

Policy Concerning Abuse and Neglect of Minors or Vulnerable Adults

July 1, 2021



INTRODUCTION

Every human being is created with a God-given dignity. The Archdiocese of New Orleans teaches that God condemns all forms of abuse or neglect of people of all ages. It is the policy of the Archdiocese that the abuse of minors or vulnerable adults is sinful, reprehensible, and intolerable behavior. In addition, it is illegal. Any such conduct is to be considered, by its very nature, completely contrary to Catholic teaching, Christian morality and the Code of Canon Law of the Catholic Church. (cic,1395)

Abuse is contrary to the employment and/or ministry of all those who serve the Archdiocese of New Orleans and any of its related entities. We share Pope Francis' conviction 'that everything must be done to rid the Church of the scourge of the sexual abuse of minors and vulnerable adults and to open pathways of reconciliation and healing for those who were abused. (Charter, 2018)

Church personnel who serve the Archdiocese of New Orleans must comply with all local, state and federal reporting laws. This is the policy of the archdiocese and will be followed regardless of any concurrent civil, criminal or law enforcement proceedings. (Charter, Article 4)

There is an exception for a "member of the Clergy" for communication received under the Sacramental Seal of confession. See, Louisiana Children's Code, Article 603.

The Archdiocese of New Orleans is committed to the healing and reconciliation of every person abused by church personnel in the Archdiocese of New Orleans. The Church's outreach may include provision of spiritual assistance, counseling, and other social services agreed upon by the person abused and the Archdiocese of New Orleans.

DEFINITIONS

- **“Adult”** (major) means any individual eighteen (18) years of age or older, this does not include vulnerable adults as defined in this policy.
- **“Archdiocese of New Orleans”** and **“Archdiocese”** include the Archdiocesan departments and administrative offices, all parishes, missions, schools, institutions, agencies, and other offices under the supervision of the Archbishop.
- **“The Charter for Protection of Children and Young People”** or **“The Charter,”** is policy promulgated by the United States Conference of Catholic Bishops, which includes a series of practical and pastoral steps to make effective the goals of a safe environment within the Church for children and young people and of preventing sexual abuse of minors by clergy in the future.
- **“Code of Canon Law”** (cic) is the code of ecclesiastical laws governing the Catholic Church.
- **“Contact with Minors”** or **“Vulnerable Adults”** includes any church personnel having the possibility of on-going, unsupervised contact with minors or vulnerable adults; any church personnel foreseen to have more than 8 hours contact with minors; any church personnel attending an over-night event.
- **“Church Personnel”** is any priest or deacon (cleric), seminarian, aspirant, deacon candidate, religious in formation, or lay faithful who serve the Archdiocese or its related entities in ministry to minors or vulnerable adults as either clergy, employees or volunteers.
- **“Cleric”** is a priest or deacon.
- **“Vulnerable Adult”** is an individual 18 or older who is dependent on the care of others and who is ministered to by church personnel.
- **“Vulnerable Adult Abuse”** is an intentional act or failure to act that causes or creates a risk of harm to a vulnerable adult which happens at the hands of church personnel assigned to their care. Forms of abuse may be physical, sexual, emotional or psychological, financial or neglect.
- **“Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons”** or **“Essential Norms”** are promulgated by the United States Conference of Catholic Bishops to ensure that dioceses/eparchies in the U.S. have consistent procedures in place to respond promptly to all allegations of sexual abuse of minors.
- **“Executive Directors”** or **“Department Heads”** are the heads of Departments within the Archdiocese.
- **“Independent Contractor”** is a person retained by the Archdiocese or its related entities (for example, cafeteria workers, instructors, therapists, maintenance). An independent contractor who has contact with minors or vulnerable adults must show proof results of criminal background screening and mandatory reporting training through the State of Louisiana unless that person is under the continual, direct supervision of church personnel. In that event, the person must be certified as in compliance with the Safe Environment policies of the Archdiocese.
- **“Mandated Reporter”** is a church personnel who works with minors in a voluntary or professional capacity. A mandated reporter who has cause to believe that a child’s physical or mental health or

welfare is endangered is required to report any abuse or neglect of a minor to law enforcement and/or the Department of Children and Family Services immediately (Summary LA Children's Code 603)

- **“Ministry”** is any activity held under the auspices of the Archdiocese of New Orleans.
- **“Minor”** is any individual under the age of eighteen (18). Students in high school over the age of 18 enrolled in youth programs of the archdiocese, including schools, are covered under the policies of the archdiocese as a minor.
- **“Neglect”** is the refusal or unreasonable failure of a caretaker to supply the child with necessary food, clothing, shelter, care, or treatment for injury, illness, or condition of the child, resulting in the child's physical, mental, or emotional health and safety being substantially threatened or impaired. (Louisiana Children's Code)
- **“Other Physical Abuse”** is the infliction, attempted infliction, or as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person. (Louisiana Children's Code)
- **“Financial Abuse”** is when a person, including a caregiver, intentionally takes, spends or uses money or resources of a vulnerable adult, without some kind of valid permission.
- **“Person Responsible for the Care of Minors or Vulnerable Adults”** is any Church personnel of the Archdiocese of New Orleans or its related entities that cares for or supervises minors or vulnerable adults for a defined period.
- **“Related Entity”** includes parishes, schools, agencies, and institutions with direct accountability to the Archbishop of New Orleans.
- **“Religious Institute”** is the generic name for a particular religious congregation, order or society.
- **“Sexual Abuse”** is the involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state. (Louisiana Children's Code) A minor cannot by law give consent to any sexual act.
- **“Supervisor”** is a pastor of a parish, principal of a school, or the director of an archdiocesan office or related entity or their delegate responsible for the oversight of those who serve the Archdiocese.
- **“Victims' Assistance Coordinator”** is a person appointed by the Archbishop within the archdiocese to receive an allegation of abuse and to provide for the pastoral care of the complainant.

TO GUARANTEE AN EFFECTIVE RESPONSE TO REPORTS OF ABUSE OR NEGLECT OF MINORS OR VULNERABLE ADULTS

An individual with cause to believe abuse or neglect of a minor has occurred, in the home or outside of the child's home, has the obligation to report even if another report has been made. The archdiocese will comply with all applicable civil laws with respect to the reporting of an allegation of abuse of minors and will cooperate with any such investigation. (Norms, 11), (LA Children's Code, Art. 610).

In addition, a verbal report shall be made to the supervisor, who will report to the Executive Director of the Department within the Archdiocese to whom the parish, school or organization is accountable.

If the initial report was in oral form by a mandated reporter, it shall be followed by a written report within five days. The report can be completed online through the Mandated Reporter Portal of the Louisiana Department of Children and Family Services or by mail to the centralized intake unit of the department at the address provided on the website of DCFS. If necessary, the form can be sent to the local law enforcement agency. (LA Children's Code, Art. 610)

An individual with cause to believe abuse or neglect of a vulnerable adult has occurred has an obligation to report to Elderly Protective Services at 1-888-577-6532. If the allegation is in a long term care facility, call 1-866-632-0922.

ARCHDIOCESE OF NEW ORLEANS INDEPENDENT REVIEW BOARD

The Independent Review Board is a confidential consultative body established by the archbishop. This board will advise the archbishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. (Norms, 4)

The Independent Review Board will review Archdiocese of New Orleans policies for dealing with sexual abuse of minors. (Norms, 4)

The Archdiocesan Independent Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the archdiocese. At least one member should be a priest who is an experienced and respected pastor of the archdiocese. If at all possible, at least one member should have particular expertise in the treatment of sexual abuse of minors. The members will be appointed for a term of five years which can be renewed. (Norms, 5).

ALLEGATIONS OF ABUSE

Louisiana Mandated Reporting

All clergy, employees and volunteers of the Archdiocese of New Orleans who work with minors are mandated reporters. Church personnel must make a report immediately to the appropriate civil authority.

If allegation is against a person in the child's home:

Louisiana Department of Children and Family Services toll-free number

***855-4LA-KIDS (855-452-5437)**

For anyone in the state to call 24 hours a day, 7 days a week to speak to a trained child welfare and report child abuse or neglect.

There is an exception for a "member of the Clergy" for communication received under the Sacramental Seal of confession. (See, Louisiana Children's Code, Article 603.)

You must complete the written or online form within 5 days of an oral report.

[Louisiana Mandated Reporter Form](#)

[Mandated Reporter Portal](#) The mandated reporter form can be completed online.

If allegation is against a person outside of the child's home:

Call 911 or the non-emergency number for your local police department.

In Louisiana, you can report to both DCFS and the Police.

[Louisiana Department of Children and Family Services](#)

Elderly Protective Services: 1-888-577-6532

Long Term Care Ombudsman: 1-866-632-0922

Police: 911 or local police number

Catholic Bishop Abuse Reporting Service

This service has been created to gather and relay reports of sexual misconduct involving bishops of the United States, and reports of their intentional interference in a sexual abuse investigation. If you wish to report any other kind of misconduct by a bishop, please contact your local diocese or eparchy instead

If you wish to report sexual abuse by a priest, deacon, religious brother or sister, or layperson working for the Church, please contact instead the Victim Assistance Coordinator in your local diocese or eparchy. If your report involves a crime committed by anyone connected with the Church, please also contact the police.

Please have ready the name of the bishop who was involved. The bishop's name is necessary to direct the report to the proper place. You do not need to provide your own name, but it does help the investigation if you do. Your report will be provided to the appropriate Church authorities and, as warranted, to civil authorities. Otherwise, it will be kept confidential.

[Report On Line](#) or call **1-800-276-1562**

ALLEGATION OF ABUSE BY A MEMBER OF THE CLERGY

The Victim's Assistance Coordinator of the Archdiocese of New Orleans will immediately assist the person who reports an allegation of abuse to ensure civil authorities are notified if the report involves a minor or vulnerable adult.

The Victim's Assistance Coordinator will ensure that all applicable state mandated reporter laws and policies of the Archdiocese of New Orleans are followed when a report is received.

Pastoral care for the person who makes a report of having been sexually abused as minor or vulnerable adult by clergy will be arranged by the Victim's Assistance Coordinator.

The procedure for making a report is as follows:

Call: (504)861 - 6253

Your call will be returned within 24 hours if you leave a message.

Send email: VAC@archdiocese-no.org

The Archbishop or his representative may meet with the person making the report and their families if they wish to meet with him.

Sexual abuse of a minor or vulnerable adult by a member of the clergy is a crime in the universal law of the Church. The Archbishop exercises the executive power of governance to ensure that any priest or deacon who has committed even one act of abuse of a minor or vulnerable adult shall not continue in active ministry (CIC, c. 1395,§2; CCEO, c. 1453 §1; Norms, 9).

The offending priest or deacon shall be permanently removed from ministry and, if warranted, dismissed from the clerical state, if warranted, when even a single act of sexual abuse of a minor or vulnerable adult, is admitted, or is established after an appropriate process in accord with canon law.

A priest or deacon who is accused of sexual abuse of a minor or vulnerable adult is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. The cleric is to be encouraged to retain the assistance of civil and canonical counsel.

If the allegation is deemed not substantiated, every step possible is to be taken to restore the cleric's good name, should it have been harmed.

ALLEGATION OF ABUSE BY A MEMBER OF A RELIGIOUS INSTITUTE WHO SERVES IN THE ARCHDIOCESE OF NEW ORLEANS

A canonical relationship exists between religious institutes and the Archdiocese of New Orleans. It is the responsibility of the Victims' Assistance Coordinator to notify the major superior of a religious institute that an allegation against one of its members has been received.

The Victims' Assistance Coordinator will inform the Archbishop or his delegate.

Each religious institute has its own policy of abuse or neglect of a minor. The major superior will conduct the investigation following the process currently in place for the religious institute. The major superior will keep the Archbishop or his delegate informed as to the progress of the case.

ALLEGATION OF ABUSE BY NON-CLERGY CHURCH PERSONNEL

Any person who has cause to believe any incident of abuse or neglect of a minor or vulnerable adult by church personnel who serve the Archdiocese of New Orleans, or its related entities, has occurred shall comply with all applicable reporting requirements of the State of Louisiana and all applicable local and federal laws. A report will be made immediately to civil and/or law enforcement authorities by the person of first instance who has cause to believe abuse has occurred.

ALLEGATION FROM AN ADULT WHO ALLEGES ABUSE AS A MINOR OR VULNERABLE ADULT

An adult who reports he or she was abused as a minor by church personnel is to be encouraged to contact the Victims' Assistance Coordinator. The Victim's Assistance Coordinator will coordinate appropriate pastoral care when a report is made. The Coordinator will immediately report the allegations to the Archbishop or his delegate.

The person will be advised of their right to make a report to civil or law enforcement authorities. The Archdiocese of New Orleans may also make the report to civil authorities. The Archdiocese of New Orleans will cooperate with civil authority and law enforcement regarding investigations when a report is made.

STANDARDS OF MINISTERIAL BEHAVOIR AND APPROPRIATE BOUNDARIES

Archdiocese of New Orleans' *Principles of Ethics and Integrity of Ministry: Code of Ethics* provides clear and well-publicized standards of ministerial behavior and appropriate boundaries for church personnel with regard to their contact with minors or vulnerable adults.

Clergy, religious, seminarians, archdiocesan departments and office directors, presidents and principals of Catholic schools, parish catechetical leaders, parish directors of youth ministry, and directors are obligated by this policy to distribute it to all those who serve the Archdiocese and its related entities as church personnel. This policy is to be reviewed yearly by all church personnel.

MEDIA CONTACT AND INQUIRIES

The Archdiocese of New Orleans will communicate with the public about sexual abuse of minors or vulnerable adults by clergy or church personnel with respect for the confidentiality of the individuals involved. The archbishop will inform parish and other church communities directly affected by sexual abuse of a minor.

TO ENSURE THE ACCOUNTABILITY OF OUR PROCEDURES

The Archdiocese of New Orleans works with the United States Conference of Catholic Bishops (USCCB), Secretariat of Child and Youth Protection in coordinating matters related to child and youth protection.

The Archdiocese of New Orleans participates in the annual public report, in cooperation with the USCCB, on the progress made in implementing and maintaining the standards in the Charter.

SAFE ENVIRONMENT PROGRAM

The Archdiocese of New Orleans maintains a Safe Environment program for children and young people in accord with Catholic moral principles and teachings.

Children and youth in the Archdiocese of New Orleans participate yearly in developmentally appropriate child protection training. Safe Environment training takes place in all ministries of the archdiocese serving minors and vulnerable adults.

All Church personnel of the archdiocese and related entities who have contact with minors or vulnerable adults shall receive Safe Environment training regarding recognition and prevention of abuse or neglect of minors or vulnerable adults, teachings of the Catholic Church and mandatory reporting laws of the State of Louisiana. The training will also include reporting requirements for the Archdiocese of New Orleans and policies for interacting with minors or vulnerable adults. An annual policy review on the current database is required as well as renewal of both Safe Environment training and criminal background check every three years.

All independent contract workers will be required to show proof of mandated reporter training and results of criminal background check clearance from an approved agency completed within the past three years or Right to Review Authorization from Louisiana State Police.

The Archbishop of New Orleans will evaluate the background of all incardinated priests and deacons. When a priest or deacon, not incardinated in the archdiocese, requests permission to engage in ministry in the archdiocese, regardless of the length of time, the evaluation of his background may be satisfied through a written attestation of suitability for ministry supplied by his proper ordinary/major superior to the archdiocese.

The Archdiocese of New Orleans will conduct a criminal background check of all Church personnel whose duties include contact with minors or vulnerable adults. The background check will take place prior to a person working with minors or vulnerable adults and will be rechecked every three years as service continues.

SUMMARY OF LOUISIANA ABUSE OR NEGLECT REPORTING LAW

(L.S.A.-R.S. 14:403; LA. CHILDREN’S CODE ARTS. 601-616)

Criminal statute L.S.A.-R.S.14:403 specifies that any person in the Children’s Code who is required to report abuse or neglect, including sexual abuse of a child under age 18, is to report information to authorities when that person has cause to believe a child’s physical or mental health or welfare is endangered. Willful and knowing failure to report can result in \$500.00 fine or imprisonment for six (6) months, or both.

La. Children’s Code Art. 603 defines those persons who must report child abuse as mandatory reporters, which include: any person who provides health care services, e.g., doctors, nurses, technicians; mental health or social services professionals who provide counseling services to a child or his/her family; members of the clergy; teaching or childcare providers; law enforcement officers and commercial film processors.

Art. 603 (13) (c) provides an exception to the mandatory reporting requirement for a “Member of the Clergy.” He is not required to report a confidential communication, i.e., “one made privately and not intended for further disclosure except to the persons present in furtherance of the communication from a person,” if the member of the clergy, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential. In that instance, the member of the clergy shall encourage that person to report the allegations to the appropriate authorities.

Art. 610 is the reporting procedure that requires mandatory reporters to immediately report to the local child protection unit of Department of Social Services in cases where the abuser is believed to be a parent, caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as spouse whether married or not. If such a person or caretaker is not believed to have any responsibility for the abuse or neglect, the report should be immediately made to the appropriate local or state law enforcement agency. Dual reporting’s shall be permitted.

The initial report may be verbal, and should contain the following information, if known:

1. name, address, age, sex and race of the child;
2. nature, extent and cause of child’s injuries or endangered condition, including any previous known or suspected abuse to the child or child’s siblings;
3. name and address of parent(s) or caretaker;
4. names and ages of all other members of child’s household;
5. name and address of the reporter;
6. account of how child came to reporter’s attention;
7. explanation of the cause of child’s injury or condition offered by child, the caretaker of any other person;
8. any other information which the reporter believes might be important or relevant. If the initial report is verbal, it shall be followed by a written report within five (5) days to the appropriate agency, i.e., local child protection unit or law enforcement agency.

Article 611 grants immunity from civil or criminal liability to any reporter, for the making of any report in good faith, and without knowledge of the falsity of such information, or reckless disregard for the truth of the report.