

ARCHDIOCESAN POLICY for ADDRESSING ALLEGATIONS of SEXUAL ABUSE or MISCONDUCT by CLERGY in the ARCHDIOCESE

I. INTRODUCTION

Scope and Sources of Policy:

This policy concerns sexual abuse or misconduct perpetrated by clergy,¹ whether incardinated in the Archdiocese or serving here while incardinated in another diocese or religious order or community. Similar policies of the Archdiocese govern sexual abuse by lay persons serving in ministerial or other capacities.

Any misconduct of a sexual nature with a minor is always sexual abuse. When adults are involved, sexual abuse occurs when the adult victim is considered to be a vulnerable person, when the cleric takes sexual advantage of another adult, when the cleric engages intentionally in sexual contact of any kind in the context of providing pastoral care, or when the cleric is guilty of sexual harassment, such as unwanted sexual advances or suggestions. Sexual abuse by a cleric is serious enough that it is generally considered to be delictive² behavior in canon law as well as either criminal or tortious behavior in civil law.

This policy also addresses sexual misconduct on the part of a cleric that violates his commitment to celibacy or of a married deacon that violates his commitment to chastity in matrimony if none of the conditions for an abusive relationship is present.³ Whether or not a relationship is abusive can be unclear. It can also be that an offending cleric needs assistance to understand how his conduct may be perceived by others and to correct behavior that is unintentional or misconstrued. If there has been any scandal created, it must be repaired and justice restored for both the cleric and those impacted (can. 1341).

The Archdiocese of Los Angeles recognizes that sexual abuse or misconduct by clergy, by violating the God-given human dignity of the person harmed, is a severe betrayal of the pastoral relationship. It is seriously sinful and has lasting consequences for the victim and his or her family, for the Church community at large, and for the priest or deacon involved.

¹ The term “clergy” includes bishops, priests and deacons. References to priests and deacons in this policy shall also refer to bishops unless the contrary is clear from the context or is specifically stated. While bishops are held to the same exacting moral standards as other members of the clergy, the process for investigating a complaint against a bishop and any subsequent discipline is carried out under the direction of the Apostolic See rather than by the Archbishop or the Archdiocese.

² In canon law a delict is an offense against the Church’s faith or order serious enough to warrant a penalty.

³ Even when the misconduct does not meet the criteria of abusive conduct, the Archbishop has the canonical duty to issue norms and pass judgment in cases of violation of the moral and canonical obligations of celibacy and chastity (canon 277 §3).



The sexual abuse of a minor is particularly egregious, and has been the subject of recent documents of the Holy See and the United States Conference of Catholic Bishops (USCCB). Insofar as this policy relates to the sexual abuse of a minor, its provisions reflect:

- 1) the Apostolic Letter *Sacramentorum sanctitatis tutela* with its accompanying Norms governing the *graviora delicta* (John Paul II, 30 April 2001; revised, Benedict XVI, 21 May 2010);
- 2) the *Charter for the Protection of Children and Young People* (USCCB, June 2002; revised June 2011);
- 3) the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (USCCB November 2002; with approval by the Congregation for Bishops 8 December 2002, became particular law for the dioceses of the United States; revised edition effective 15 May 2006); and
- 4) the applicable provisions of the Code of Canon Law.

While sexual abuse of minors has been the focus of great attention, the Archdiocese of Los Angeles has long emphasized the seriousness of any form of sexual abuse or misconduct. Therefore, this policy governs all forms of sexual misconduct by clergy, whether the person harmed is a minor or an adult. While the specific provisions of the *Charter* and *Essential Norms* apply only to the abuse of a minor or vulnerable adult, many of those provisions proclaim foundational principles that are also applicable to situations of sexual misconduct with adults.

The goal of the Archdiocese of Los Angeles is to provide a safe environment for children, young people and adults in all Church ministries, to prevent sexual misconduct, and to deal with complaints of abuse or misconduct compassionately, justly and as promptly as possible. To that end, the Archdiocese of Los Angeles established specific policies in this area in 1987 and has regularly refined and strengthened those policies in subsequent years. This revised policy governing sexual abuse or misconduct by clergy continues that development and has been issued by the Archbishop effective July 1, 2015, to update the policy previously adopted in September 2003.

II. PRINCIPLES AND EXPECTATIONS

In accepting candidates for ordination and for incardination, and accepting already ordained clerics for ministry, in the Archdiocese of Los Angeles, the Archbishop relies on the attestation of those responsible for knowing their suitability that these men are worthy of being entrusted with pastoral care of the People of God. Should a cleric's conduct raise questions about his suitability, the matter will be investigated and corrective action, if needed, will be taken.



Sexual abuse by clergy will not be tolerated. In dealing with issues of sexual abuse involving clergy, the Archdiocese will:

- treat all allegations of sexual abuse seriously (see *Charter*, article 5) and never deal with a problem of sexual abuse on the part of a priest or deacon by simply moving him to another ministerial assignment (see *Charter*, article 14; *Essential Norms*, norms 8 and 12);
- respect the rights of all involved, both persons claiming to have been mistreated and clerics who are accused (see *Charter*, article 5; *Essential Norms*, norms 13, 6, 8, and letter of Cardinal Re granting *recognitio* dated December 8, 2002);
- extend the ministry of the Church to ensure that those who have been victimized will be assisted through their trauma and suffering toward genuine healing as well as to ensure that members of the clergy who have been accused are held responsible for their actions, including through the exclusion from further ministry, but are provided the assistance and support they need to address their actions (see *Charter*, article 1);
- educate clergy and people about the problem of sexual abuse (see *Charter* article 12);
- continue to utilize and enhance previously implemented screening procedures and educational policies on this subject for those training for the ordained ministry (see *Charter*, articles 13, 17);
- cooperate fully with civil law enforcement that may be prosecuting misconduct or abuse and comply fully with reporting procedures governing sexual abuse (see *Charter*, article 4; *Essential Norms*, norm 11).⁴

In situations involving accusations of sexual abuse by a priest or deacon, the Archbishop is the shepherd and advocate of all parties. He must seek the good of all. This good involves providing a full and fair hearing both for those who complain of abuse and for clergy accused of such abuse. The good of all demands that the Archbishop appoint to function or allow to remain in ministry only clergy he is confident will minister properly and will not sexually abuse those to whom they minister. It also demands that clergy be protected against false accusations of sexual abuse and misconduct.

The Archdiocese acts with the conviction that a true solution to situations involving sexual abuse requires helping victims of abuse find healing, providing assistance to those who commit abuse, and ensuring that priests and deacons in ministry will not be a danger to minors or adults, including by removing from ministry or otherwise disciplining clergy who have been involved in misconduct (see *Charter*, articles 1, 2; *Essential Norms*, norm 3).

⁴ In addition to reports mandated by the law of the State of California, the Archdiocese has committed itself to a policy of reporting in cases beyond the mandate. The provisions of that policy can be found in Appendix 4 of the Archdiocesan *Clergy Policies and Guidelines*.



THE NATURE OF SEXUAL ABUSE AND OTHER SEXUAL MISCONDUCT

Sexual abuse of a minor⁵ or vulnerable adult⁶ is always seriously sinful, and is a crime both in ecclesiastical law and the laws of civil society. Sexual abuse of an adult is always sinful and a violation of the cleric's moral, ecclesial and ethical responsibilities; under certain circumstances such misconduct may also be an ecclesiastical crime (canons 1389 and 1395) and/or a civil crime under the laws of the state.

The operative definition of sexual abuse of a minor is stated in a note to Article One of the *Charter for the Protection of Children and Young People* (USCCB, revised, June 2011), incorporating the text of Article Six of *Sacramentorum sanctitatis tutela*, as follows:

- (1) 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.
- (2) The acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for the purpose of sexual gratification, by whatever means or using whatever technology.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith [CDF], dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the [Bishops’] 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. Thus, the delict reserved to the CDF regarding pornographic images of minors cuts off at age 14, whereas the U.S. bishops will use age 18 for the purposes of civil reporting and assessing suitability for ministry under the heading of child pornography.

The Preamble to the *Essential Norms* reiterates that sexual abuse of a minor shall include any offense by a cleric against the Sixth Commandment of the Decalogue. Note #2 adds:

⁵ A minor is any person below the age of eighteen (18). See the Holy See’s derogation of the provision of canon 1395, §2, dated November 30, 1993, as well as the Norms governing the *graviora delicta* of April 30, 2001.

⁶ The revised Article 6 §1 1° of *Normae de gravioribus delictis* specifies that “a person who habitually lacks the use of reason is to be considered equivalent to a minor.” The “brief introduction” to the revised norms states that one “who is developmentally disabled is equated to a minor” in this particular regard. In practical terms anyone who needs a legal guardian can be considered equivalent to a minor in the matter of sexual abuse of a minor (see canon 1478 §§1 and 4). An adult who is otherwise *sui compos* can also be regarded as emotionally vulnerable if he or she is in such a state as to be fragile or susceptible to manipulation. In this case sexual advances by a cleric would be a form of exploitation and hence abusive.



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.... 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.

Similarly, for a cleric to engage in behavior that is an “external, objectively grave violation of the sixth commandment of the Decalogue” with an adult in a ministerial context constitutes sexual abuse.⁷

Whether involving minors or adults, some behaviors may not rise to the level of sexual abuse but are nonetheless inappropriate, misleading, potentially scandalous, and may violate professional boundaries and Archdiocesan regulations. The Vicar for Clergy investigates reports of such “boundary violations” and intervenes as necessary to protect the sanctity of the ministerial relationship and to assure that the cleric will minister in a manner that is ethical and respectful of all persons. Such matters are reported to the Clergy Misconduct Oversight Board, as described below, and depending on the behavior, may be subject to a full review.

THE ROLE OF CLERGY MISCONDUCT OVERSIGHT BOARD

The Clergy Misconduct Oversight Board (CMOB) was established in the Archdiocese in June of 2002 as an independent, “confidential consultative body” to advise the Archbishop “in his assessment of allegations of sexual abuse of minors” that are lodged against the clergy “and in his determination of a cleric’s suitability for ministry” (*Charter*, article 2; also see *Essential Norms*, norms 4, 5). It is the successor to the Sexual Abuse Advisory Board that had been in place in the Archdiocese since 1994. The structure, role, membership, functions and procedures of CMOB are elaborated in its own Charter.

All complaints or other reports of alleged sexual abuse or misconduct by a priest or deacon, whether with minors or adults, are communicated to the Chair of the CMOB promptly after being received or referred to the Vicar for Clergy. CMOB makes recommendations to the Archbishop with regard to the investigation⁸ and disposition of individual cases as well as with regard to the policies and procedures of the Archdiocese.

⁷ While various canons may apply depending on the nature of the sexual misbehavior, the basic reason for the misbehavior constituting abuse is that it occurs in a ministerial context. This is a betrayal or abuse of one’s office as mentioned in canon 1389.

⁸ The CMOB Chair is kept informed of all preliminary investigations as described in the Section V on “Procedures.” Unless the names of those involved are already publicly known, the Chair presents a sanitized account of the canonical auditor’s findings that omits identifying information such as names of persons and places to the full CMOB membership for consideration and to make appropriate recommendations.



PROCEDURES FOR ADDRESSING ALLEGATIONS:

In dealing with accusations of sexual abuse involving clergy, the Archbishop or Vicar for Clergy will initiate the appropriate investigation in accord with the requirements of canons 1717-1719 of the *Code of Canon Law*, with the applicable provisions of the *Essential Norms* and with the provisions of this Archdiocesan policy (see *Essential Norms*, norm 6; *Charter*, articles 2, 5). The Vicar for Clergy will normally inform the accused cleric and the regional bishop or episcopal vicar of the facts of the allegation as soon as there is enough information to warrant a canonical investigation. If the nature of the allegation is such that there is reason to believe that a delay in notification is necessary to protect the course of justice for all involved, the cleric and the regional bishop or episcopal vicar will be notified as soon as the situation allows.

If a preliminary investigation is initiated and in other situations where a review of allegations is merited, the Archdiocese has a group of persons with professional law enforcement experience who serve as canonical auditors (delegates of the Archbishop) to assist in the investigation and fact-gathering concerning the matters being reviewed. The role of the canonical auditor managing the investigation is to search out the truth to ensure wise and responsible decisions that protect and foster the welfare of all the Christian faithful, lay and cleric. In investigating allegations of sexual abuse by clergy, the Vicar for Clergy, CMOB, the canonical auditors and other Archdiocesan staff work together to ensure that persons who complain of sexual abuse or misconduct receive a full and fair hearing (see *Essential Norms*, norms 6, 13; *Charter*, article 5).

When the alleged perpetrator is a cleric belonging to an institute of consecrated life or society of apostolic life or personal prelature, the chief responsibility for the investigation rests with the appropriate superior of that community. Allegations of sexual misconduct presented to the Archdiocese that involve such a cleric will be referred to the appropriate superior for investigation and appropriate action. The superior may choose to seek the assistance of the Vicar for Clergy and other Archdiocesan officials to handle tasks related to the investigation.

The Archdiocese will require a report of the findings of the investigation and any action taken in order to assist the Vicar for Clergy in making a determination of whether or not the Archdiocese will accept the priest or deacon for further assignment or extend faculties to him (see *Essential Norms*, norm 12, *Charter*, article 14). Depending on the nature and facts of the allegation, the Archdiocese may remove the cleric's faculties as a temporary measure during the course of an ensuing investigation. The regional bishop or episcopal vicar and the dean (vicar forane) will be advised when the cleric's faculties are removed or later terminated.

1. Situations in which Information Regarding Sexual Abuse Is Provided by the Priest or Deacon Himself

With due regard to the respect for the sanctity of one's conscience and the provisions of canon 1728 §2, priests or deacons who have engaged in sexual abuse are encouraged to bring this fact to the attention of the Archbishop or Vicar for Clergy. In an instance where a priest or deacon comes forward, the Archdiocese will immediately extend pastoral care to any known victims as well as to appropriate family members in the case of minors (see *Charter*, article 1). Appropriate reporting laws are followed (see *Essential*



Norms, norm 11; *Charter*, article 4). The Archdiocese will assist the offending cleric in seeking the help and support he needs.

Also, if a priest or deacon himself recognizes in himself a *tendency* toward sexual misconduct, use of pornography, or similar conduct, even if he has never acted on such tendencies, he is encouraged to bring this to the attention of the Archbishop or Vicar for Clergy so that he can be provided the assistance he needs to deal with those tendencies in constructive manner that assures the safety of all.

2. **Situations in which Clergy Are Accused of the Sexual Abuse of a Minor**

When a person comes forward to complain that a cleric has sexually abused a minor, the complaint will be treated seriously. The appropriate report is made to civil authorities in accord with State law and the policies of the Archdiocese. See Reporting Child and Youth Sexual Abuse: <http://handbook.la-archdiocese.org/chapter-9/section-9-8>. A pastoral outreach will be made to the person lodging the complaint through the office of Victims Assistance Ministry. The Archbishop and Vicar for Clergy will initiate a preliminary investigation as required by canons 1717-1719 (see *Essential Norms*, norms 6, 11 and 13; *Charter*, article 4). As appropriate, the cleric will be placed on administrative leave from ministry, pending the outcome of the investigation and any CMOB or other review.

As soon as reasonably possible, the canonical auditor will arrange to meet with the complainant, usually accompanied by the Coordinator for Victims Assistance Ministry. The Vicar for Clergy will notify the cleric of the complaint if he has not already done so unless the Vicar for Clergy, in consultation with the Archbishop, determines that a delay is needed because of law enforcement proceedings or other factors. If an auditor has already been appointed, the auditor may be present with the Vicar when he first meets with the cleric to present the details of the complaint and provide an opportunity for response; or the auditor may meet with the cleric subsequently as circumstances suggest. In either case the cleric will be encouraged to have canonical counsel accompany him at this meeting.

Unless further investigation is superfluous, it will unfold in accord with all relevant canons and in accord with the provisions of *Sacramentorum sanctitatis tutela* and the *Essential Norms*. As specified in the *Essential Norms*, the accused will be encouraged to retain canonical and civil counsel and will be informed of the results of the investigation. Reports on the progress of the investigation will be made to CMOB, which will offer its recommendations to the Archbishop with regard to further investigative steps and will provide an assessment of the results of the investigation. At the conclusion of the preliminary investigation, the Archbishop shall report to the CDF if it has been determined that the allegation possesses a semblance of truth.

If upon being presented with the allegation of misconduct involving a minor, vulnerable adult or pornography, as set forth in the Charter and Norms, the cleric admits to the truth of the allegation(s), he will be asked to submit a resignation from his ecclesiastical office



so that appropriate steps can be taken to protect the Christian community and to assist him with any underlying issues contributing to his misconduct.

For the protection of minors and the protection of the good name of the cleric, the Archdiocese discourages anonymous reports of sexual misconduct involving minors. Insofar as it is possible given the limited information, however, anonymous allegations involving alleged misconduct with minors are investigated.⁹

3. Situations in which Clergy Are Accused of Sexual Misconduct with an Adult

Unless clearly corroborated by other information, the Archdiocese normally does not investigate anonymous allegations of sexual misconduct involving adults, unless the allegation involves a vulnerable adult or a situation where the cleric is alleged to have taken sexual advantage of an adult, especially in the context of providing pastoral care. Such allegations, however, will be communicated to the cleric.

In all cases, complaints will be treated respectfully and a pastoral outreach will be made to the person lodging the complaint through the office of Victims Assistance Ministry. Civil reporting laws are followed and, when appropriate, the accused cleric may be placed on administrative leave from ministry, pending any investigation or determinations. The Vicar for Clergy with the assistance of a canonical auditor will investigate the complaint, as appropriate, in accord with appropriate canonical norms. The person making the complaint will be informed that he or she will be told what action the Archdiocese will take after the accused priest or deacon responds.

The Vicar for Clergy will then contact the accused priest or deacon to apprise him of the allegation of sexual abuse and schedule a meeting with him to review the entire matter and give him the opportunity to respond to the allegation. He will advise the priest or deacon that if he wishes to bring a friend or canonical advisor to the meeting, he may do so. At the meeting, the priest or deacon will be given the full report of the alleged abuse, as well as the name(s) of those making the complaint(s). He will be advised of his rights and then invited to ask questions, offer his response to the allegation(s), and present his version of the events in question.

In all circumstances, a report will be made to the Clergy Misconduct Oversight Board for its review and recommendations.

The decisions taken subsequent to these initial interviews will depend significantly on the nature of the complaint, the response of the cleric accused, and the nature of the other information available.

⁹ This fulfills the commitment of Article 2 of the *Charter* which states: “Dioceses/eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred.” (emphasis added)



Denial of the allegation(s) and credible explanation of events by the priest or deacon:

In cases involving adult misconduct, where there are no other witnesses or corroborating evidence, no previous allegations of a similar nature, or where no other behavior from the past lends substance to the allegations, and where the explanation of events given by the priest or deacon is credible, such credible denial will normally bring the case to a close.

A record of the complaint, the response of the priest or deacon and the Archbishop's decision to close the matter is maintained in the cleric's file as required by canon 1719. In all circumstances the Archdiocese will always treat all parties with pastoral care and sensitivity.

Denial by the priest or deacon when substantial issues remain unresolved:

In instances involving alleged adult misconduct, where there is a previous or related allegation against a priest or deacon concerning sexual abuse, or where other behavior on his part lends substance to the allegations, he will ordinarily be asked to undertake a professional evaluation voluntarily (see *Essential Norms*, norm 7). Such an evaluation is not therapy, but a professional psychological assessment through interview and testing to identify problematic areas that may be present in the cleric's life and to make recommendations on how to proceed. If the priest or deacon decides not to undertake such an evaluation, he cannot be compelled to do so. In assessing fitness for continued ministry, however, the Archbishop may request a professional evaluation of the facts assembled in the investigation. If the priest or deacon agrees to an evaluation, the Archdiocese will determine what professional person(s) or institution will be entrusted with the task of conducting the evaluation and will bear the related expenses. Should the accused priest or deacon disagree with the results of the evaluation, he has the right to consult another agreed-upon professional for a second evaluation.

Once the evaluation has taken place, a full report of the allegation(s) and the response of the priest or deacon will be given to the Archbishop. If the truth of the allegation(s) has been established, or the case is so serious as to warrant residential treatment or resignation from office or the canonical removal of a priest or deacon from his assignment, the Archbishop will meet personally with him following receipt of the evaluation report. The priest or deacon involved may bring a friend or canonical advisor to this meeting.

The goal of this meeting between the Archbishop and the priest or deacon is to arrive at a mutual agreement on the appropriate response and treatment.

If mutual agreement is not reached, the Archbishop may consider initiating the canonical process deemed most appropriate to protect the Christian community (such as the canonical process for removal from office, for withdrawing faculties, for declaring the presence of an impediment to the exercise of ordained ministry, or for the imposition or



declaration of a canonical penalty). If a canonical process is initiated, the priest or deacon involved has the right to engage a qualified canonical advocate.

Admission of the truth of the allegations by the priest or deacon:

If upon being presented with the allegation of misconduct the cleric admits to the truth of the allegation(s) involving adult misconduct, he will be placed on or take an administrative leave from his ecclesiastical office so that appropriate steps can be taken to investigate the matter, protect the Christian community and to assist him with any underlying issues contributing to his misconduct. Depending on the seriousness of the misconduct, he may be asked to resign his ecclesiastical office, other limitations to ministry or restrictions on faculties may be upon or need to be imposed. The priest or deacon will not be reassigned until such time as he can properly minister again and the Vicar for Clergy has advised the regional bishops or episcopal vicars impacted by the assignment. Appropriate help will be offered to him, usually in the form of therapy and spiritual direction. A record of the complaint, the admission, and the other determinations made will be maintained in accord with the requirements of canon 489.

ASSISTANCE FOR VICTIM/SURVIVORS

In all cases, the Archdiocese is committed to providing appropriate pastoral and therapeutic support to anyone harmed. Through its Victims Assistance Ministry office, the Archdiocese reaches out to victims of sexual abuse, and most especially to children and to their families, to assist them in a pastoral way. This pastoral response will involve working with the person or persons involved so that they will receive help acceptable to them and responsive to their needs. The Archdiocese will also offer to make available to the victim(s) and, as appropriate, to his or her family, trained spiritual directors who will be able to provide spiritual guidance in dealing with the trauma and difficulties they experience.

NOTICES and COMMUNICATION by the ARCHDIOCESE

It is the position of the Archdiocese that accurate information provided in a timely fashion about what has happened in a particular case of alleged sexual misconduct is a most important element contributing to healing within a parish or school community and the local church (see *Charter*, article 7). Such communication is always guided by the need to respect the rights and reputations of all involved (*Essential Norms*, norms 13, 6). Often, open and timely communication is the best protection of the reputation of an accused cleric since accurate information may prevent rumors and unfounded speculation.

If the nature and circumstances of the allegation so require, including whether the cleric is away from his place of assignment for the time being, appropriate Archdiocesan representatives will meet with the parish or office staff to inform them of the allegation and the cleric's response, and to advise them of the action which will be taken. Appropriate communications also will be provided to the parish or other impacted faith community. If the cleric has resigned, appropriate



Archdiocesan representatives will inform the parishioners why the priest or deacon is not present and ministering in the parish.

The advisory notice to the parish staff and/or parishioners will be written out in advance, be reviewed by the priest or deacon and by legal counsel of both the Archdiocese and the priest or deacon (if he has retained counsel), and the agreed-upon text will be read or provided to those to whom it is directed in accord with Archdiocesan policy. The content of the notice will straightforwardly reflect the circumstances of the case and will seek to be sensitive to and fully respect the rights of all parties. The notice will seek to observe the canonical and civil rights of the cleric. To respect the requirements of canon law (cf. canon 220), the cleric involved will be given the opportunity to work with the Vicar for Clergy (or his delegate) in determining what information should or should not be reasonably disclosed (see *Charter*, article 7). In cases of conflict between the priest or deacon and the judgment of the Archdiocesan authority as to what should be disclosed, every reasonable effort will be made to resolve that conflict in a mutually satisfactory way. If the conflict is not resolved, the final decision concerning disclosure remains that of the Archbishop and Vicar for Clergy. In this situation, the priest or deacon will be informed in advance of the exact nature of that disclosure.

POTENTIAL PERMANENT REMOVAL FROM MINISTRY

Sexual Abuse of a Minor

The Archdiocese of Los Angeles will not knowingly assign to any ministry a priest or deacon who has sexually abused a minor. As emphasized by Pope John Paul II: “There is no place in the priesthood or religious life for those who would harm the young” (see *Charter*, article 5). The Archdiocese will fully implement the provision of the *Essential Norms* that:

When even a single act of sexual abuse [of a minor or vulnerable adult] by a priest or deacon is admitted or 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. (*Essential Norms*, norm 8).¹⁰ Those priests or deacons permanently removed from ministry will be invited and encouraged to petition for dispensation from the obligations of the clerical state. Should the priest or deacon choose not to do so, the Archbishop, with advice from CMOB, shall determine whether it is appropriate to initiate one of the available canonical processes to dismiss the man from the clerical state, or to require him to live a life of prayer and penance (see *Essential Norms*, norms 8b and 10).

Sexual Abuse of an Adult

When a cleric has engaged in sexual abuse with one or more adults, the nature and severity of the misconduct may also require that the cleric be permanently removed from

¹⁰ See Section III above for the definition of a minor as including a vulnerable adult, and of sexual abuse as including pornography.



ministry. The cleric himself may judge that a return to ministry is inappropriate and request dispensation from the obligations of the clerical state or a permanent leave of absence (without faculties and with appropriate restrictions). In other circumstances, the Archbishop may determine that a canonical process is necessary to impose a canonical penalty to remove the cleric from ministry, dismiss him from the clerical state, or make other provision to protect the Christian faithful. In making this determination, the Archbishop may seek the advice of the Vicar for Clergy, CMOB and other sources as appropriate.

The decision to permit a cleric to return to active ministry must take into account the nature and seriousness of the misconduct, the progress in treatment, positive signs of continuing recovery, the need to prevent a relapse into abusive behaviors, and the danger of scandal. In deciding whether to permit a return to active ministry, the Archbishop and Vicar for Clergy will seek advice from CMOB as well as experts in the field. The cleric may be: returned to ministry with appropriate restrictions and follow-up program; asked to engage in a mutually agreed protocol or program, during which the possibility of a return to ministry will be evaluated regularly; or advised after evaluation or assessment, that there is little or no possibility of a return to active ministry. The cleric's immediate supervisor and others with knowledge of the situation will be consulted throughout the process and, as appropriate, the priest or deacon who is returned to ministry may be asked to participate in an after-care program or may be subject to other restrictions.

From the very beginning, the hope is that some form of ministry can be restored, and efforts will be made during the leave to prepare for that possible return. Any return will likewise involve appropriate restrictions and an aftercare program. The purpose of this program is to allow the cleric to demonstrate continuing and progressive signs of recovery. Should ongoing discernment coupled with significant progress in treatment lead to a decision that ministry is unlikely then the priest or deacon in question will be advised of the conclusion and of his right under canon law to petition for reinstatement or otherwise appeal the decision.

In the event that a return to ministry is not possible, and the priest or deacon is unwilling to seek laicization, the Archdiocese may initiate appropriate canonical procedures to preclude him from any active ministry.

