

ARCHDIOCESE OF PHILADELPHIA
POLICY ON CLERGY SEXUAL ABUSE

INTRODUCTION

The Archdiocese of Philadelphia is committed to dealing with issues of sexual abuse by clergy in an open and straightforward manner. This responsibility is mandated for the protection and dignity of individual persons and of the Church. Accordingly, the Archdiocese has adopted this policy to deal with allegations of clergy sexual abuse. These allegations may involve purported sexual abuse involving a minor or an adult.

The Archdiocese denounces any form of sexual abuse - most especially, sexual abuse by clergy. Such activity is a source of great pain for all persons involved and for the entire Church community. Clerical sexual abuse is, and always has been, a most serious abuse of trust and will not, under any circumstance, be tolerated within the Archdiocese.

Recognizing the protection needed to be afforded to all persons involved in alleged clerical sexual abuse, the Archdiocese has adopted this policy. The goal of the Archdiocese is to respond with justice, compassion, and charity toward every person involved.

This policy is not intended to create any rights in any person, to obligate the Archdiocese to act in any time or manner, or to establish any responsibility or liability of the Archdiocese. Instead, the goal of this policy is to be fair and responsive to the pastoral needs of an alleged victim, the alleged victim's family, the community, and the accused cleric. The policy is intended to properly balance the healing of an alleged victim and the alleged victim's family with justice for all who are accused, diligence in the handling of the matter, and respect for civil authorities which may have jurisdiction to investigate the occurrence.

This policy applies to the clergy of the Archdiocese only: Incardinated Archdiocesan priests and deacons (permanent and transitional) who are serving within the Archdiocese. Priests who are from a diocese other than the Archdiocese of Philadelphia, Priests, Brothers, and Sisters who are members of religious congregations, and lay persons employed by institutions within the Archdiocese are properly subject to the direction and supervision of their diocesan bishop, major superior, or employer. Direct jurisdiction for matters involving these persons lies with their respective bishop, superior, or employer. However, if an accusation is made against an extern priest on assignment within the Archdiocese of Philadelphia or a clerical member of a religious congregation, the Secretary for Clergy and/or a delegate appointed by the Archbishop will review with the respective diocesan bishop or major superior the allegation made, this policy, and offer assistance in investigating the accusation.

The Archdiocese of Philadelphia Policy On Clerical Sexual Abuse shall be readily available so that those affected by clerical sexual abuse can readily seek and receive the assistance afforded them. It was written and intended to be easily understood by all who may be affected by an allegation of clerical sexual abuse.

POLICY

This policy outlines the action to be taken when an allegation of sexual abuse is made against a cleric (Archdiocesan priest or transitional or permanent deacon of the Archdiocese of Philadelphia). Strict confidentiality will be observed in carrying out this policy for the protection of the alleged victim, her or his family, and the accused cleric.

Prompt action by the Archdiocese in response to an allegation is not, and should in no way be perceived as, a determination of the guilt or innocence of an accused cleric. Furthermore, quick and responsive actions taken by the Archdiocese in the course of an investigation should not be construed as a determination of guilt or innocence of an accused cleric.

Any person who intends to make a claim of sexual abuse against a cleric of the Archdiocese may telephone the Office of the Secretary for Clergy of the Archdiocese at (215) 587-4532 or may write to the Secretary for Clergy at 222 North 17th Street, Philadelphia, PA 19103-1299. (If a claim of sexual abuse is in writing, it should be signed and state how the person making the claim can be contacted either in writing or by telephone.)

Any person making a complaint is assured of an understanding and respectful reception. The Archdiocese treats all complaints as serious. It will take every reasonable step to examine all allegations. However, anonymous or otherwise vague and unspecific allegations, while they are considered, are usually impossible to investigate. Accordingly, any person making allegations is urged to be as factually specific as possible.

In all its procedures, the Archdiocese is committed to the careful observances of civil law as well as The Code of Canon Law.

The Archdiocese recognizes the right and, in some cases, the duty of an individual to report to civil authorities an allegation of clerical sexual abuse with a minor. The Archdiocese will comply with the reporting requirements of Pennsylvania law.

Decisions regarding any public statement must be made on a case-by-case basis. These decisions must balance the desire for confidentiality on behalf of the person bringing the complaint, the rights of the accused cleric, and the need and desire to identify and minister to others who may have been harmed by any wrongdoing.

The Archbishop shall appoint the Secretary for Clergy or a person who is trustworthy to investigate the allegations. This person is known as the Delegate. The role of the Delegate is pastoral and administrative.

Upon receipt of an allegation, the Delegate will begin to investigate the allegation. First, the person making the complaint is given the opportunity to relate the details of the complaint personally to the Delegate. The Delegate shall be accompanied by an assistant for this meeting. Then, the accused cleric is informed of the complaint made against him. A meeting between this cleric and the Delegate is arranged to discuss the complaint. The Delegate shall be accompanied by an assistant for this meeting.

If the cleric against whom the complaint is made admits its truth, he is immediately referred for clinical evaluation to determine the appropriate type of professional help that will be needed. He is also removed from his ministry and may, on a case-by-case basis, have other restrictions placed upon him, in accord with Church law.

If the complaint initially appears to be credible or the cleric admits its truth, those who have been abused are afforded appropriate pastoral care and other assistance-including professional treatment-as may be needed, which is determined on an individual basis.

In the case of any complaint that initially appears to be credible, or if the findings of the preliminary inquiry are inconclusive, the accused cleric will be referred for clinical evaluation. The cleric may be placed on administrative leave and may, on a case-by-case basis, have other restrictions placed upon him, in accord with Church law.

If a cleric is removed from his assignment, the appropriate person or persons from the affected ministry of the cleric may be informed of the reason for the removal, so that they in turn will be able to respond in a pastoral and sensitive way to the needs of the that community.

If the final determination is that the complaint is unfounded, the accused cleric will be given counseling and assistance, as and when needed, in light of the suffering experienced by a cleric who has been falsely accused. If the cleric has been placed on administrative leave, upon determination that the complaint was unfounded, a return to ministry will take place after consultation with him to ascertain his wishes.

If the complaint is founded or the cleric admits to its truth, the Delegate will meet with the alleged victim and/or her or his family to offer financial assistance with the services of a qualified psychologist, psychiatrist, or counselor. The cleric is financially responsible for counseling for the victim and her or his family. However, the Archdiocese, will make sure that these persons will not be denied counseling because the cleric involved is unable to pay for it.

The Delegate shall implement, as appropriate, action to establish treatment and pastoral care for the cleric, and inform him of his right to obtain a canonical advocate, and recommend the

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obtaining of legal counsel by the cleric. An accused cleric is responsible for his own legal fees and any award of damages.

After the clinical evaluation of the accused cleric, based upon the recommendation of professionals, the cleric may be referred for treatment.

Decisions regarding any possible reassignment of a cleric who has engaged in sexual abuse are made on a case-by-case basis. Reassignment to a parish ministry is rarely appropriate, although there may be ministries in which the cleric can serve under supervision and subject to certain limitations. Because of the complex nature of each individual case, there can be no hard and fast rules about reassignment. However, when such decisions are contemplated, several factors are used in evaluating the possibilities of reassignment. Among these factors are the recommendations of the professionals involved in treating the cleric and the availability of an assignment where the cleric will be able to exercise ministry with appropriate limits, if necessary.

*Procedure for Cases of Pedophilia/Ephebophilia
in Archdiocese of Philadelphia*

1. The diocesan bishop or his delegate receives allegations either in written form or in a personal meeting with the person making the allegations. The diocesan bishop or his delegate should inform the person making the allegation of any legal rights or requirements he/she may have depending on local law. *(The diocesan bishop or his delegate should reassure the person that the complaint is taken seriously and explain the process)*
2. The diocesan bishop or his delegate informs diocesan legal counsel in order to follow all procedures in accordance with local law.
3. The diocesan bishop or his delegate confronts the cleric with the allegation as soon as possible.
 - a. *If the cleric admits to the allegation being true, he is relieved of his assignment, placed on administrative leave and asked to undergo a psychological evaluation*
 - b. *If the cleric denies the allegation, he is asked to undergo a psychological evaluation for his own protection as well as that of the Church, while a thorough investigation is conducted. Depending upon the results of the evaluation and investigation, the cleric may be relieved of his assignment and placed on administrative leave.*
 - c. *The delegate informs the cleric of his right to obtain a canonical advocate and recommends that the cleric obtain his own legal counsel.*
4. If indicated by the clinical evaluation, the cleric is referred to a treatment facility for appropriate therapy.
5. The diocesan bishop or his delegate provides the person making the allegation with appropriate information about the investigation and evaluation and offers financial assistance with counseling, if the allegation is probable or true. *(In cases where the cleric is deceased or has left the active ministry, a decision needs to be made concerning the probability of the credibility of the allegation. If judged to be credible, financial assistance with counseling is offered out of charity)*
6. The diocese cooperates fully with civil authorities as indicated by local law.
7. If the cleric's diagnosis is pedophilia or ephebophilia, he will not be reassigned and is encouraged to apply for laicization.