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# Child Abuse Policy

*"It is the policy of the Diocese of Salt Lake City that child abuse, including sexual misconduct, by persons employed by or volunteering services to the diocese is contrary to Christian principles and will not be tolerated. All personnel of the diocese must comply with applicable state and local laws regarding incidents of actual or suspected child abuse, including sexual misconduct, and with the procedures outlined" in a new policy on child abuse covering all diocesan employees and volunteers, including priests and religious. The policy was released by Salt Lake City Bishop William Weigand May 14. It outlines procedures to educate clergy, religious, administrators, staff and volunteers of the diocese "so that they will be acquainted with the policy and its requirements," defines actions to be taken "when any complaint or allegation of child abuse is received" and ensures "prompt pastoral response in the event of an allegation or complaint against an employee or volunteer of the diocese." Child abuse is defined in the policy as conduct which causes "harm or threatened harm to a child's health or welfare, to include damage to the physical or emotional/psychological health and welfare of a child resulting from non-accidental physical or mental injury, incest, sexual abuse, sexual exploitation, molestation or repeated negligent treatment or maltreatment." The policy statement follows, excepting the appendices.*

Consistent with the teaching and example of Jesus, the church is concerned with the well-being of all people, but she has a special concern for those who are most vulnerable and cannot fully care for themselves.

In recent years there has been an increase in reported cases of child abuse. The lasting impact of such incidents on both victims and accused is a profound tragedy for both church and society. In an all-too-often violent world, we wish to prevent child abuse — physical, psychological and sexual.

The church must speak out and take action against child abuse. Unfortunately, there are times when the offender may be a representative of the church. Young people place in their church leaders a deep moral and sacred

trust. That trust must never be violated by any person employed by or volunteering services to the church. Betrayal of that trust must be dealt with legally and in a swift and compassionate manner for all concerned.

If incidents do occur, the procedures which follow provide a pastoral course of action which will bring the healing ministry of the church to bear wherever possible.

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"Young people place in their church leaders a deep moral and sacred trust. That trust must never be violated by any person employed by or volunteering services in the church."

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## I. Policy

It is the policy of the Diocese of Salt Lake City that child abuse, including sexual misconduct, by persons employed by or volunteering services to the diocese is contrary to Christian principles and will not be tolerated. All personnel of the diocese must comply with applicable state and local laws (cf. Appendix II) regarding incidents of actual or suspected child abuse, including sexual misconduct, and with the procedures outlined in this document.

### Definition of Terms:

*Child:* any person under 18 years of age.

*Child abuse:* causing harm or threatened harm to a child's health or welfare, to include damage to the physical or emotional/psychological health and welfare of a child resulting from non-accidental physical or mental injury, incest, sexual abuse, sexual exploitation, molestation or repeated negligent treatment or maltreatment.

*Sexual misconduct:* any sexual conduct of any person while performing the work of the diocese which:

- a) Is contrary to the moral instructions, doctrines or canon law of the Catholic Church; and
- b) Causes injury to another; and
- c) Is unlawful.

*Personnel:* includes all personnel of the diocese including lay employees, volunteers, clergy and religious men and women working in the diocese.

## II. Promulgation

A. All priests, parish administrators, principals and directors of all diocesan agencies and programs will receive a copy of this policy. A copy will also be sent to all major superiors of religious congregations serving in the diocese and to all theological students of the diocese.

B. Educational presentations on child abuse and this policy will be given as follows:

1. The policy will be presented to clergy and religious brothers at a convocation which will include the implications of canon law.

2. To assist parish administrators in the promulgation and implementation of this policy, each deanery will sponsor a workshop for parish personnel and appropriate parish volunteers (e.g., religious educators and youth ministers).

3. A separate presentation will be provided for both permanent deacons as well as members of the sisters' council.

4. A presentation will take place in each of the following major diocesan institutions:

- a) The diocesan pastoral center.
- b) Catholic community services.
- c) Catholic schools.

5. A video presentation of this in-service presentation will be available through the vicar general's office.

6. All new personnel employed by the diocese and its institutions will be made familiar with this policy during their orientation. The video presentation is to be viewed by all new personnel before completion of the probationary period.

C. This policy will be updated and reviewed biennially by the priests' senate.

## III. Program

A. The Diocese of Salt Lake City establishes these procedures for the following reasons:

1. To educate clergy, religious, administrators, staff and volunteers of the diocese and its parishes, institutions and entities so that they will be acquainted with the policy and its requirements.

2. To define the actions to be

taken when any complaint or allegation of child abuse is received.

3. To ensure a prompt pastoral response in the event of an allegation or complaint against an employee or volunteer of the diocese.

B. The Diocese of Salt Lake City establishes an assessment team which:

1. Will assist the bishop's delegate in conjunction with the Utah Division of Family Services and/or local police officers in the assessment of complaints or allegations of child abuse made against anyone who either is employed by or volunteers services to the parishes, institutions and agencies of the diocese.

2. Will consist of a religious woman, a priest, a therapist, a medical doctor and an attorney who are professionally trained and knowledgeable in the subject of child abuse.

#### IV. Response to Complaints and Allegations

A. Any clergy, religious, administrator, staff person or volunteer of the diocese receiving a complaint or allegation of child abuse or neglect must:

1. Inform the person reporting the complaint or allegation that the diocese has both a policy and procedure to be followed in this matter and that the procedure will now be activated.

2. Strictly adhere to the provisions of the Utah Child Abuse Reporting Act (cf. Appendix II) by calling the Division of Family Services (cf. Appendix I) and reporting the nature and details of the complaint immediately upon having reason to believe that a child has been subjected to a reportable act or circumstance.

3. If diocesan personnel are involved, report the matter immediately to the bishop or his delegate providing details as known, including the identity and means of contacting the person reporting the complaint or allegation.

B. The investigation of complaints and allegations against diocesan personnel is conducted by the bishop's delegate.

1. Contact with the individual reporting the complaint or allegation will be made by the bishop's delegate with the assistance of one member of the assessment team. The bishop's delegate shall contact the assessment team and work in collaboration with it. The assessment and evaluation of the complaint will be made in conjunction with the Division of Family Services and, if involved, local law enforcement officers. The bishop's delegate will complete an initial report.

2. The bishop's delegate, in conjunction with the assessment team and the Division of Family Services, will make a preliminary assessment within 48 hours to determine if the complaint or allegation is either unfounded or well

founded.

a) If after the preliminary assessment the bishop's delegate and team judge the accusation to be unfounded, they will bring their work to conclusion as quickly as possible and make whatever recommendations for pastoral care judged appropriate.

b) If the assessment team, in collaboration with the bishop's delegate, judges the accusation to be well founded, the bishop's delegate will:

(1) Bring the assessment process to conclusion with all possible speed. A written report for the bishop should be prepared within 24 hours of conclusion, which will include the recommendations of the assessment team to the bishop concerning interim assistance to the alleged victim, the alleged victim's family, the community and the accused.

(2) Safeguard the confidential integrity of all the activities, proceedings and files.

c) The bishop may brief the director of communications, religious order superior if appropriate and the Division of Family Services as he deems necessary.

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"Attention to proper diet and adequate exercise, reduction of stress, appropriate leisure activities, regular prayer life and spiritual direction, healthy friendships and social interaction are all important dimensions of a balanced lifestyle."

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#### V. Steps to be taken if a well-founded accusation is against a layperson, a religious brother or a religious woman either employed by or volunteering services to the Diocese of Salt Lake City.

A. Having received the report of the assessment team of a well-founded accusation, the bishop or his delegate will instruct the chief administrator who has authority over the accused to place the accused person immediately on administrative leave or suspend the services of the volunteer.

B. The chief administrator will advise the accused of his/her right to obtain legal counsel of his/her own choosing. The lawyer for the diocese cannot represent or advise the accused nor will the diocese provide a lawyer for the accused, due to potential conflict of interest and possible criminal charges.

C. The bishop's delegate will inform diocesan legal counsel and the diocesan insurance carrier.

D. If the accused is a religious, the major superior is to be notified by the bishop's delegate immediately and

apprised of the complaint, the report and recommendations of the assessment team, and diocesan policy and procedures.

E. The assessment team will reconvene upon resolution of the case to make recommendations concerning the continued employment of the employee. Their consultation prior to making recommendations will include discussions with appropriate chief administrators (e.g., superintendent of schools). Based on these recommendations the diocese may choose to place the employee on probationary status, which may include a change of assignment, ongoing treatment and periodic evaluation. If the employee refuses to cooperate with the assessment team in its evaluation, or if the evaluation indicates a real and present danger or if there is a conviction, the employee is to be terminated immediately.

#### VI. Steps to be taken if a well-founded accusation is against a priest or deacon.

A. Having received the report of the assessment team of a well-founded accusation, the bishop or his delegate will:

1. Decree an immediate administrative leave for the priest or deacon and remove any faculties that may have been granted pending a resolution of the complaint.

2. If the accused is a religious, the bishop or his delegate will immediately contact the major religious superior to apprise him of the complaint, the report and recommendations of the assessment team, and explain diocesan policy and procedures.

3. Move the accused to a temporary residence within the diocese where access to other potential victims is eliminated.

4. If the accused is from the diocese, arrange for appropriate evaluations from the medical, psychological and spiritual perspectives, including evaluation for substance abuse.

5. Consult with the diocesan lawyer, insurance carrier and canonical authority so that civil and canonical questions may be addressed.

6. Advise the accused priest or deacon of his right to retain legal counsel of his own choosing and request his cooperation in the investigation of the accusation (Note: Diocesan legal counsel cannot represent or advise the accused due to potential conflict of interest and possible criminal charges).

B. If a diocesan priest or deacon refuses the professional evaluation, or the professional evaluation indicates a real and present danger or he is convicted, the bishop will meet with him and inform him of his rights, including the right to apply for laicization and also the right of the diocese to proceed with a canonical trial, which can result in canonical consequences up to and including laicization.

## VII. Public Communications and Media

The director of the Diocesan Department of Communications will:

1. Provide assistance to the bishop's delegate and assessment team concerning public communications as needed.

2. Be responsible for all communications from the diocese to the media.

## VIII. Follow-up Care

A. The Diocese of Salt Lake City, through the bishop's delegate, will offer pastoral and professional care, both immediate and ongoing, to the alleged victim and/or family.

B. The Diocese of Salt Lake City may require ongoing treatment and evaluation for the accused.

## IX. Prevention

A. Every effort should be made to maintain a healthy and faith-filled

lifestyle. Attention to proper diet and adequate exercise, reduction of stress, appropriate leisure activities, regular prayer life and spiritual direction, healthy friendships and social interaction are all important dimensions of a balanced lifestyle.

B. All church personnel (clergy, religious and lay) need to be aware of the risks of involvement in activities with minors which might result in isolation from others or overnight stays with minors in the absence of other supervising adults. Such circumstances should be avoided insofar as possible.

### C. Clergy and Religious:

1. All clergy and religious seeking employment and/or faculties for service in the diocese will be screened for prior incidents of child abuse through their superior or diocesan bishop.

2. Candidates for the seminary shall be screened by the director of vocations for any family history of child

abuse or for prior convictions for child abuse.

### D. Schools/Youth Employees

1. All new employees in Catholic schools, day-care centers and religious education and youth programs are to be screened for prior convictions in child abuse (cf. Appendix I).

2. Hall, bathroom and playground monitors will be utilized at all schools and day-care centers, religious education and youth centers.

3. Principals and program directors are to make provision to spotcheck these areas and classrooms.

4. Catholic school and religious education curricula will include education of parents and children about child abuse including sexual abuse.

5. Parishes are encouraged to include courses and adult educational opportunities in parenting skills for their parishioners. ☒