

DIOCESE OF DES MOINES POLICY REGARDING SEXUAL ABUSE OF A MINOR

BY A MEMBER OF THE CLERGY

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The Des Moines Diocese endorses the Charter for the Protection of Children and Young People created by the United States Bishops and the Essential Norms for Diocesan/Eparchial Policies Dealing With Allegations of Sexual Abuse of Minors by Priests or Deacons and adopts the following policies and procedures concerning sexual abuse of a minor by a priest or deacon.

INTRODUCTION

Priests and deacons in the Diocese of Des Moines provide faithful service with generosity and care to the people of the Diocese. The sexual abuse of a minor by a member of the clergy is an exception. Sexual abuse is an abuse of their authority and trust. The integrity of the Church and the well being of its community demands a prompt and effective response to both victims and offenders. This policy sets out the response of the Diocese of Des Moines to allegations of sexual abuse of a minor.

I. POLICIES

It is the policy of the Diocese of Des Moines that:

- The protection of children and young people is of the highest priority to the Diocese.
- The Diocese will reach out to victims of sexual abuse and their families to provide counseling, advocacy, support services, and spiritual guidance.
- The Diocese will maintain procedures to respond promptly and effectively to any allegation of sexual abuse of a minor. A Victim Assistance Advocate, and an Allegation Review Committee, will be appointed to support the process.
- The Diocese will report allegations of sexual abuse of a minor to public authorities and will cooperate in the investigation with law enforcement officials.

- During the time the complaint against a priest or deacon is being investigated and reviewed by the Allegation Review Committee, the Bishop will suspend an alleged offender of his ministerial duties.
- If sexual abuse is admitted or established after an appropriate investigation, the offending priest or deacon will be permanently removed from ministry.
- A priest or deacon removed from ministry will be referred to appropriate sex offender treatment.
- A clear set of standards will be published for ministerial behavior and appropriate boundaries for clergy and other church personnel who have regular contact with children and young people.
- Communications concerning issues of sexual abuse of minors will be as open as possible.
- The Diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim and noted in the text of the agreement.
- The Diocese will take no action which would restrict the victim's choice to speak publicly about their experience of being sexually abused by a priest or a deacon.
- The Diocese will provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children in cooperation with parents, civil authorities, educators and community organizations.
- The Diocese will conduct background checks utilizing the resources of law enforcement and other community agencies and will continue to employ evaluative techniques in deciding the fitness of candidates for ordination.
- Before a cleric from the Des Moines Diocese is assigned outside the Diocese, or a cleric from another diocese or religious community is assigned with the Des Moines Diocese, an accurate and complete description of the cleric's record will be provided before assignment. This will include whether there is anything in his background that would raise questions about his fitness for ministry.
- The Diocese will cooperate with national efforts to implement the United States Bishop's Charter for the Protection of Children and Young People.

II. DEFINITION OF SEXUAL ABUSE OF A MINOR

As defined by the Charter and as used in this Policy, sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult

uses a minor as an object of sexual gratification. The norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth Commandment. A minor is a person under the age of eighteen. A minor is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the minor and whether or not there is a discernable harmful outcome.

III. APPOINTMENTS FOR IMPLEMENTATION

A. Victim Assistance Advocate

The bishop will appoint a Victim Assistance Advocate to receive allegations and to promote the well-being of victims who contact the Diocese.

B. Allegation Review Committee

The Diocese shall create an Allegation Review Committee to consist of at least five members, the majority of which will be lay persons not employed by the Diocese of Des Moines, its parishes or schools. At least one member should be a priest who is an experienced and respected pastor of the diocese and one member should have particular expertise in the treatment of sexual abuse of minors. Committee members shall be appointed by the bishop. Committee members shall elect a chair, who will coordinate the Committee's communications with the victim, the public, the alleged offender, and the Diocese. The Diocese shall provide staff as necessary for the committee. Committee members will serve five-year terms. The Allegation Review Committee will receive any complaint from the Victim Assistance Advocate and be responsible for the investigation of the allegations. Upon completion of an investigation, the Committee shall make a recommendation to the Bishop regarding the priest's or deacon's continuation in ministry. The Promoter of Justice will be invited to participate in the meetings of the Committee.

IV. MAKING A COMPLAINT

An allegation of sexual abuse of a minor may be made to the Diocese in variety of ways, directly to the Victim Assistance Advocate, to the diocesan offices, to the bishop or other diocesan official, or to a pastor or other official in a parish. Allegations can also be made directly to law enforcement or child protective agencies.

All diocesan and parish staff will be informed about processing such information. They will be instructed to assist the victim in contacting the Victim Assistance Advocate who

will help the victim to process a complaint. If a victim wishes to speak first with a diocesan official or the bishop, they should be helped to make that contact. In all cases, the person making the allegation is to be treated with sensitivity and genuine concern. It is not the role of those receiving an allegation to judge whether it is credible. This will be handled by the Allegation Review Committee following the intake process with the Victim Assistance Advocate.

The following are specific options to bring a complaint:

Call the Victim Assistance Advocate. The Victim Assistance Advocate will assist throughout the process and will refer a victim to support and counseling services. The Diocese of Des Moines has appointed an individual within the diocese to advocate for the needs of those abused by its clergy and ministers. Call (515) 286-2031 to reach the Advocate.

If a victim does not wish to contact the Diocese at this time, Polk County Victim Services may be called at (515) 286-3600. The address is 525 S.W. 5th Street, Suite H, Des Moines, IA 50309. Polk County Victim Services will provide advocacy with the Diocese regardless of the county in which a victim lives, but can also refer to a victim advocate in the local community.

Write to the Diocese at this address: Diocese of Des Moines, 601 Grand Avenue, Des Moines, IA 50309. Please mark the letter "personal and confidential" and address it to the Victim Assistance Advocate.

Send an E-mail. A victim may e-mail the Diocese to file an initial complaint at advocate@dmdiocese.org.

V. PROCESSING A COMPLAINT

A. Victim Assistance Advocate

Once a referral is made to the Victim Assistance Advocate, the Advocate will make a timely contact with the person making the allegation and offer to assist them in filing a complaint. Wherever possible, the Victim Assistance Advocate will meet personally with the victim. The Victim Assistance Advocate will help the individual understand and navigate the process and decide whether to pursue a complaint. If the person wants to file a complaint, the Advocate will provide the complaint forms and assist in preparing them. It will be important to have as specific information as possible, giving the date and the place of the alleged abuse. Once the information is gathered, the Advocate will explain the next steps in the process and assure the victim of assistance. If the victim wishes, the Advocate will make a referral to appropriate services, including counseling, advocacy, support groups and spiritual guidance.

The Victim Assistance Advocate shall immediately inform the bishop and the chair of the Allegation Review Committee of any allegation of abuse. The Victim Assistance Advocate shall inform civil authorities (law enforcement and the department of human services) of any allegation of sexual abuse reportable under Iowa law. The bishop will communicate and cooperate with civil authorities before contacting the accused priest or deacon where appropriate to minimize jeopardizing a criminal investigation. The bishop shall place the alleged offender on leave after a preliminary investigation pending the resolution of the complaint. The accused will be advised that he may wish to have legal counsel available and may also wish to have a canonical advisor. The Diocese will assist in arranging for a canonical advisor. Once the alleged offender is advised of the allegation by the bishop or civil investigative authority, the bishop, or bishop's designee, shall inform the public and diocese of the allegation.

B. Admission of Abuse

If the priest or deacon admits the allegation, the Allegation Review Committee shall report the admission to the bishop with its recommendation that the bishop remove the priest or deacon permanently from ministry.

C. Allegation Review Committee

Upon receipt of a complaint, the Committee or its designee will conduct a preliminary investigation to assess whether there is probable cause for a complaint of sexual abuse. When there is sufficient evidence that sexual abuse of a minor has occurred, the Vatican Congregation of the Doctrine of the Faith shall be notified. The bishop shall then apply precautionary measures.

Upon completion of the investigation by civil investigative authorities, or earlier, at the discretion of the chair, the Committee shall gather necessary information and conduct a hearing to determine whether sufficient evidence supports the allegation of sexual abuse. The Committee shall strive to make a prompt but complete determination. The victim and alleged offender may be represented by civil and/or canonical counsel at the hearing. The parties shall be given the opportunity to present evidence and respond to any information provided to the Committee. The Committee shall make written findings which shall be communicated to the bishop. If the Committee determines that the accused has committed sexual abuse, the Committee shall recommend that the bishop remove the priest or deacon permanently from ministry. If the Committee determines that the allegation is not supported by sufficient evidence, the bishop may return the accused to ministry and take steps to restore the good name of the minister.

D. Bishop

Where a preliminary investigation finds sufficient evidence that sexual abuse of a minor has occurred, the bishop will apply such precautionary measures as necessary to assure the safety of minors. Upon receipt of the final findings and recommendations of the Committee, the bishop shall take final action in conformance with the Charter for the

Protection of Children and Young People. If a priest is to be permanently removed from ministry, the bishop will follow the norms of Canon Law to implement that sanction.

Upon the Bishop's acceptance of a preliminary investigation finding sufficient evidence of sexual abuse or of the final findings and recommendation of the Committee, the Bishop and the Chairman of the Committee will communicate with the victim, the public and the alleged offender.

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VI. REVIEW OF PAST COMPLAINTS

The Allegation Review Committee will review all previously documented complaints of sexual abuse of minors by priests or deacons currently in ministry or retired. The Victim Assistance Advocate will contact all known victims of previously documented complaints and determine whether the victims wish to participate in the review. The Diocese will inform the priest or deacon that a previously documented complaint will be reviewed and determine whether he wishes to participate in the review. If the priest or deacon does not admit the allegation, the Committee shall conduct a hearing as described in this policy to determine whether sufficient evidence supports the allegation of sexual abuse.

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VII. SERVICES PROVIDED TO VICTIMS

The Diocese of Des Moines will provide counseling, advocacy, support services, and spiritual guidance for victims sexually abused by clergy, including their immediate family members.

Advocacy. The Diocese will assist with the process of filing a complaint by providing both information and a trained Advocate for assistance and support. The Victim Assistance Advocate has been trained to promote the interests of victims and to direct them toward additional services.

Counseling. The Diocese will assist in finding competent therapeutic assistance and will try to ensure that financial constraints do not prevent the victim from receiving specialized counseling services. The Diocese can assist with insurance co-payments for counseling, or where insurance is lacking or insufficient, with therapy costs subject to a review of the victim's ongoing needs.

Support Groups. Support groups will be made available for people who have been through similar traumatic experiences to connect and share feelings leading to further healing.

Spiritual Guidance. Damage caused by clergy abuse is often spiritual as well as psychological, emotional, and physical. Sometimes the relationship with God and the faith community has been ruptured. When a victim wishes to address spiritual concerns arising from past sexual abuse, the Diocese will assist them in finding spiritual guidance.

Remaining Anonymous. Even if a victim wishes to remain anonymous, information and referrals for counseling and support services can be provided. However, a diocesan response cannot be guaranteed without a complaint that can be investigated.

Former or Deceased Clergy. Information and referrals for counseling and support services can be provided to victims of former and deceased clergy.

Abuse Occurring in Other Dioceses. Some people were abused by clergy elsewhere before moving to the Des Moines Diocese. If a victim wishes to pursue a complaint in another diocese, the Des Moines Diocese will assist with contacting that diocese. If financial assistance is needed, the Diocese will assist in seeking support from the other diocese. If assistance is not available from that diocese, the Des Moines Diocese will help the victim through the healing process.

VIII. SERVICES PROVIDED TO PRIEST OR DEACON

If an accusation is confirmed and the priest or deacon is permanently removed from ministry, the Diocese will assist the offender in receiving psychological evaluation and sex offender treatment.

CONCLUSION

Sexual abuse can be a traumatic and life-altering experience because the offender is usually someone the victim knows and trusts. When the offender is a person of authority, such as a member of the clergy, it is especially confusing and damaging. Sexual abuse is a betrayal by an individual, not a betrayal by God, Church, or faith. The Diocese of Des Moines is profoundly sorrowful when a priest or deacon abuses a minor. The Diocese will promptly respond to allegations of abuse and will protect and support the psychological and spiritual needs of victims and their families.