

**Policy Regarding Sexual Abuse of Minors
By a Member of the Clergy**



Revised December 1, 2016

Introduction

Priests and deacons (“clergy” or “cleric”) in the Diocese of Des Moines (“diocese”) 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 demand a prompt and effective response to both victims and offenders. This policy sets out the response of the diocese to allegations of sexual abuse of a minor.

The diocese endorses the Charter for the Protection of Children and Young People, (rev. 2011) 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 clergy.

Section II, DEFINITION OF SEXUAL ABUSE OF A MINOR, provides an updated definition of what acts constitute sexual abuse of a minor, to be consistent with the 2011 revision of the charter. According to this revised definition, sexual abuse of a minor includes persons below the age of eighteen years, persons who habitually lack the use of reason, and the acquisition, possession, or distribution of pornographic images of minors under the age of eighteen, for purposes of sexual gratification, by whatever means or using whatever technology. All references to sexual abuse of a minor within this policy pertain to this definition.

Policies

It is the policy of the diocese that:

- The protection of children and young people is of the highest priority.
- 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 law enforcement within 24 hours of receiving them. The diocese will cooperate in any investigation with law enforcement.
- The Allegation Review Committee will advise the bishop in his assessment of the credibility of the accusations, without hindering the investigation by law enforcement.

- During the time the complaint is being investigated by law enforcement and the Allegation Review Committee, the bishop will suspend an accused offender of his ministerial duties.
- If sexual abuse is admitted or established after an appropriate investigation, the offending clergy will be permanently removed from ministry. The allegation will be submitted to the Congregation for the Doctrine of the Faith.
- Clergy removed from ministry will be referred to appropriate sex offender treatment.
- A clear set of standards will be published in the Code of Conduct for Personnel of the diocese 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 procedures for making a complaint of sexual abuse of a minor by clergy shall be published or publicly announced by the diocese annually, at a minimum.
- 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 clergy. The diocese shall advise every person alleging clerical sexual abuse of that person's right to report any abuse to law enforcement, and the diocese shall support that right.
- 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, law enforcement, 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 diocese is assigned outside the diocese, or a cleric from another diocese or religious community is assigned with the diocese, an accurate and complete description of their 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 shall not transfer for a ministerial assignment within the diocese or to another diocese any cleric who has committed an act of

sexual abuse of a minor, or has a pending complaint of alleged sexual abuse of a minor.

- The diocese will cooperate with national efforts to implement the United States Bishop's Charter for the Protection of Children and Young People.

Definition Of Sexual Abuse Of A Minor

As defined by the 2011 charter and as used in this policy, sexual abuse of a minor is to be “understood in accord with the provisions of Sacramentorum sanctitatis tutela (SST), article 6, which reads:”

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1o the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2o the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric's suitability for ministry and for complying with civil reporting statutes.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

Victim Assistance Advocate and Allegation Review Committee

1. Victim Assistance Advocate

The bishop has appointed a Victim Assistance Advocate (“advocate”) to receive allegations and to promote the well-being of victims who contact the diocese. The advocate will assist throughout the process and will refer a victim to support and counseling services.

2. Allegation Review Committee

The diocesan Allegation Review Committee consists 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 with sufficient pastoral experience 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, renewable once. The committee shall meet at least twice each year, or as needed.

The Allegation Review Committee has two responsibilities:

- 1) Advise the bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric’s suitability for ministry. Offer advice on all aspects of these cases, either retrospectively or prospectively.
- 2) Annually review diocesan policies and procedures for dealing with sexual abuse of minors.

Making A Complaint

An allegation of sexual abuse of a minor may be made to the diocese in a variety of ways, directly to the 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.

State law mandates that certain persons report suspected incidents of child sexual abuse to civil authorities. All clergy and staff and volunteers for parishes, schools and related organizations within the Diocese of Des Moines *must* report – even those who are not mandated by the state – knowledge or belief that a child is the victim of abuse to child protection or law enforcement and the appropriate Church official or supervisor (Bishop, Chancellor, Pastor, School Principal).

Clergy, staff, volunteers, or other agents of the Church shall report suspected abuse if he or she:

- a. Has actual knowledge that a child is the victim of abuse.
- b. Has *reasonable cause* to suspect that a child has been sexually abused.

The only exception to this is disclosures made to a priest in the sacrament of reconciliation.

However, any priest who hears the confession of someone who abuses children or someone who is the victim of abuse shall urge the penitent to report the abuse to the proper civil and Church authorities.

“Reasonable cause” means a reason that would motivate a person of ordinary intelligence under the circumstances to believe, based on observations or conversations that a child has been or is being abused.

All diocesan, parish and school staff and volunteers will be informed about processing such information. In addition to contacting law enforcement and an appropriate Church official or supervisor, they will be instructed to assist the victim in contacting the 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 initially receiving an allegation to judge whether it is credible.

The following are specific options to bring a complaint:

Call the Victim Assistance Advocate. Contact information for the Victim Assistance Advocate should be on the diocesan website, diocesan newspaper and other public notices.

If a victim does not wish to contact the diocese at this time, Polk County Crisis and Advocacy Services may be contacted to 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. The advocate shall inform the victim of the right to report any abuse to public authorities.

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.

Processing a Complaint

1. Victim Assistance Advocate

Once a referral is made to the 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 advocate will meet personally with the victim. The 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 advocate shall inform every person making an allegation of sexual abuse of that person's right to report any abuse to public authorities. The advocate shall take any necessary steps to support the victim's right to report abuse to law enforcement.

With permission from the victim, the advocate shall immediately inform the bishop and the chair of the Allegation Review Committee of any allegation of abuse. The advocate shall inform law enforcement and/or the department of human services of any allegation of sexual abuse reportable under Iowa law.

2. Admission of Abuse

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

3. Role of the Allegation Review Committee

Report to Law Enforcement

Upon receipt of a complaint, the first role of the Allegation Review Committee is to confirm law enforcement has been notified. This may occur through the Advocate, through the Bishop's Office and the Chancery, or through another third party. However the information is received, the committee is to guarantee reporting. Reporting to law enforcement provides a benefit to the accused, as it allows for an objective process.

Conduct a Preliminary Investigation

Upon completion of the investigation by law enforcement, or earlier, at the discretion of the chair but without in any way compromising the law enforcement investigation, the committee shall gather necessary information and conduct its own preliminary investigation. The

committee in its discretion may retain professional services to conduct its investigation. The committee shall strive to make a prompt but complete determination.

Initial and Subsequent Hearings, Right to Counsel

The preliminary investigation should conclude in an initial hearing to determine whether sufficient evidence supports the allegation of sexual abuse.

The alleged victim and accused may be represented by civil and/or canonical counsel at the initial or subsequent hearings. The parties shall be given the opportunity to present evidence and respond to any information provided to the committee, but there will be no cross examination allowed and the alleged victim and accused will not be present at the same time during the hearing.

The Promoter of Justice, a person appointed by the bishop who is involved in all contentious cases which can endanger the public good or penal cases that involves the public welfare, will be invited to participate in the hearings.

Recommendation to the Bishop

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.

4. *Role of the Bishop*

The bishop will communicate and cooperate with law enforcement before contacting the accused cleric where appropriate to minimize jeopardizing a criminal investigation. The bishop shall suspend the accused cleric from ministerial duties during the 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 accused is advised of the allegation by the bishop or law enforcement, the bishop, or bishop's designee, shall inform the public and diocese of the allegation.

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 chair of the committee will communicate with the victim, the public and the accused.

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* including, if actionable, reporting to the Congregation for the Doctrine of the Faith. The bishop

shall then apply precautionary measures as necessary to assure the safety of minors. If a cleric is to be permanently removed from ministry, the bishop will follow the norms of Canon Law to implement that sanction.

5. *Accused Clergy -- Rights and Expectations*

Clergy alleged to have committed sexual abuse of minors should expect the following:

- The diocese will report allegations of sexual abuse of a minor to law enforcement within 24 hours of receiving them. The diocese will cooperate with law enforcement in any investigation. The accused has the right to an objective investigation.
- The bishop will communicate and cooperate with law enforcement before contacting the accused where appropriate to minimize jeopardizing a criminal investigation.
- The diocese may contact an investigator to conduct its preliminary investigation.
- The accused is to be presumed innocent during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. If the allegation is deemed not substantiated, every step possible will be taken to restore his good name, should it have been harmed.
- The diocese will be open and transparent in communicating with the public about allegations within the confines of respect for privacy and the reputation of those involved.
- The accused will be given a copy of any complaint, investigation report or other information gathered and given an opportunity to respond to allegations in a hearing(s) before the Allegation Review Committee.
- The accused will be advised that he may wish to have legal counsel available and possibly a canonical advisor, which the diocese can assist in arranging.
- The complainant and accused will never be present before the Allegation Review Committee jointly.
- During the time the allegation is being investigated, the bishop will suspend the alleged offender of his ministerial duties and take precautionary measures pending the outcome of the investigation, including: withdrawal from any sacred ministry or church function/office; impose or prohibit residence in a given place or territory; prohibit public participation in the Most Holy Eucharist.
- Where applicable, the diocese will provide compensation consistent with its policy during the investigation.

- After an allegation is made, no bishop or priest involved in the investigation may hear the sacramental confession of the accused.
- The accused will be referred to or in some cases urged to voluntarily comply with appropriate psychological evaluation and/or sex offender treatment.
- If sexual abuse of a minor is admitted or established after an appropriate investigation, the offender will be permanently removed from ministry and the allegation will be submitted to the Congregation for the Doctrine of the Faith.
- If an accusation is confirmed and the cleric is permanently removed from ministry, the diocese may assist the offender in receiving psychological evaluation and sex offender treatment.

Services Provided To Victims

The diocese 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 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 him/her 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 diocese. If a victim wishes to pursue a complaint in another diocese, the Diocese

of Des Moines will assist in making the contact. 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.

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.

September 1, 2002

Revised December 5, 2002

Revised December 1, 2016