

## *Procedures for Processing Allegations of Abuse of Minors and Vulnerable Individuals by Clergy or Archdiocesan Personnel*

### I. Reporting

An allegation of child abuse must be immediately reported within 24 hours to the Georgia Department of Family and Children Services (DFCS). After contacting DFACS please call the Archdiocese of Atlanta by calling the Archbishop's Office at 404-920-7315, or the office of Safe Environment at 404-920-7550. If you are reporting an allegation after normal work hours or no one is available at the above numbers, please call 1-888-437-0764. This number is answered 24 hours a day.

Following the initial verbal report of an allegation, the person alleging abuse will be asked to meet with the Archbishop's representative to complete a written statement of the details of the complaint. In the event that the victim is a minor at law, the complaint and statement will be taken from the appropriate legal guardian. The statement will be witnessed by a duly authorized representative of the Archbishop. If an in person meeting is declined by the reporting person or is not feasible, the written statement may be submitted by letter or email to the Archbishop's designee, and signed by the reporting person.

#### *A. Mandated Reporters*

Mandated reporters are legally required to report allegations and suspicions of child abuse. Failure to report can result in legal action.

Under Archdiocesan policies mandated reporters includes all priests, deacons, seminarians, religious, employees, school personnel, and those volunteers who are required to receive VIRTUS training.

Per Georgia Code §§ 19-7-5, which was updated in 2016 mandated reporters includes:

- Physicians licensed to practice medicine, physician assistants, interns, or residents;
- Hospital or medical personnel;
- Dentists;
- Licensed psychologists and persons participating in internships to obtain licensing pursuant to Chapter 39 of Title 43;

- Podiatrists;
- Registered professional nurses or licensed practical nurses licensed pursuant to Chapter 26 of Title 43 or nurse's aides;
- Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of Title 43;
- School teachers;
- School administrators;
- School counselors, visiting teachers, school social workers, or school psychologists certified pursuant to Chapter 2 of Title 20;
- Child welfare agency personnel, as such agency is defined in Code Section 49-5-12;
- Child-counseling personnel;
- Child service organization personnel; ("Child service organization personnel" means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.)
- Law enforcement personnel; or
- Reproductive health care facility or pregnancy resource center personnel and volunteers.

REMEMBER: Your Role is to Report. There is to be no investigation by you or anyone else at the parish, mission, school, or diocesan level.

If you are a mandated reporter and have reasonable cause to believe that abuse has occurred, you must report this information within 24 hours from the time there is reasonable cause to believe a child has been abused. An oral report shall be made immediately to Georgia Department of Family and Children Services (DFCS) and a confirming written report should be provided as well as all of the following steps:

- i. If the alleged/suspected victim is a minor, call DFCS immediately but no later than 24 hours from the time there is reasonable cause to believe a child has been abused.
  1. The DFCS number is 1-855-GACHILD (1-855-422-4459).
  2. Be prepared to provide the child's name and the nature of the suspected abuse. Additional information is helpful, but not mandatory.
  3. Follow-up with a letter to DFCS and send a copy of the letter to the Office of Child and Youth Protection. A template for the letter can be found here: <https://archatl.com/offices/child-and-youth-protection/reporting-abuse/reporting-child-abuse/>.

- ii. If the abuse involves archdiocesan personnel call the Office of the District Attorney immediately but no later than 24 hours from the time there is reasonable cause to believe a child has been abused in the county where the abuse occurred.
  1. Be prepared to provide the suspected victim's name, age, the nature of the suspected abuse, the name of the suspected perpetrator, and his/her relationship to the suspected victim. Additional information is helpful, but not mandatory, unless requested by the District Attorney's office.
  2. Follow-up with a letter to the District Attorney's Office.
  
- iii. In addition, if the alleged abuse involves archdiocesan personnel (priests, deacons, seminarians, religious, teachers, employees or volunteers) after contacting DFCS and the District Attorney's Office, immediately call the Archdiocese of Atlanta to report that there is reasonable cause to believe a child has been abused. This is so that the Archdiocese of Atlanta can be an active participant in cooperating with the appropriate state and local authorities. The report to the Archdiocese is NOT in lieu of the report to the appropriate state and local authorities.
  1. Call 1-888-437-0764 (24 hours a day) to file a report or
  2. During business hours
    - a. Call the Archbishop's Office at 404-920-7315 or
    - b. Call the Office of Child and Youth Protection 404-920-7550

## *B. Clergy*

Although a member of the clergy is deemed a mandated reporter, per Archdiocesan policies, a priest shall not be required to report child abuse reported solely within the context of the Sacrament of Reconciliation. When a priest receives information about child abuse from any other source, the priest shall comply with the reporting requirements specified above.

## II. Responding

Responding to reports is handled differently depending on the role of the person in the archdiocese.

1. Responding to report of abuse by an employee of the archdiocese who is not clergy

- a. Human Resources handles all reports of abuse by employees of the archdiocese who are not clergy.
2. Responding to report of abuse by a volunteer of the archdiocese
    - a. The location where the accused volunteers and the Office of Child and Youth Protection work together on all reports of abuse by a volunteer of the archdiocese.
  3. Responding to report of abuse by a member of the clergy
    - a. Upon receipt of the statement, the accused person will be:
      - Advised of the nature of the allegation(s), including the name(s) of the person(s) making the allegation(s)
      - Allowed to review the formal written complaint made by the alleged victim
      - Advised of his right to obtain civil and canonical counsel, and be encouraged to do so
      - If the accused is a cleric he will be provided with a list of available canonists
      - Advised of the right in canon law against self-incrimination
      - Advised of the right to respond to the allegation(s), personally or through appropriate counsel, and of the right to give non-sworn testimony
      - Asked to sign a statement acknowledging notification of the allegation(s) being made against him/her
      - Directed to refrain from contact with the complainant(s) and potential witnesses or interfering in any way with the investigation or any future proceedings, either civil or canonical
      - Unless the allegation is wholly lacking in credibility and/or is frivolous on its face, suspended with pay, pending the outcome of the investigation

If the allegation seems particularly egregious, for the good of the Church and of those involved or to prevent scandal, the Archbishop may direct that an appropriate investigation be undertaken upon receipt of the verbal complaint and even prior to obtaining the statement.

#### *A. The Complainant*

The complainant has a moral obligation to provide complete, accurate and truthful information in a written statement, as well as to fully cooperate in the subsequent investigation and, should it be deemed necessary, in any subsequent canonical process. This obligation includes providing information in interviews and corroborating evidence, including names of additional witnesses and encouraging the cooperation of such witnesses. The Archdiocese does not ordinarily process anonymous allegations or allegations with insufficient information to allow a reasonable inquiry. The complainant must avoid any action or conduct that might interfere with the investigative process or any subsequent canonical process.

The complainant has a right to spiritual and pastoral care, initially without any regard to the credibility of the complaint, as well as the right to meet with a representative from the Office of Child and Youth Protection. In addition, the complainant has a right to meet with the Archbishop or his delegate, in accordance with the Archdiocesan Sexual Abuse Policy, and assistance in identifying a counselor who can provide pastoral assistance. Counseling will be paid for by the Archdiocese once an allegation has been termed actionable if it is deemed appropriate by the Archbishop as a component of pastoral care.

The complainant always retains the right to report allegations to the appropriate state and local government authorities and will be encouraged to do so.

Any complainant who provides a statement regarding an allegation of abuse will be informed of the final outcome of the investigation. The Archdiocese cannot promise absolute confidentiality to a complainant, as reports of abuse of a minor will be immediately reported to the appropriate public authorities.

Notification of allegations received may also be given to the archdiocesan insurers in accordance with the terms of applicable insurance policies. Finally, the alleged perpetrator against whom the allegation has been made will be informed during the course of a subsequent investigation. Nevertheless, information will not be shared indiscriminately.

## *B. The Accused*

The accused has an obligation to avoid any interference with the investigative process, including but not limited to avoiding contact with the complainant or potential witnesses. Further, the accused has an obligation to observe any special provisions or restrictions imposed by the Archbishop or his designee. The accused has a right to know the outcome of the investigation.

### C. *In General*

The foregoing statements of right are not intended to be exhaustive. In the event of any conflict, in a particular situation, with a provision of applicable canon law, the latter will prevail.

## III. Notifying the Advisory Board

Several points to discuss [living clergy, written statement, etc.]

When the Archbishop receives an allegation of abuse by a member of the clergy or religious, lay employee or volunteer as defined by the “Safe Environment Standards of Conduct” the Archbishop or his designee shall notify the Advisory Board of the person(s) alleged to be involved, and the substance of the allegations. The Archdiocese may be notified of but may choose not to process anonymous allegations or allegations that do not contain enough information to permit reasonable inquiry.

### A. *Within the Statute of Limitations in Secular Law*

The Archdiocese will promptly report the abuse to the law enforcement authorities and cooperate fully with any investigation. The proceedings undertaken by state and local government authorities do not preclude the Archbishop from initiating a canonical investigation and/or a canonical process.

Care will be taken, however, to ensure that such a canonical investigation and/or process does not interfere with any official investigation, proceeding and/or trial by federal, state or local authorities. The Archbishop or his designee will check with legal and canonical counsel to determine whether something is within or outside the Statute of Limitations.

### B. *Beyond the Statute of Limitations in Secular Law*

The Archbishop will proceed under canon law and, if necessary, will make application to the Congregation for the Doctrine of the Faith for a waiver of the statute in canon law so as to permit a canonical process. The Archbishop or his designee will check with legal and canonical counsel to determine whether something is within or outside the Statute of Limitations and may even proceed with a notification to law enforcement, if that is necessary, to clarify the issue of the Statute of Limitations.

## IV. Conducting the Investigation

The process for conducting the investigation and determining whether an allegation is credible and actionable or not shall be as delineated in the “Safe Environment Standards of Conduct” and to the extent applicable to the accused, as in the universal canon law of the Church and described in the particular canon law of the United States.

Once a determination has been made on the “actionability” of an allegation pursuant to the Archdiocesan policy, that same allegation may not subsequently be advanced by the same complainant against the same accused unless:

1. The complainant demonstrates that substantial new information exists that would indicate that, without reconsideration or a re-hearing, a miscarriage of justice might occur.
2. The new information was clearly not available or could not be brought forward at the time of the earlier process.

### *A. Resigned Clerics*

An allegation against a member of the clergy or religious who has resigned from active ministry will be processed in the same manner as any other allegation to the extent necessary to make a determination about whether there is reasonable cause to believe that the member of the clergy or religious engaged in abuse during the time he was serving as a cleric in the Archdiocese and to facilitate outreach to those who may have been affected as described in these policies. The preliminary review will focus on whether the resigned cleric is still ministering or employed in an ecclesiastical setting where minors may be at risk and the necessity for reporting such allegation to appropriate law enforcement agencies, as required by law. If the whereabouts of the resigned cleric against whom an allegation is made are known or can reasonably be determined, he will be contacted and requested to respond to the allegation.

### *B. Deceased Clerics, Religious, Employees and Volunteers*

Allegations involving deceased members of the clergy, religious, employees or volunteers will be brought to the attention of the Advisory Board. The Archdiocese

will provide appropriate pastoral care, in a manner to be determined by the discretion of the Archbishop, to those who may have been harmed.

### *C. Retired Clerics and Religious*

Since retired members of the clergy and religious often continue to exercise ministry and administer sacraments, an allegation against a member of the clergy or religious who has retired from an official assignment will be processed in the same manner as any other allegation to the extent necessary to make a determination about whether minors are currently at risk and whether there are reasonable grounds to believe that the retired member of the clergy or religious engaged in abuse. If the accusation is deemed to be actionable, the procedures established in the “Updated Policy of the Archdiocese Concerning the Protection of Children and Vulnerable Individuals from Sexual Abuse by Church Personnel” and in the Code of Canon Law will be followed.

### *D. Clerics and Women Religious Not of the Archdiocese*

If the accused is not a member of the clergy or religious of the Archdiocese of Atlanta, his/her proper ecclesiastical superior will be notified such that the investigation itself and any pastoral response shall be the responsibility of the Diocese or Religious Order applicable to such clergy. The Archdiocese will transmit the appropriate information received and coordinate, as necessary, with the applicable diocesan bishop or religious superior.

### *E. Former Lay Employees (Paid and Unpaid) Who Are No Longer Employed by the Archdiocese*

The Archdiocese will provide pastoral care to the alleged victim. If the accused is unwilling or unable to participate in and fully cooperate with the investigation and processes outlined in this document and the Archdiocesan Sexual Abuse Policy and applicable law, he/she will be banned from any future employment or volunteering opportunities in the Archdiocese of Atlanta. Furthermore, the required reports will be made to the appropriate law enforcement authorities.

### *F. Former Volunteers Who No Longer Volunteer for the Archdiocese*

The Archdiocese will provide pastoral care to the alleged victim. If the accused is unwilling or unable to participate in and fully cooperate with the investigation and processes outlined in this document and the archdiocesan Sexual Abuse Policy and applicable law he/she will be banned from any future employment or volunteering opportunities in the Archdiocese of Atlanta. Furthermore, the required reports will be made to the appropriate law enforcement authorities.

### *G. Compliance with Policies*

Each employee, lay volunteer, member of the clergy and religious in the Archdiocese must be familiar and comply with the Archdiocesan Sexual Abuse Policy and be prepared to direct others to the policy and to procedures for reporting under the policy. Violations of the Archdiocesan Sexual Abuse Policy are grounds for disciplinary action up to and including termination of employment and possible legal prosecution. The Archdiocesan Sexual Abuse Policy provides guidance about the Archdiocese's expectations regarding certain conduct with minors and responsibilities.

If persons have any questions or doubts about how the Archdiocesan Sexual Abuse Policy applies to them, they should seek clarification from the Office of Safe Environment at 404-920-7550.

If any person wants to make any allegation of abuse pursuant to the Archdiocesan Sexual Abuse Policy, or to raise questions or issues anonymously, subject to the provisions above governing anonymous allegations, he or she may call 1-888-437-0764.

### *H. Compliance with the Archdiocesan Sexual Abuse Policy*

Compliance with the Archdiocesan Sexual Abuse Policy, laws and regulations that apply to the Archdiocese is of particular importance. The Archdiocese will support each member of the community, including laity, employees, volunteers, members of the clergy and religious in meeting their responsibility to comply with the law regarding abuse and to comply with the Archdiocesan Sexual Abuse Policy and provide the resources necessary for compliance. Questions concerning any legal responsibility should be referred to the Archbishop's Office. Members of the Office of Safe Environment and Office of Child and Youth Protection can provide briefings on some specific areas of the Archdiocesan Sexual Abuse Policy.

## *I. Reporting of Non-Compliance*

If any person, including any employee, lay volunteer or member of the clergy or religious, knows about or suspects abuse by an employee, lay volunteer, member of the clergy or religious in the Archdiocese of Atlanta, he or she has a responsibility to report these concerns in accordance with the provisions of the policy. No retribution or adverse consequences will occur against an employee, lay volunteer, or member of the clergy or religious for making such a report in good faith. In fact, the Archdiocese strictly prohibits retaliation or threatened retaliation against any employee, lay volunteer, member of the clergy or religious for reporting actual or suspected abuse under the Archdiocesan Sexual Abuse Policy which he or she believes has occurred, provided the report is made in good faith. If anyone wishes to ask questions anonymously, he or she may do so by contacting the Office of Safe Environment at (404) 920-7550.

The Office of Safe Environment has overall responsibility for ensuring effective implementation of the Archdiocesan Sexual Abuse Policy throughout the Archdiocese. The Office of Safe Environment is further responsible for ensuring that the Archdiocesan Sexual Abuse Policy is effectively communicated and enforced throughout the Archdiocese.

The Office of Safe Environment will coordinate the day-to-day administration of the Archdiocesan Sexual Abuse Policy. The Director of the Safe Environment Office's responsibilities include planning and implementing investigations, in cooperation with others, of issues that arise under the Archdiocesan Sexual Abuse Policy and preparing periodic reports to the Archbishop and Advisory Board.