

DIOCESE OF GRAND RAPIDS

POLICY ON SEXUAL ABUSE OF MINORS

I. INTRODUCTION

The lasting impact of sexual abuse of minors on both victim and accused is a profound tragedy for both Church and society.

The DIOCESE OF GRAND RAPIDS ("Diocese") has formulated this Policy to provide education and seek prevention of sexual abuse of minors whenever possible, to repair whatever damage has been done to those abused and their families, to restore those who suffer to health, to bring the healing ministry of the Church to bear wherever possible, and to protect all diocesan and parish personnel from reckless and false accusations. The Diocese will reach out to those who have been abused by providing counseling, spiritual assistance, support groups, and other social services.

This Policy has been drafted in accordance with the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons approved by the United States Conference of Catholic Bishops ("USCCB") on November 13, 2002, which received *recognitio* of the Apostolic See on December 8, 2002. This Policy is also based on the Charter for the Protection of Children and Young People, promulgated by the USCCB in connection with the Norms. In accordance with the foregoing, and with Michigan law, "sexual abuse" shall mean sexual intercourse or other sexual penetration of any part of the victim's or actor's body, intentional touching of the victim's or actor's intimate body parts, or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate body parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner, where the victim is under the age of eighteen. (Cf., MCL 750.520a.) "Sexual abuse" shall also mean the creation, acquisition, possession, or distribution by a priest or deacon of pornographic images of minors for purposes of sexual gratification, by whatever means or using whatever technology. For purposes of this Policy, a "minor" is any person under age 18, as well as a person who lacks the use of reason and is thus equivalent to a minor.

II. ESTABLISHMENT OF A REVIEW BOARD

- A. The Diocese will create and maintain a confidential, consultative body (the "Review Board") whose functions shall include:
 - 1. advising the Bishop in his assessment of allegations of sexual abuse of minors by priests or deacons and in his determination of suitability for ministry;
 - 2. reviewing (at least every two years) the Diocese's policies for dealing with sexual abuse of minors, and recommending to the Bishop any modifications, if appropriate; and
 - 3. offering advice on all aspects of these cases, whether retrospectively or prospectively.
- B. The Bishop will establish the Review Board, and it will be comprised of at least five persons, all of outstanding integrity and good judgment. The majority of the Review Board members will be lay persons who are not in the employ of the Diocese. At least one member will be a priest, and at least one member will have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for terms of five years, which can be renewed. The Promoter of Justice may participate in meetings of the Review Board.

III. DESIGNATION OF AN ASSISTANCE COORDINATOR

- A. The Diocese will designate a competent person to coordinate assistance (the "Coordinator") for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.
- B. The Coordinator shall develop and coordinate an outreach to every person who has been the victim of sexual abuse as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services. The Diocese will cooperate with social service agencies and churches to foster and encourage support groups for victims/survivors and others affected by abuse in the Diocese and in local parish communities.

IV. INITIAL RESPONSE TO COMPLAINTS AND ALLEGATIONS

- A. All Diocesan personnel required by Michigan law to report the sexual abuse of a person who is a minor shall do so according to law. (See Appendix A.) All other Diocesan personnel who suspect sexual abuse of a minor by a priest or deacon shall contact the Victim Assistance Coordinator.
- B. Every allegation shall be reported promptly to the Victim Assistance Coordinator. The Victim Assistance Coordinator shall record details as known, including the identity and means of contacting the person making the complaint or allegation. The Coordinator shall forward the report to the Vicar General or his designee.

- C. In every instance, the Vicar General or his designee will advise the person making the complaint or allegation (or his or her representative or guardian) of their right to make a report to public authorities and will support this right. The Diocese will also inform the person that the Diocese has a procedure to be followed in such situations, and will provide the person with a copy of this Policy and the procedures for making a complaint.
- D. The Vicar General or his designee shall report all allegations of sexual abuse of a minor to public authorities, and the Diocese shall thereafter cooperate in any public investigation in accord with the law.
- E. The accused shall be promptly advised of the allegation, as well as of his civil and canonical rights. At all times, the Bishop has the executive power of governance to take temporary measures regarding the accused's exercise of priestly ministry, in accord with canonical procedures.
- F. The procedures for those making a complaint will be readily available in printed form and will be the subject of periodic public announcements. (See Appendix B.)

V. THE INVESTIGATION OF COMPLAINTS AND ALLEGATIONS

- A. After receiving an allegation of sexual abuse of a minor by a priest or deacon, the Vicar General, or his designee, will present the complaint or allegation to the Bishop (except in any case where an allegation is against the Bishop) and the Review Board for a preliminary investigation in harmony with canon law. (See, e.g., CIC, cc. 1558-1571.) The investigation will be initiated and conducted promptly and objectively. All appropriate steps shall be taken to protect the reputation of the accused during the investigation, and the Diocese shall not make a public announcement (1) naming an accused and saying that he has been accused of sexual misconduct or (2) disclosing findings issued by the Review Board. (See CIC, c. 1717.) In a case where the accuser has made his or her accusation public, the Diocese should simply confirm that the accusation has been received, that it has been reported to the public authorities, and that it is being investigated. The Diocese should also point out that "all persons are presumed innocent unless and until guilt is either admitted or determined in accordance with the requirements of the law governing their position." (Australian Catholic Bishops Conference, *Towards Healing*, No. 26.) The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation.
- B. If the Bishop, in consultation with the Review Board, determines an accusation to be unfounded, the preliminary investigation shall be concluded as quickly as possible. The Bishop will recommend pastoral care for the accused as judged appropriate. (See CIC, c. 1348.) The Bishop and/or the Review Board will prepare a written report that will be

communicated to the alleged victim, the accused, and the Diocese's legal counsel. Every reasonable step will be taken to restore the good name of the person falsely accused.

- C. The Bishop, in consultation with the Review Board, will retain the discretion in unfounded or unsubstantiated cases to offer care and assistance to those affected.
- D. Where there is sufficient evidence that sexual abuse of a minor has occurred (i.e., "probable cause"), the Bishop and/or the Review Board will prepare a written report, and the Bishop or his designee shall notify the Dicastery for the Doctrine of the Faith, which will ultimately decide whether to process the case itself or remand the case to the local Diocesan Tribunal for disposition. The fact of this notification shall be communicated to the person alleged to have been abused (or his or her representative or guardian). The Bishop shall then apply the precautionary measures mentioned in CIC, canon 1722, i.e., remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and to the accused, so long as this does not interfere with any investigation by civil authorities.
- E. Where even a single act of sexual abuse of a minor by a priest or deacon, past, present, or future, is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants. (CIC, c. 1395 § 2.)

In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered. If the case would otherwise be barred by prescriptions, because sexual abuse of a minor is a grave offense, the Bishop shall apply to the Dicastery for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons.

1. The accused will be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese will supply canonical counsel to a priest. The provisions of CIC, canon 1722, shall be implemented during the pendency of the penal process.
2. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.
3. The Vicar General or his designee will report the results of the process to the person abused (or his or her representative or guardian), parish leadership (where applicable), and a religious order superior (where applicable).
4. The Vicar General or his designee will authorize appropriate assistance (including, for

example, pastoral and professional care) to the abused person, his or her family, the affected community, and the offender, in consultation with the Review Board.

- F. If the accused is acquitted of the charge, or when no penalty is otherwise imposed on the accused, the Bishop can provide for the public good and for the accused's own good by means of appropriate admonitions and other ways of pastoral care or even through penal remedies, if the matter warrants it. (CIC, c. 1348; *cf.* cc. 1339-1340.)
- G. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.
- H. An offending priest or deacon will be offered professional assistance for his healing and well-being, as well as for the purpose of prevention.
- I. The Diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the abused person and noted in the text of the agreement. However, all matters brought to the attention of the Coordinator and/or the Review Board shall be considered confidential except as required by law or by this policy.


VI. PREVENTIVE MEASURES

- A. The Bishop will establish clear and well-publicized standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people. Programs in keeping with the recent Conference document *Basic Plan for the Ongoing Formation of Priests* (2001) will also be offered so as to assist priests in the living out of their vocations.
- B. The Diocese, through its Office of Communications, shall reflect a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Diocese will deal as openly as possible with members of the community.
- C. In cooperation with parents, civil authorities, educators, and community organizations, the Bishop will establish a Safe Environment Program to provide education and training for children, youth, parents, ministers, educators, and others about ways to create and maintain a safe environment for children. The Bishop will also make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regards to sexual abuse.
- D. The Diocese will evaluate the background of all diocesan and parish personnel who have regular contact with minors. Specifically, the Diocese will use the resources of law enforcement and other community agencies. Any employee or volunteer convicted of an offense listed in Appendix C shall be ineligible for any work/ministry with minors. The

Diocese will also use adequate screening and evaluative techniques in deciding the fitness of candidates for ordination.

- E. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese or religious province. Before a priest or deacon can be transferred for residence to another diocese or religious province, the Bishop shall forward, in a confidential manner, to the local bishop and religious ordinary (if applicable) of the proposed place of residence, all information concerning any act of sexual abuse of a minor and any other information indicating that the priest or deacon has been or may be a danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life. When receiving a priest or deacon from outside his jurisdiction, the Bishop will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

APPROVED – June 24, 2022



Most Rev. David J. Walkowiak
Bishop of Grand Rapids

This *Policy on the Sexual Abuse of Minors* supersedes and replaces previous revisions of this policy. A copy of this policy has been filed with the United States Conference of Catholic Bishops. Copies of any future revisions or amendments will be filed with the United States Conference of Catholic Bishops within three months of such revision or amendment.

APPENDIX A

CHILD PROTECTION LAW (MCLA 722.621 *et seq.*)

- A. Act requires reporting of "child abuse" and "neglect" by "certain persons"
- B. Permits reporting of abuse and neglect by all persons
- C. Who must report?
 - Physician
 - Dentist
 - Physician's assistant
 - Registered dental hygienist Medical examiner
 - Nurse
 - A person licensed to provide emergency medical care Audiologist Psychologist
 - Marriage and family therapist Licensed professional counselor Certified social worker
 - Social worker
 - Social work technician
 - School administrator
 - School counselor
 - Teacher
 - Law enforcement officer
 - Member of the clergy
 - Regulated child care provider
- D. When
When any of the above has "reasonable cause to suspect child abuse or neglect."
- E. Time for reporting
"Immediately" by telephone or otherwise, and in writing within 72 hours after making an oral report.
- F. To whom should report be made?
Family Independence Agency - County Office and to "Person in Charge" of hospital, agency, or school.
- G. How to report
By telephone or orally immediately followed by written report within 72 hrs. after making oral report.
- H. Content of written report
Name of child and description of abuse or neglect. If possible the name and address of parents, guardian (if any), persons with whom the child resides and child's age. Cause of abuse or neglect, if available, the manner of abuse or neglect.
- I. "Child" - Person under 18 years of age.
- J. "Neglect" - includes failure to provide adequate food, clothing, shelter or medical care.

- K. "Child abuse" - harm or threatened harm to a child's health or welfare by a parent, a legal guardian, or any other person responsible for the child's health or welfare, or by a teacher or teacher's aide, that occurs through non-accidental physical or mental injury; sexual abuse; sexual exploitation, including allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a sexual act; or maltreatment.
- L. Liability for reporting Identity - confidential Immune from civil or criminal liability - if acting in good faith, which is presumed.
- M. Written reports filed -confidential - available only to police, physician, court, etc.
- N. Rights of accused
To expunge, alter records, etc. if mistake made, i.e., "no relevant and accurate evidence of abuse or neglect is found to exist."
- O. Duty to cooperate
"Schools and other institution shall cooperate with the Department during an investigation including: Allowing access to child without parental consent. But parents shall be notified of contact - no strip searches - without court order.
- P. Abrogation of privilege
Any legally recognized privileged communication except that between attorney and client or that made to a member of the clergy in his or her professional character in a confession or similarly confidential communication is abrogated and shall not constitute grounds for excusing a report otherwise required to be made. A member of the clergy is not relieved from reporting suspected child abuse or child neglect if that member of the clergy receives information concerning suspected child abuse or child neglect while acting in any other capacity under letter C., above.
- Q. Penalties for failure to report
- Civil - liable for damages proximately caused by failure to report
 - Criminal - misdemeanor

APPENDIX B

The Roman Catholic Diocese of Grand Rapids has a policy regarding reporting and dealing with sexual abuse of minors. Any person having reasonable cause to suspect sexual abuse of a minor by a member of the clergy (bishop, priest or deacon) or by any person acting under the authority or apparent authority of the Church is urged to **contact the Victim Assistance Coordinator at (616) 840-2079:**

**Diocese of Grand Rapids
Cathedral Square Center
360 Division Avenue S.
Grand Rapids, MI 49503**

Individuals who believe they were sexually abused as a minor by a priest or deacon are urged to follow the same reporting procedure. The report should include details of the suspected abuse, such as the name of the minor, the name of the abuser, names of witnesses or potential witnesses, date and place of the occurrence and any other relevant information. As an alternative, a report may be made to the Department of Human Services for the applicable county.

Certain people, such as priests, doctors, teachers and nurses, are required by law to report suspected abuse of minors directly to their respective Department of Human Services, as well as to the person in charge of the relevant parish, hospital, agency or school. The procedure outlined above is not intended as a substitute for the obligations of those individuals.

Please help your Church deal with suspected abuse situations by cooperating to the fullest extent possible.

APPENDIX C

List of Disqualifying Offenses

Following a review of a criminal background check, any employee or volunteer convicted of any of the below list of offenses shall not be employed or eligible to volunteer for any ministry involving minors:

Listed Offenses

- Accosting, enticing, or soliciting a child for immoral purposes
- Involvement in child sexually abusive activity or material
- A violation of any combination of engaging in obscene or indecent conduct in public, indecent exposure, or a local ordinance substantially corresponding to either offense
- First, second, third, or fourth degree Criminal Sexual Conduct
- Assault with intent to commit Criminal Sexual Conduct

- If the victim is less than 18 years of age, the crime of gross indecency (except for a juvenile disposition or adjudication), kidnapping, sodomy, or soliciting another for prostitution
 - Leading, enticing, or carrying away a child under 14 years of age
 - Pandering
 - Any other violation of a state law or local ordinance constituting a sexual offense against an individual less than 18 years of age
 - An offense committed by a sexually delinquent person
 - An attempt or conspiracy to commit one of the offenses listed above
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- Felonious assault on a child, child abuse in any degree, or an attempt to commit child abuse in any degree
 - Cruelty, torture, or indecent exposure involving a child
 - Delivery of a narcotic to a minor or student or within 1,000 feet of school property (333.7410)
 - Breaking and entering (750.115)
 - Knowingly allowing a minor to consume or possess alcohol or a controlled substance at a social gathering (750.141a)
 - Accosting, enticing, or soliciting a child for an immoral purpose (750.145a)
 - Larceny from a vacant dwelling (750.359)
 - Assault; assault and battery (750.81)
 - Assault; infliction of serious injury (750.81a)
 - Selling or furnishing alcoholic liquor to a person less than 21 years of age (436.33)
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- Manufacturing/delivering controlled substance (7401(2)(a)(i))
 - Possession of a controlled substance (7403(2)(a)(i))
 - Recruiting, inducing, soliciting or coercing minor to commit a felony (333.7416)
 - Assault with intent to commit murder (750.83)
 - Assault with intent to rob and steal armed (750.89)
 - Attempt to murder (750.91)
 - First degree murder (750.316)
 - Second degree murder (750.317)
 - Armed robbery aggravated assault (750.529)
 - Misdemeanor-Delivery of a narcotic to a minor or student or within 1,000 feet of school property (333.7410)

Other offenses not listed here may, at the Pastor, Principal, or administrator's discretion, also disqualify an individual from working with minors.