

## I. Sexual Abuse

### A. Definitions

Sexual Abuse, in this Decree, means sexual contact between a cleric, an employee, or a regular volunteer of the Roman Catholic Diocese of Lexington and a minor. Sexual abuse refers to acts described in **KRS 620.020 (37), part 4. (cf. Appendix B-1)** as well as those described in the **Charter for the Protection of Children and Young People. (Promise to Protect, Pledge to Heal) (cf. Appendix B-2)**

A Minor, in this Decree, means a person under the age of 18 years or an adult who is uniquely vulnerable to abuse because of physical or mental disabilities. In this Decree, the term "minor" may be used interchangeably with the term "child".

Victim Assistance Coordinator, in this section, refers to the person designated by the Bishop to aid in the immediate pastoral care of persons who claim to have been sexually abused as minors by clergy or other church personnel.

Review Board "Dioceses/eparchies will ...have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members will be lay persons not in the employ of the diocese/eparchy. This board will advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. The board will regularly review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively on these matters and give advice on all aspects of responses required in connection with these cases."  
**(Appendix B-2:Charter...Article 2)**

### B. Prevention

The church community has a special obligation to children that it shall carry out with seriousness. In the church's ordinary life, children are educated in the faith and initiated into the church's sacramental life. Parishes devote significant energy and resources to the development of their young members, and countless individuals have dedicated themselves to ministering to youth.

Everyone in the community has a responsibility to protect children- parents, clerics, educators, youth ministers, volunteers working with youth, even youths themselves, and adults who are not directly involved in work with children.

## 1. Education

### a. Education of Clerics, Employees and Regular Volunteers

Everyone needs to be aware of: 1) the causes and signs of sexual abuse, 2) what steps to take to protect children, and 3) what procedures to follow if abuse is suspected or observed.

The clergy of the Roman Catholic Diocese of Lexington and those persons employed or engaged as regular volunteers by its parishes, schools, and other institutions have an obligation to be knowledgeable about these matters. Not only are they responsible for the well-being of children, but they are perceived by the community and children as special and trustworthy individuals. Such persons must be aware of their duties as mandated by civil law with regard to child abuse.

**Policy 6: All clerics, employees, and regular volunteers are to read and acknowledge the Pastoral Code of Conduct and to be familiar with its contents, especially the obligations for reporting suspected child sexual abuse to civil and church authorities and the consequences of failure to report (cf. Appendix B-1).**

Clerics, employees, and regular volunteers should be well informed about the causes, forms, and symptoms of sexual abuse through reading, participation in workshops mandated by the Diocese of Lexington, and staff discussions.

### b. Education of Parents and Guardians

Parents and guardians have the primary responsibility to protect their children from abuse. An understanding of the causes and effects of sexual abuse will assist parents to make sound decisions with regard to their children and to recognize symptoms of abuse that might be exhibited by their children.

Directive 4: Parishes are to offer programs regarding sexual abuse to assist parents in the education of their children.

## 1. Screening Those Who Work with Children

Due precautions must be taken in choosing persons who are to work with children.

**Policy 7: All clerics, candidates for ordination, as well as each applicant for employment in a position with regular, significant contact with children in the parishes and institutions of the Diocese, must supply to the hiring agent personal information adequate to assess his or her suitability for contact with children. This information shall consist of: the Applicant's Certification (cf.**

**Appendix C) which includes a record of police check (KRS 156.483, KRS 17.160, and KRS 17.165), employment history, references and any other information the particular position may require.**

**Policy 8: The respective hiring agent (the Diocese and parish, for example) is to establish procedures for receiving and reviewing all applications prior to hiring. All such information is to be retained permanently in a confidential file at the location of employment. At the time of hiring, a copy of the Applicant's Certification is to be forwarded to the Chancellor or to the respective Diocesan office.**

Directive 5: Those persons who recruit volunteers to work regularly with children in the parishes and institutions of the Diocese should exercise caution in selecting volunteers. If there is any cause for concern in a particular case, the matter should be brought to the attention of the responsible supervisor for further review.

## 2. Contact with Children

Those persons dedicated to the care of children must be vigilant to guard against actual or potential situations which can inflict harm or which may give rise to suspicions of potential sexual abuse. In general, persons working with minors must always avoid the kind of contact that could cause comment on the part of reasonable people.

**Policy 9: See Section #3, Page 3 of the Pastoral Code of Conduct**

## C. Response

In the case of alleged sexual abuse, the Church community, under the leadership of the Bishop, must respond expeditiously and with compassion and care to the victim and the victim's family, to the local church community affected by the abuse, to the larger community, and to the offender. The primary objectives of this response are personal and communal healing and the prevention of any further abuse by the offender.

### 1. Initial Tasks in Dealing with Reported Abuse

#### a. Reporting to Civil Authorities

The Kentucky Revised Statute (KRS 620.030) requires that all individuals, including those acting in an office or professional capacity, report immediately any currently suspected or actual act of child sexual abuse, perpetrated by any person, to the Kentucky Cabinet for Human Resources—Department for Social Services. (See Appendix B.) Agents

of the Diocese are obligated to report to the civil authorities and will do so without delay, unless the information is learned under the seal of Confession. Kentucky Revised Statute 620.050 provides that anyone participating in good faith in making such a report shall be immune from civil or criminal liability. On the other hand, failure to report, when someone is required to do so, can result in a misdemeanor charge. The person making the report and other appropriate personnel in the parish or institution will cooperate with civil authorities, while retaining the right to seek guidance and legal counsel from officials of the Diocese and/or its agents.

b. Reporting to Church Authorities

**Policy 14: Any cleric, employee, or regular volunteer who witnesses an act of child sexual abuse perpetrated by another cleric, employee, or regular volunteer or who suspects that such an act has occurred or receives a report of such an act, must make the Secretary for Pastoral Life of the Diocese aware of the matter. If the Secretary for Pastoral Life is not available, this information should be given to the Vicar General; if the Vicar General is not available, this information should be given to the Vicar for Clergy.**

Any other person who believes that a child has been sexually abused by an agent of the Diocese is encouraged to report the alleged incident to the Secretary for Pastoral Life of the Diocese of Lexington.

**Policy 15: The Secretary for Pastoral Life will keep the Bishop informed of all reported allegations.**

It is recommended that the CAO and the Vicar of Clergy participate in this initial investigation together with other persons from the appropriate professional disciplines using the Investigative Process established by the Diocese. (**Appendix B-2: Charter ... , Article 2 ;Appendix D-1**) The Investigative team gathers information and presents it to the Review Board for its consideration.

a. Response to the Victim

Whenever abuse occurs, the victim and the victim's family experience shock and anger. It is essential that effective, immediate, and compassionate care be provided to these individuals. The Diocese will assist in the healing process.

b. Action Regarding the Accused Person

The Chief Administrative Officer will direct the accused person's supervisor to place the person on a leave of absence from any official duties, pending the internal resolution of the matter. This action is in no way to be construed as imputing guilt. During this leave of absence, regular salary and benefits are to be provided for a period ordinarily not to exceed three months. In no case will the accused be allowed to remain in residence at a parish or institution in the Diocese where children are present. Neither the Bishop nor any priest who may be involved in the investigation should hear the confession of the accused or other persons who may be involved.

In the case of a diocesan priest, in addition to his being placed on a leave of absence, a temporary residence at a distance from the current assignment and without contact with children is to be arranged. If the accused is a religious priest, brother, or sister, his/her major superior will be notified.

The Diocese will assume appropriate responsibility in accord with the rightful relationship it has with the one against whom the allegation is brought. Care will be taken that all canonical and civil rights and laws are upheld. If the accused is a cleric not incardinated in the Diocese, a religious or a lay person, the Diocese will exercise discretionary action in accord with its relationship with the accused and the particular circumstances of the situation.

If the accused is a diocesan priest or deacon, because of the canonical relationship with the Diocese resulting from his ordination, the priest or deacon will be required to undergo a psychiatric/psychological evaluation. The evaluation will be arranged by the Vicar for Priests and shall be done by a facility or counselor approved by the Diocese. All of these actions are to be approved by the Bishop.

c. Action to the Local Church Community

People first learning that a respected leader has been accused are often reluctant to believe that the report could be true. Although it may be understandable, this reaction can create a burden on those who, often after a long struggle, are finding the ability to bring forth important information. Common responses in a community may include grieving, depression, and significant anger that may be focused against the accused, the accuser(s), the Diocese, the whole Roman Catholic Church, and maybe even God.

In order to assist the local community, the Diocese will coordinate debriefing sessions to help address the hurt within the community, the polarization that could happen, and will provide education and resource persons for further follow up.

## 2. Ongoing Action When There is Established Guilt

**Policy 16: In the instance where guilt is established, the guilty person will be permanently removed from ministry. (Appendix B-2: Charter ..., Article 5)**

The Diocese has a right to take action against this individual to recover its judgment and legal expenses.