

THE ARCHDIOCESE OF SAN FRANCISCO

POLICIES AND PROCEDURES REGARDING CHILD ABUSE

A. INTRODUCTION

The terms "childhood" and "innocence" are synonymous in ordinary language use. That is why the pain runs so deep for all those of good will when we learn that the innocence of a child has been harmed, and in some cases destroyed, by the experience of childhood abuse. In the Gospel, Jesus says, "Let the little ones come unto me" and "Woe to him who brings harm to the child." Recognizing the particular beauty, innocence and vulnerability of children, Jesus entrusted them to our special care. Therefore, these policies and procedures have been developed to provide prompt and objective investigations of claims of abuse of children and to provide effective pastoral assistance to those who have been harmed.

As a condition of employment or other Church activity, those who serve the Archdiocese of San Francisco are required to follow the Policies and Procedures set forth herein.

B. DEFINITIONS

"*Child*" is defined as a person under the age of 18 years, or a person whose usual ability to reason is limited to that of a person younger than 18 years.

"*Child abuse*" includes sexual abuse, non-accidental physical injury, and neglect. For the purposes of the Charter for Protection of Children, "Child Abuse" also includes the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of 18, for purposes of sexual gratification, by whatever means or using whatever technology.

"*Child Protective Agency*" for these purposes is the local Child Protective Services for cases of domestic abuse (instances in which the alleged abuser and the alleged victim share a common household) and any local law enforcement agency for instances of alleged abuse by someone not of the alleged victim's household.

"*Child-care custodian*" includes school administrators, teachers, instructional aides, teacher aides, teacher assistants or extended-care personnel employed by any public or private school. It also means an administrator or employee of a public or private youth center, youth recreation program, or youth organization, as well as administrators or employees of a public or private organization whose duties require direct contact with, and supervision of, children. The law states that volunteers of such organizations are to be encouraged to obtain training in the identification and reporting of child abuse. The Archdiocese requires this training of all clergy and of all employees and volunteers who work with children.

"*Clergy*" is defined in California law as "a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized religious denomination or organization." Roman Catholic tradition and canonical definition indicate that this would include those who have received Holy Orders: a deacon, priest or bishop. Consecrated men and women are to be held to the same standards as clergy.

"Reasonable suspicion" includes suspicion based on circumstances that would cause a "reasonable person" in a like position, drawing when appropriate upon his/her training and experience, to suspect child abuse.

C. OFFICE OF CHILD AND YOUTH PROTECTION

The Archdiocese will maintain an Office of Child and Youth Protection that will include the functions of a Victim Assistance Coordinator and those of a Safe Environment Coordinator.

The Victim Assistance Coordinator shall report to the Director of the Office of Child and Youth Protection and shall serve as staff to the Independent Review Board (hereinafter referred to as "the Board"), described below, for purposes of assisting the Board with its responsibility to advise on and audit established and proposed Archdiocesan policies, procedures and programs designed to prevent and respond to the sexual abuse of minors. The responsibilities of the Victim Assistance Coordinator shall include:

1. Facilitate outreach to every person who has been the victim of sexual abuse as a minor by anyone acting in any ministry or activity of the Church, whether the abuse was recent or occurred many years in the past. The outreach will include arranging the provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Archdiocese. In cooperation with social service agencies and other churches, the Coordinator will foster and encourage support groups for victims/survivors and others affected by abuse at the Archdiocesan level and in local parish communities. The Coordinator shall also foster outreach to victims and to their families by arranging, upon request, for the Archbishop or his representative to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by Pope Benedict XVI in his address to the Cardinals of the United States and officers of the U.S. Conference of Catholic Bishops.
2. Coordinate assistance to parish communities affected by the sexual misconduct of ordained, religious, or lay personnel of the Archdiocese, including parish intervention teams staffed by personnel experienced in community healing.
3. Maintain contact with the Archdiocese of San Francisco Independent Review Board, and the applicable Chancery officials, to ensure that during the course of the Board's investigation of an abuse claim, appropriate spiritual and/or counseling needs are addressed.

The Safe Environment Coordinator will oversee the Archdiocesan efforts to create and maintain a safe environment for children in accordance with the Charter. The Coordinator will:

1. Coordinate the Archdiocesan "Safe Environment" program, which will involve cooperation with parents, civil authorities, educators, the Archdiocesan Human Resources Office, and community organizations in providing education and training for children, youth, parents, ministers, educators, administrators, and others at the Archdiocese and parish/school levels about ways to create and maintain a safe environment for children.
2. Maintain contact with the Archdiocesan Human Resources Office, Department of Catholic Schools, Department of Pastoral Ministry, Seminary, Catholic Charities/Catholic Youth Organization, and the Peninsula Parish School League, as applicable, to ensure that the policies regarding background screening of all adults whose duties include contact with minors, and the

adequate screening and evaluative techniques for deciding the fitness of candidates for ordination, are properly followed.

3. Accountability for this Safe Environment program will lie with the pastor for his assigned parish, for the school if one is associated with the parish, and for the athletic programs of his parish/school. If a school has no associated parish (e.g., the four Archdiocesan high schools, Saint Thomas More elementary school and Saint Brigid elementary school), the principal of the school is accountable for the school's Safe Environment program and for the school's involvement in the athletic leagues. The principal in these instances will be guided by the Department of Catholic Schools. The athletic leagues will help and support the schools and parishes, as they draw their volunteers from them, but the pastor and principal will retain accountability.

D. PERMANENT REMOVAL FROM EMPLOYMENT OR MINISTRY

A priest, deacon or clergy candidate who has committed an act of sexual abuse of a minor will be permanently removed from active ministry and may not be transferred for ministerial assignment to another diocese/eparchy or religious province.

Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence, any and all information concerning any act of sexual abuse of a minor and any other information regarding his suitability for ministry with young people.

Employees or volunteers, other than clergy, who have committed an act of sexual abuse of a minor, will not be granted access to children on behalf of the Church. Employees will be terminated and the services of volunteers will no longer be used. These individuals may attend religious services at the parish of their choice, unless the pastor, in consultation with the Archbishop, decides otherwise, but they may not be involved in any parish or school activity.

E. RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

The Archdiocese will report allegations and reasonable suspicions of abuse to the civil authorities, and will require all clergy, religious, employees and volunteers to do the same. In addition to requiring compliance with the civil laws and Archdiocesan policies regarding the reporting of the sexual abuse of minors, the Archdiocese will cooperate with civil authorities in their investigations in accord with the law. It will also cooperate with civil authorities' reporting requirements in cases where the victim is no longer a minor. In every instance, victims will be advised of their right to make a report directly to the civil authorities and the Archdiocese will support this right.

F. INDEPENDENT REVIEW BOARD

Because of the unique physical, psychological, and moral dimensions involved in claims of abuse of minors, there is a particular need to do everything possible to avoid even the perception in the minds of alleged victims, their families, the Christian faithful, and the public at large that the response to a

complaint is anything less than thorough and objective. For this reason, an Independent Review Board (“The Board”) has been established by the Archbishop.

The Board will function as a confidential consultative body to the Archbishop and will advise the Archbishop in his assessment of allegations of sexual abuse of minors and in his determinations of suitability for ministry. It will regularly review Archdiocesan policies and procedures for dealing with sexual abuse of minors by way of an effective annual audit program and written report. The Board can review these matters both retrospectively and prospectively and give advice on all aspects of responses required in connection with these cases. The procedures for those making a complaint (set forth herein) will be readily available in printed form and will be the subject of periodic public announcements.

The Board will include as voting members at least five individuals with backgrounds in psychology, psychiatry, social work, nursing, licensed marriage and family counseling, or the law. This may include medical doctors, attorneys (e.g., retired judges, prosecutors, public defenders), or retired police or other forensic investigators, and may also include a survivor of clerical sexual abuse. At least one of these will have expertise in the treatment of sex abuse of minors. These will be persons of outstanding integrity and good judgment and will usually be Roman Catholic. The Archbishop may elect to appoint one or more non-Catholics who otherwise meet these criteria. While Archdiocesan personnel may, upon request, provide assistance to the Independent Review Board from time to time, such personnel shall not serve on the Board; with the exception that one Archdiocesan priest who is an experienced and respected pastor will be a member. An Archdiocesan canon lawyer will participate in a non-voting capacity to ensure the canonical rights of the accused and accuser. The members will be appointed to staggered terms of five years, which can be renewed once.

This Independent Review Board will work independently and may acquire the services of an independent investigator to augment the work of the Child Protective Agencies (CPS or law enforcement). Such investigators shall report back to the entire Board which will determine whether further investigation is necessary. Upon conclusion of its work, the sole responsibility of the Independent Review Board is to present to the Archbishop or his delegate its findings of fact and their collective judgment concerning the allegation that has been investigated.

G. REPORTING CHILD ABUSE

The Archdiocese will maintain and publish procedures for complaints regarding alleged child abuse, including sexual abuse, which can and should be made by victims and/or their advocates directly to the appropriate county child protective services agency or local police department. The phone numbers for the protective agencies in each county are also provided in “Safe Environment Guidelines” and in brochures provided to every parish and school, and are periodically published in the Archdiocese’s newspaper. An easy to read guide or checklist will be provided to all schools and parishes for further dissemination.

REPORTING BY COUNTY:

MARIN

Children & Family Services (415) 473-7153; Sheriff’s Department (415) 473-7250

SAN FRANCISCO

Child Protective Services (800) 856-5553; Police Department (415) 553-0123

SAN MATEO

Children & Family Services (800) 632-4615 or (650) 595-7922; Sheriff's Department (650) 216-7676 or (650) 363-4911

Be prepared to report:

- Name of child;
- Present location of the child;
- Nature and extent of the injury; and
- Any other information, including that which led the person to suspect child abuse, requested by the child protective agency.

For additional information or consultation, you may call:

San Francisco Child Abuse Council (415) 668-0494

In any event, individuals serving the Archdiocese of San Francisco who fall within the definition of "mandatory child abuse reporters" must, pursuant to California law, report any reasonable suspicion of abuse. In addition, any reasonable suspicion of abuse, as defined by California law, which is brought to the attention of the Archdiocese by an alleged victim or any other person will be reported to the civil authorities. The Archdiocese will also cooperate with the civil authorities in reporting instances of child sexual abuse that are not brought to its attention until after the child has reached adulthood. (See Reporting Law, in "Safe Environment Guidelines").

Subject to the provisions above, a person wishing to register a complaint of child sexual abuse with the Archdiocese should first contact civil authorities and then contact the Victim Assistance Coordinator at (415) 614-5506. The Victim Assistance Coordinator will ascertain whether Law Enforcement or the Department of Child Protective Services has been notified. If they have not, the Victim Assistance Coordinator will ensure this is done.

The Victim Assistance Coordinator will notify the applicable Chancery officials, and together they will gather the basic information regarding the complaint and then inform the complaining party as follows:

1. Pursuant to the USCCB Charter and the Archdiocese of San Francisco Policies and Procedures Regarding Child Abuse, the matter will be referred to the Archdiocesan Independent Review Board for a prompt and objective preliminary investigation, in harmony with canon law, and a representative of the Board (normally the "Primary Investigator") will contact him or her. The current names and expertise of the Board members will be made available.
2. Appropriate psychological/spiritual counseling for persons seeking assistance in coping with abuse is available for victims through the Archdiocesan Victim Assistance Coordinator: (415) 614-5506.
3. When the preliminary investigation (i.e., the initial information gathered by the applicable Chancery official and/or any supplemental information obtained by the Board) so indicates, the alleged offender shall be relieved of any active employment or ministerial duties (i.e., be placed on "administrative leave") pending the conclusion of the investigation. Certain circumstances

may warrant the immediate and permanent termination of an employee or volunteer. If a cleric wishes to suspend his participation in the preliminary investigation and/or any subsequent canonical tribunal process until after the conclusion of any pending investigation/trial by the civil authorities, he may do so subject to an immediate written acknowledgment that in the interim he will remain on “administrative leave” and will not be permitted to publicly exercise ministry.

4. The Board's Primary Investigator (who shall be accountable directly to the Board) will provide the Board with his/her initial findings of fact. Following any further investigation directed by the Board members, the Board will present a written report to the Archbishop advising him as to whether there is sufficient evidence that sexual abuse of a minor has occurred. (Even if the Board determines that the evidence is insufficient, it may nevertheless provide the Archbishop with its advice concerning the cleric's suitability for ministry.)
5. The Archbishop or the applicable Chancery official or delegate will share with the alleged victim and perpetrator the finding of the Board, the Archbishop's determination concerning the preliminary investigation, and any further action (e.g., pursuit of canonical remedies, declaration of a psychological impediment to ministry, etc.) that will be taken. If an accusation has proved to be unfounded, every possible step will be taken to restore the good name of the accused.

When the alleged abuser is clergy:

If sexual abuse by a priest or a deacon is admitted, or is uncontested, or is established after an appropriate process in accord with canon law,¹ the following will pertain:

The Archbishop or his delegate will inform the cleric in writing that the provisions of the Charter apply to him. These provisions state that for even a single act of sexual abuse of a minor – past, present or future – the offending priest or deacon will be permanently removed from ministry, not excluding dismissal from the clerical state if the case so warrants.

The cleric will then be given the opportunity to:

1. Request in writing a voluntary dispensation from the obligations of clerical orders and loss of the clerical state, or
2. If the penalty of involuntary dismissal from the clerical state will not be applied (e.g., for reasons of advanced age or infirmity), the individual will be offered the opportunity to lead a life of prayer and penance. He will be informed in writing that he will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest. He will be informed, and will acknowledge in writing, that any failure to abide by these proscriptions will be grounds for public declaration of the violation and imposition of immediate penalties.
3. If the cleric denies the abuse occurred, and does not voluntarily seek a return to the lay state, he may request a canonical trial as provided for in Canon Law.

The Archdiocese adheres to a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Archdiocese will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors.

The Archdiocese will not enter into confidentiality agreements relating to the settlement of child sex abuse claims except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.

H. PREVENTION AND PREPARATION

This policy and procedure will at all times support the Bishops' Charter for the Protection of Children and Young People, adopted in June 2002, revised in June 2005, June 2010, and again in June 2018. In support of the Charter, the Archdiocese will:

1. Screen all potential employees' backgrounds through the State Department of Justice or a professional firm providing such services, and conduct reference checks. Employees who anticipate filling positions designated by law and individuals identified by the Archdiocese as having duties which include contact with minors will have their background evaluated using the Live Scan electronic finger printing system. Two reports will be requested; one from the California Department of Justice (DOJ) and one from the Federal Bureau of Investigation (FBI).
2. Train adult staff and volunteers who have contact with children through their assignments or positions with the Archdiocese to recognize signs of abuse/neglect and to report to the administration any suspected cases (in addition to their individual responsibility to report suspected cases to a child protective agency.)
3. Establish procedures regarding adults' interaction with children at the school, parish, agency, etc., and off campus.
4. Establish contact with local child protective agencies in each county and provide telephone number(s) to parishes, schools, and agencies.
5. Maintain a centralized database reflecting the training and background evaluation status of every adult employee or volunteer working with young people.

(For additional information regarding the maintenance of a Safe Environment, see Safe Environment Guidelines published by the Office of Child and Youth Protection and available at www.sfarch.org).

I. RESOURCES

The Bishops' Charter for the Protection of Children, a current copy of the Child Abuse Prevention Handbook (available through the Crime Prevention Center of the Office of the Attorney General) or some similar general treatise on the subject (e.g., *Slayer of the Soul: Child Sexual Abuse and the Catholic Church*, by Stephen J. Rossetti, Twenty-Third Publications, 1 Montauk Ave., New London, CT 06320, Phone: 860-437-3012 or 1-800-321-0411) should be recommended reading for all staff covered by the laws referenced above, as well as other staff members and volunteers.

J. A FINAL NOTE

The Gospel message calls for pastoral concern for both the alleged victim and the alleged perpetrator when investigating and handling allegations of child abuse. This pastoral concern may dictate the need for the Church to respond to the alleged victim in particular ways (e.g., offering spiritual and/or psychological counseling), but this pastoral concern should not be mistaken as an admission of responsibility or legal liability. These policies and procedures have not been prepared to serve as a precise legal yardstick by which third parties are to measure conduct, but rather as a visible sign of the Archdiocese's genuine moral commitment to serve as responsible stewards of Christ's Church. In extraordinary circumstances, the Archbishop may determine that it is necessary to modify the specific procedures set forth herein consistent with the provisions of canon and civil law.

Footnote: 1. At all times, the diocesan bishop/eparch has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor is a crime in all jurisdictions of the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.