.

D. REVIEWING AN ALLEGATION

1. After sufficient information has been gathered, the Investigatory Team will make a full report to the Archbishop. The Investigatory Team will also make a full report to the Review Board, and the Review Board will advise the Archbishop on how to respond to the allegation.
2. If the allegation is against church personnel, after hearing the advice of the Review Board, the Archbishop or his delegate will decide whether or not the allegation has been shown to be manifestly false or frivolous.
3. If the allegation is against a cleric, after hearing the advice of the Review Board, the Archbishop will decide whether or not the allegation has been shown to be manifestly false or frivolous.
4. If the allegation is against church personnel, and the allegation has not been shown to be manifestly false or frivolous, appropriate administrative action will be taken, up to and including termination of his or her employment or dismissal from a his or her position as a volunteer.
5. If the allegation is against a cleric, and the allegation has not been shown to be manifestly false or frivolous, the Archbishop will decree that the preliminary investigation has concluded and will formulate his votum, i.e., a statement of his opinion about the allegation.



- a. The Archbishop will then transmit to the Congregation for the Doctrine of the Faith his votum, the advice of the Review Board, the report of the Investigatory Team, and all the evidence gathered during the investigation.
 - b. The Archbishop will use the provisions of canon 1722 to impose on the accused cleric whatever seems necessary for the protection of children. This will usually include a prohibition from the public exercise of sacred ministry, a prohibition from the exercise of ecclesiastical offices, and an injunction to reside in a certain area. These measures are non-punitive, precautionary, and last only until the canonical penal process is concluded.
 - c. The Archdiocese will follow the instructions of the Congregation of the Doctrine of the Faith regarding a canonical penal process against the accused cleric.
 - d. The Archbishop will ensure that after even a single act of sexual abuse of a minor by a cleric is admitted or established after an appropriate process, that cleric “will be removed permanently from ecclesiastical ministry” (Essential Norms, article 8). Furthermore, no such priest or deacon may be transferred for residence to another diocese/eparchy until the Archbishop of St. Louis has “has forwarded, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.” (Essential Norms, article 12.)
6. If the allegation is against church personnel, and the allegation has been shown to be manifestly false or frivolous, the Archdiocese will return them to active service in their place of employment or volunteering. The Archdiocese will make every effort to restore the good name of the accused person. The Director, OCYP will place the evidence and other records from the investigation in the archive of the Archdiocese.
 7. If the allegation is against a cleric, and the allegation has been shown to be manifestly false or frivolous, the Archbishop will issue a decree closing the preliminary investigation and declaring that the accusation has been found false.
 - a. The cleric will return to active ministry and the precautionary precepts imposed on him will cease.
 - b. The Archdiocese will make every effort to restore the good name of the accused cleric.
 - c. The Director, OCYP will place the evidence and other records of the investigation in the archive of the Archdiocese.



- d. The Archdiocese will strive to investigate, review, and respond to allegations of sexual abuse of a minor in a swift and timely manner. However, because the civil authorities have superior powers of discovery and investigation, even if an allegation appears to be false, the Archdiocese will usually delay its final response to the allegation until the civil authorities have concluded any criminal and/or civil cases related to the allegation.

E. CARE FOR THE PERSON AFFECTED BY ABUSE

1. Whenever an allegation is not manifestly false or frivolous, the Director, OCYP will encourage the person alleged to have been abused to seek psychological treatment and/or pastoral counseling, or to continue such activities, as needed.
2. The duties of the Director, OCYP in working with victims/survivors shall be carried out in coordination with the Assistance Coordinator. The Assistance Coordinator, in consultation with the Director, OCYP, will assist the victim/survivor in obtaining necessary services. The Assistance Coordinator will maintain a current list of those experienced in the pastoral counseling and psychological treatment of victims/survivors.
3. If a victim/survivor wishes to begin treatment, the Director, OCYP may request that the victim/survivor obtain a diagnostic evaluation and treatment plan and sign appropriate forms for release of information to the Archdiocese which will be limited to that which is necessary for the assessment of the needs of the victim. Upon receiving this information, the Director, OCYP will consult with the Review Board. The Director, OCYP will advise the Archbishop of the assistance plan when indicated.
4. The Director, OCYP will communicate with the victim/survivor the details of any assistance plan offered by the Archdiocese. The Director, OCYP will attempt to bring about an agreement between the victim/survivor and the Archdiocese concerning the assistance plan. When the victim/survivor is represented by legal counsel, the communication will be between the archdiocesan attorney and the attorney for the victim/survivor. If a written agreement is entered into it will not contain a confidentiality provision unless one is specifically requested by the victim/survivor.

F. COMMUNICATION

1. Inquiries from members of the media about this policy and its implementation should be addressed to the Executive Director of Communication and Planning.
2. Public statements to the media concerning an allegation of sexual abuse of a minor by a member of the clergy or other church personnel shall be made in accord with the Communications Policy of the Archdiocese of St. Louis. All information made public must be approved by the Archbishop, assisted by the Office of Communications.



Approved
Original date: 22 May 2003 14

Amended: December 1, 2014
Archbishop Robert Carlson

Amended: February 14, 2017
Archbishop Robert Carlson