

**As Adopted -- July 2003 and Updated -- June 2006 – July 2014**

**ARCHDIOCESAN POLICY AND PROCEDURES  
FOR REPORTING ALLEGATIONS OF SEXUAL ABUSE OF MINORS  
TO PUBLIC AUTHORITIES**

This relates solely to Archdiocesan policy and procedures for reporting abuse or neglect of minors in any situation in which a minor might currently be at risk of abuse or neglect, or in which there is the possibility of prosecution no matter how remote. The policy is based on our mandated reporting duties under California law and the long standing Archdiocesan commitment that its employees and officials fully comply with those responsibilities. Our elective reporting, which is broader than California law, arises from the Archdiocesan commitment, expressed in this policy, to cooperate with law enforcement authorities as required by the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (norm 11) and the *Charter for the Protection of Children and Young People* adopted by the United States Conference of Bishops in 2002 and updated in 2005 (“*Essential Norms*” and “*Charter*”).

Reports of child abuse or neglect of minors involve two distinct categories: (a) reports of abuse or neglect of a current minor; and (b) reports of past abuse or neglect of a minor who is now an adult.

**A. Mandatory Reporting**

It is the policy of the Archdiocese to cooperate fully with the mandatory reporting laws. All those designated as mandatory reporters shall make a report to a child protective agency or to the local police whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. To comply, the mandated reporter shall make a report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send a written report thereof, using the standard State form provided for mandatory reports, within 36 hours of receiving the information concerning the incident. When two or more mandated reporters have knowledge of a known or suspected instance of child abuse or neglect, they may elect one person to report. However, if the person designated fails to report, then the other person(s) is/are responsible for making the report.

The mandated reporter should also inform by telephone as soon as possible and send a copy of the written report to the Archdiocesan General Counsel’s Office at the Archdiocesan Catholic Center. As applicable, the General Counsel’s Office will advise the Assistance Ministry, the Vicar for Clergy and Clergy Misconduct Oversight Board, the Vicar for Women Religious, the Department of Catholic Schools, the Office of Human Resources, or other Archdiocesan Agencies.



## B. Reporting - When The Victim Is No Longer A Minor Or No Child Is Currently In Danger

In addition to the mandated reporting, subject to certain exceptions, it is the policy of the Archdiocese to make a report to law enforcement of child abuse or neglect of a minor even when the purported victim is now an adult or no child is currently in danger.

When any person working in an Archdiocesan ministry (e.g., a priest, administrative person, Assistance Ministry Coordinator, Vicar for Clergy, etc.) receives a complaint in a situation regarding past abuse where the victim is no longer a minor, the party receiving the report will inform the person lodging the complaint of his or her right to make a personal report to the appropriate law enforcement agency. The person lodging the complaint will also be informed that the information he or she provides may be forwarded to law enforcement by the Archdiocese.

The person receiving the complaint shall forward that complaint immediately to the General Counsel. If the report involves a priest, deacon or a member of a religious institute, a report also shall be forwarded to either the Vicar for Clergy and the Clergy Misconduct Oversight Board or to the Vicar for Women Religious, as the case may be. A report will be made to law enforcement when the General Counsel finds that the information creates a reasonable suspicion that the abuse occurred.

The General Counsel will prepare the report *When The Victim Is No Longer A Minor Or No Child Is Currently In Danger*, Exhibit A, and will fax it to the appropriate law enforcement agency in accordance with the agreements that have been or will be reached with the civil authorities of the three counties within the Archdiocese.

When the alleged perpetrator is a cleric and is not now, and was not at the time of the abuse, either incardinated or serving in the Archdiocese of Los Angeles, and when the misconduct purportedly occurred outside the Archdiocese, the Vicar for Clergy will forward the report to the arch/diocese where the abuse allegedly occurred so that the appropriate official of that arch/diocese can make a report in accord with their policies and the applicable civil law of that jurisdiction. In all cases where the person accused is a member of a religious institute (priest, deacon, or brother), the Vicar for Clergy will forward all reports of child abuse or neglect to the religious superior of that cleric. If the person accused is a woman religious, the Vicar for Women Religious will inform the appropriate religious superior. In doing so, the Vicar for Clergy or Vicar for Women Religious will also inform the superior whether or not a report has been made to civil authorities in accord with the provisions of this policy.

When the alleged perpetrator is a lay person and the report alleges that the child abuse or neglect occurred outside the Archdiocese but arose out of a relationship, no matter how attenuated, to any activities or duties of the lay person in the service of the Church or any of its ministries, the General Counsel will forward the report to law enforcement in the jurisdiction where the abuse allegedly occurred.



Reports in the following categories may be forwarded to law enforcement either (a) after being presented to the Clergy Misconduct Oversight Board and the Vicar for Clergy for their review and recommendation involving alleged perpetrators who are priests, deacons or clergy who are members of religious communities, or (b) after being presented to the General Counsel for review and recommendation involving alleged perpetrators who are lay persons:

1. Reports from an anonymous reporter;
2. Reports from a person other than the victim;
3. Reports that have incomplete or clearly erroneous information, such as, the priest was not assigned to the parish when the abuse occurred, the priest's name is not known, the partial name of the priest provided does not match any priest within the parish or church ministry, or the name of the priest is unknown to the Archdiocese;
4. Reports from persons of potentially suspect credibility, such as a person recently discharged from employment by the alleged perpetrator.

The Archdiocese may conduct an investigation based upon the initial report before submitting any report to law enforcement. In making their recommendations to the Archbishop whether to report, the Board, Vicar for Clergy, or General Counsel, as the case may be, will consider all of the available information including the results of any investigation and will evaluate the irremediable damage to the reputation of the accused person against an evaluation of whether the information creates a reasonable suspicion that the abuse occurred and is capable of being acted upon by law enforcement. The Archbishop will receive the recommendations of the Board, the Vicar for Clergy and/or the General Counsel (depending upon the category of alleged perpetrator) and should reasonable suspicion be identified a referral will be made to law enforcement.

A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to the mandatory or elective reporting. For purposes of this exception, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of the Roman Catholic Church, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of the Roman Catholic Church has a duty to keep those communications secret.

The General Counsel's Office will maintain a copy of all reports in its legal files. The Assistance Ministry will maintain a copy of such reports in each victim's file. The Vicar for Clergy will maintain a copy of such reports in the priest or deacon's confidential clergy file and the Clergy Misconduct Oversight Board in its confidential files.

