

# Procedures for Processing Allegations

## Step 1: Reporting

### Who is a Mandatory Reporter?

Mandatory reporters are legally required to report allegations and suspicions of sexual abuse. Failure to report can result in legal action. Mandatory reporters include:

- Physicians licensed to practice medicine; interns; residents; hospital and medical personnel; dentists; podiatrists; registered professional nurses or licensed practical nurses;
- School teachers; school administrators; school guidance counselors, visiting teachers, school social workers, or school psychologists;
- Licensed psychologists; persons participating in internships to obtain licensing as psychologists; professional counselors, social workers, or marriage and family therapists; child-counseling personnel;
- Child welfare agency personnel (including any child-caring institution, child-placing agency, maternity home, family day-care home, group day-care home, and day-care center); child service organization personnel;
- Law enforcement personnel;
- Persons who process or produce visual or printed matter.

(Ga. Code Ann. §§ 19-7-5(c)(1); 16-12-100(c)) (WESTLAW through 2001)

### Mandatory Reporters

If you are a mandatory reporter and have reasonable cause to believe that sexual abuse has occurred, you must complete all of the following steps:

**REMEMBER: There is to be no investigation by you or anyone else at the parish/school/diocesan level.**

1. If the alleged/suspected victim is a minor, call the Department of Family and Children Services (DFCS) in the county where the abuse occurred.
  - a. A list of DFCS contact numbers can be found at [www.archatl.com](http://www.archatl.com).
  - b. Be prepared to give them the child's name, address, age, the nature of the suspected abuse, the name of the suspected perpetrator, and his/her relationship to the child.
  - c. Follow-up with a letter to DFCS.
2. Call the Office of the District Attorney in the county where the abuse occurred.
  - a. A list of DA office contact numbers can be found at [www.archatl.com](http://www.archatl.com).
  - b. Be prepared to give them the suspected victim's name, address, age, the nature of the suspected abuse, the name of the suspected perpetrator, and his/her relationship to the suspected victim.
  - c. Follow-up with a letter to the District Attorney's Office.

3. If the alleged abuse involves archdiocesan personnel (priests, deacons, teachers, employees or volunteers) do all of the following after contacting DFCS and the District Attorney's Office:
  - a. Call 1-888-437-0764 (24 hours a day) to file a report.
  - b. Call the Archbishop's Office at 404-888-7804 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.
  - c. Immediately fill out and return the form, "Report of Suspected Child Abuse by Archdiocesan Personnel." This form is available at [www.archatl.com](http://www.archatl.com). Once you complete the form, mail it to:

The Archbishop's Office, 680 West Peachtree Street, NW  
Atlanta, GA 30308, in an envelope marked "Confidential,"  
or fax it to 404-978-2770 with a cover sheet.

### **Non-Mandatory Reporters**

If you are a non-mandatory reporter and have reasonable cause to believe that sexual abuse has occurred, you must immediately report the information to the Archdiocese.

**REMEMBER: There is to be no investigation by you or anyone else at the parish/school/diocesan level.**

If the alleged abuse involves archdiocesan personnel (priests, deacons, teachers, employees or volunteers) do all of the following:

1. Call 1-888-437-0764 (24 hours a day) to file a report.
2. Call the Archbishop's Office at 404-888-7804 so that the Archdiocese of Atlanta can be an active participant in cooperating with the appropriate state and local government authorities. The report to the Archdiocese is NOT in lieu of the report to state and local government authorities.
3. Immediately fill out and return the form, "Report of Suspected Child Abuse by Archdiocesan Personnel." This form is available at [www.archatl.com](http://www.archatl.com). Once you complete the form, mail it to: The Archbishop's Office, 680 West Peachtree Street, NW, Atlanta, GA 30308, in an envelope marked "Confidential," or fax it to 404-978-2770 with a cover sheet.

As a non-mandatory reporter, you are not legally required to, but you may also do the following after reporting to the Archdiocese:

1. If the person about whom you are calling is a minor, call the Department of Family and Children Services (DFCS) in the county where the abuse occurred.
  - a. A list of DFCS contact numbers can be found at [www.archatl.com](http://www.archatl.com).
  - b. Be prepared to give them the child's name, address, age, the nature of the suspected abuse, the name of the suspected perpetrator and his/her relationship to the child.
  - c. Follow-up with a letter to DFCS.

2. Call the Office of the District Attorney in the county where the abuse occurred.
  - a. A list of DA office contact numbers can be found at [www.archatl.com](http://www.archatl.com).
  - b. Be prepared to give them the suspected victim's name, address, age, the nature of the suspected abuse, the name of the suspected perpetrator, and his/her relationship to the suspected victim.
  - c. Follow-up with a letter to the District Attorney's Office.

## **Step 2: Responding**

Upon receipt of the "Report of Suspected Child Abuse by Archdiocesan Personnel," 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) or potential witnesses in any possible future proceedings, either civil or canonical.
- 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 "Report of Suspected Child Abuse by Archdiocesan Personnel."

## **The Complainant**

The complainant has a moral obligation to provide complete, accurate and truthful information in a written statement, as well as to cooperate in the subsequent investigation and, should it be deemed necessary, in any subsequent canonical process. This obligation includes providing 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 to 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 sworn statement regarding an allegation of sexual abuse will be informed of the final outcome of the investigation. The Archdiocese cannot promise absolute confidentiality to a complainant, as reports of sexual abuse of a minor will be immediately reported to the appropriate state and local government authorities. Notification of allegations received must 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.

## **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 nature of the allegation and, unless otherwise prohibited in canon law, the identity of the accuser. The accused's right of defense includes the right to counsel, the right against self-incrimination and in certain cases, the right not to be subjected to the oath. The accused has a right to know the outcome of the investigation.

## **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.

## **Step 3: Notifying the Advisory Board**

When the Archbishop receives an allegation of sexual abuse of a minor by a member of the clergy or Religious, lay employee or volunteer as defined by the "Updated Policy of the Archdiocese of Atlanta Concerning the Protection of Children and Vulnerable Individuals From Sexual Abuse by Church Personnel," the Archbishop shall promptly notify the Advisory Board of the person(s) alleged to be involved, and the substance of the allegations. The Archdiocese will be notified of but may choose not to process anonymous allegations or allegations that do not contain enough information to permit reasonable inquiry, except as previously noted in this document.

## **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 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.

## **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.

## **Step 4: Conducting the Investigation**

The process for conducting the preliminary investigation and determining whether an allegation is credible and actionable or not shall be as delineated in the “Updated Policy of the Archdiocese of Atlanta Concerning the Protection of Children and Vulnerable Individuals from Sexual Abuse by Church Personnel” (August 1, 2003) 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 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.

## **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 sexual abuse of a minor 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.

## **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 Lay 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.

## **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 sexual abuse of a minor. 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” (August 1, 2003) and in the Code of Canon Law will be followed.

### **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, and the transfer of appropriate information and the investigation itself will be coordinated with the appropriate diocesan bishop or religious superior.

### **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.

### **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.

### **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 Vice Chancellor at (404) 885-7445.

If any person wants to make any allegation of sexual 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.

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

Compliance with the Archdiocesan Sexual Abuse Policy and to 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 sexual abuse of minors 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.

## **Reporting of Non-Compliance**

If any person, including any employee, lay volunteer or member of the clergy or Religious, knows about or suspects sexual abuse of a minor 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 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 sexual abuse of minors 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 Vice Chancellor at (404) 885-7445.

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

The Vice Chancellor will coordinate the day-to-day administration of the Archdiocesan Sexual Abuse Policy. The Vice Chancellor'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 Lay Advisory Board.