

# A TIME TO *Heal*



## A letter from Archbishop John C. Favalora to the clergy, religious and laity in the Archdiocese of Miami

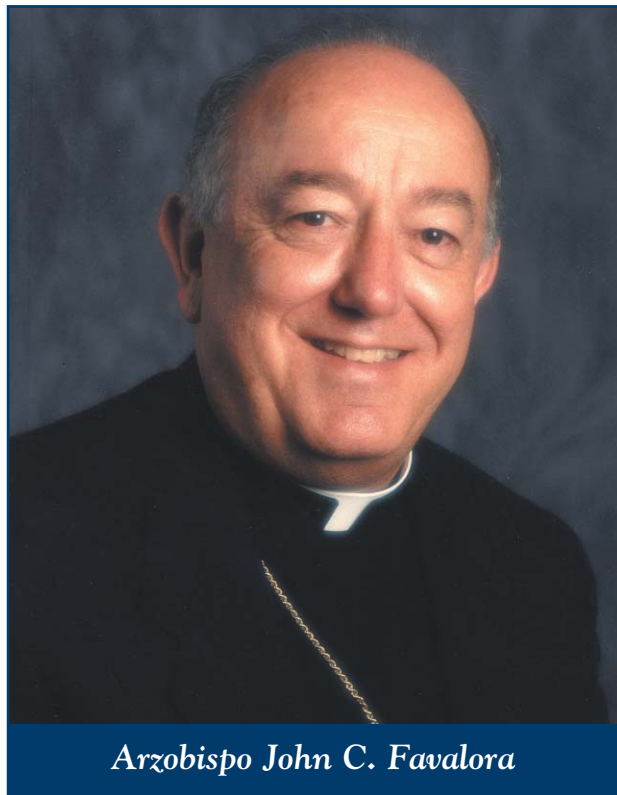
*Dear friends in Christ:*

The scandals of the past two years have been very difficult for the Church in our country. Many, including myself, have found themselves reacting to the seemingly daily reports of abuse with feelings of hurt, embarrassment, betrayal and even anger. The sins of a few and the failure of others to respond promptly have seriously damaged the trust that must exist between bishops and priests, bishops and the laity and between priests and their parishioners. The overriding number of priests and bishops, however, have faithfully served God's holy people and lived a life of dedicated service to God and the Church. I am grateful for their good example and know that the faithful join me in thanking them for their priestly service and pledging our prayerful support of them in the priesthood.

Great and long-lasting harm is perpetrated by sexual abuse. When that abuse comes from a priest, the harm is all the greater. To those who have suffered abuse from anyone representing the Church and to their families, I, as the chief shepherd of the Archdiocese, express my most sincere apologies. I also apologize for any action or inaction on my part that has lessened your sense of trust in the Catholic Church and its ministers. I encourage those harmed in this way to seek the healing, reconciliation and renewal that come from counseling, prayer and Christian hope.

To help restore the bonds of trust and communion, I present this report on where the Archdiocese of Miami stands in this national scandal and our response to it. The report includes the total number of sexual abuse cases filed against priests, deacons, religious and laity of the Archdiocese of Miami since its foundation in 1958. It also includes the insurance costs of settling those cases and pastoral counseling offered to those who said they were abused. These claims are set in the broader context of all other insurance claims which have been brought against the Archdiocese; including premises liability, worker's compensation, and other ordinary liability claims. A review of these figures puts the number of accused priests as well as the costs of the sexual abuse scandal into perspective. Once again, I assure you that no parish funds were used to pay any lawsuits — whether for claims of sexual abuse or any other alleged injury. In addition, this report details the steps being taken in the Archdiocese of Miami to prevent any future incidents of abuse.

In June, 2002, the Bishops of the United States adopted the "Charter for the Protection of Children and Young People." This document — approved by the Holy See — binds all bishops to a strict policy for the protection of children and vulnerable adults who are in the care of the Church. The U.S. Bishops also established a national office to monitor the full implementation of the Charter in every diocese and hired a team of auditors — made up mostly of ex-FBI agents not affiliated with the Catholic Church — to verify each diocese's observance of the Charter's regulations. That independent audit recently found that the Archdiocese of Miami is in full compliance with the requirements of the "Charter for the Protection of Children and Young People."



*Arzobispo John C. Favalora*

Fortunately for us in the Archdiocese of Miami, many of the requirements of the Charter were already in place. Since the mid-1980s, there have been Archdiocesan policies to address claims of sexual abuse. These policies require the reporting of allegations of abuse to the proper civil authorities so that they can conduct their own impartial investigation. The already existing Archdiocesan Review Board was expanded to include more members of the laity whose professional expertise is of great assistance. The Archdiocese of Miami has also established a Safe Environment Program — including the VIRTUS Program — appointed a Safe Environment Coordinator and a Victims' Assistance Coordinator. Since 1999, the Archdiocese of Miami has required fingerprinting and background checks of all priests, deacons, religious, employees and volunteers in regular contact with children or vulnerable adults. All policies regarding Church personnel and volunteers have been reviewed and are being improved where needed to ensure that everyone is properly screened before working for the Church in any capacity.

I believe that these steps indicate how seriously I take any claim that a child, young person or vulnerable adult was abused by someone acting in the name of the Archdiocese of Miami and my commitment to do whatever is possible to prevent this from happening again. The Church exists for the care of souls. This primary mission of the Church is to characterize all our actions; including our response to claims of sexual abuse which is always a sin, an offense against the dignity of the human person, and a crime according to Church law and secular law. Pastoral care is our first priority and our first response to all who notify us of a claim of sexual misconduct.

Jesus Christ ever renews his Church through the grace of conversion, humility and charity. It is in this context that the Church is to deal honestly with the terrible scourge of sexual abuse of minors by some priests and its response. The offense of sexual abuse is present in so many elements of our society and has unfortunately touched the life of the Church. It is sincerely hoped that the Church's improved response to the incidence of sexual abuse will help others in our society to address this issue for the good of our children. For the Catholic, there is hope that the redemption of Christ can bring true and lasting healing to those harmed by this offense, reconcile the offender and renew the bonds of trust and communion among God's holy people. This is my sure hope. With the prayers of the Blessed Virgin Mary to assist us, I know that Divine Providence will lead the Church through this time of purification to a greater holiness of life among all its members.

*Sincerely yours in the Lord.*

## Policy and Procedural Guidelines for the Archdiocese of Miami Relating to Protection of Children and Vulnerable Adults

Policy as of July 1, 2003

### I. INTRODUCTION

The Archbishop of the Archdiocese of Miami is committed to the well being of those who are served by the Church. The People of God have a right to be able to trust those who minister to them in God's name. The violation of this trust through any sexual abuse by Church Personnel is a source of great pain, for those involved and for the entire Church community.

The Archbishop of the Archdiocese of Miami will make every reasonable effort to prevent sexual abuse, and to respond promptly to all allegations of abuse where there is a reasonable belief that abuse has occurred. The Archdiocese also will comply with all obligations of civil and canon law. The Archdiocese will promote healing where it is needed, provide education, training and guidance when it is appropriate, and endeavor to prevent any sexual abuse of minors with firm justice and mercy towards all. No person, including clergy, who has been determined to have engaged in sexual abuse of a minor, will be allowed to remain in active ministry. Such actions violate Christian principles and are outside the scope of duties and employment of all Church Personnel. The Archdiocese will not tolerate such behavior. This policy applies to all Archdiocesan agencies, and all parishes and parish activities within the Archdiocese.

Care will always be taken to protect the rights all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When the accusation has been proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

### II. DEFINITIONS

For the purposes of this policy:

**(A) ALLEGATION:** A statement or accusation of sexual abuse.

**(B) CHILD OR MINOR:** A person less than eighteen (18) years of age.

**(C) VULNERABLE ADULT:** Such persons as so defined in Chapter 415, Florida Statutes. A copy of the statutory definitions is attached.

**(D) DCF:** The Florida Department of Children and Families.

**(E) CHURCH PERSONNEL:** For purposes of this policy only, Church Personnel shall include any person who is employed by, or engaged in ministry, or providing service, either directly or indirectly, for the Archdiocese, an agency controlled by the Archdiocese, or a parish. Church Personnel shall include, but not be limited to, priests, deacons, religious, employees, and any volunteer involved in any Archdiocesan or parish activity. "Personnel" as defined herein, has reference only to the applicability of this policy, and is not indicative of any agency or employment relationship between the



TFC file photo

Archbishop Favalora speaks to reporters after returning from the U.S. bishops' November, 2002, meeting in Washington, D.C., where the revised norms for dealing with clergy sexual abuse were approved.

Archdiocese and the party whose compliance with this policy is sought.

**(F) SEXUAL ABUSE:** Sexual abuse means any act constituting sexual abuse as defined in Chapter 39 and Chapter 415, Florida Statutes, whether perpetuated against a child or vulnerable adult as defined herein. A copy of the applicable provisions of the statutes is attached to the end of this policy.

**(G) ARCHDIOCESAN CONTACT PERSON:** The Archbishop has designated the office of the Vicar General, 9401 Biscayne Boulevard, Miami Shores, Florida 33138, 305-762-1222, to be the contact person.

**(H) PROMOTER OF JUSTICE:** The prosecuting attorney in Church courts.

### III. DISCLOSURE & REPORTING

#### A. Summary and Purpose

This policy is intended to establish requirements and procedures in an effort to prevent sexual abuse by Church Personnel and the resulting harm to the victims and the Church community, and to provide guidance on how to respond to allegations of sexual abuse. All Church Personnel must comply with applicable laws regarding incidents of actual or suspected sexual abuse of minors or vulnerable adults and with these procedural guidelines.

#### B. Distribution of Policy

A copy of this policy shall be distributed to all Archdiocesan agencies and parishes.

See **Policy and Procedural Guidelines**, page 6

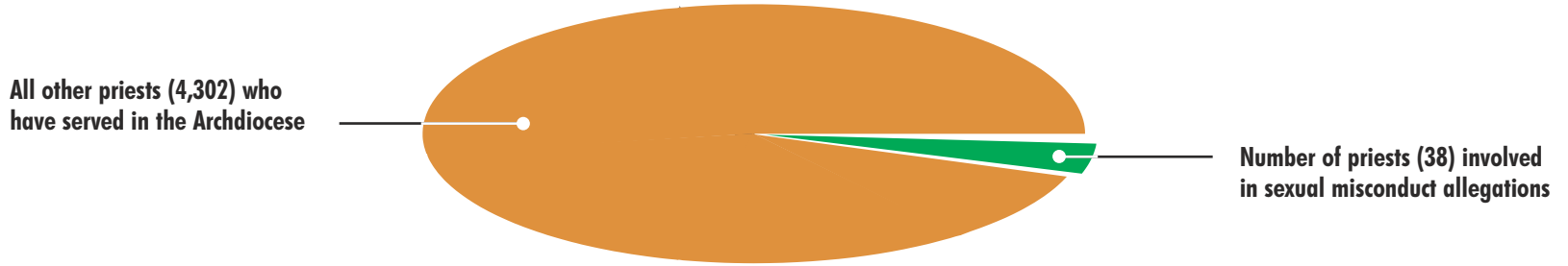
*To those who have suffered abuse from anyone representing the Church and to their families, I, as the chief shepherd of the Archdiocese, express my most sincere apologies. I also apologize for any action or inaction on my part that has lessened your sense of trust in the Catholic Church and its ministers. I encourage those harmed in this way to seek the healing, reconciliation and renewal that come from counseling, prayer and Christian hope.*

**Archbishop John C. Favalora**

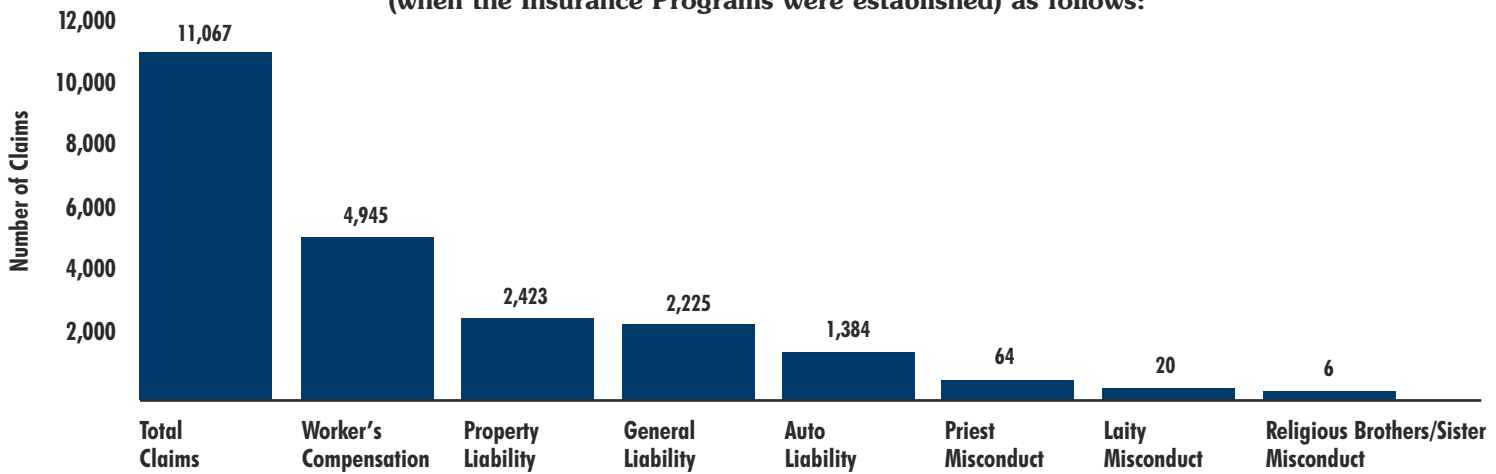


## As of December 1, 2003, these are the current numbers and amounts regarding sexual misconduct allegations, settlements and legal fees.

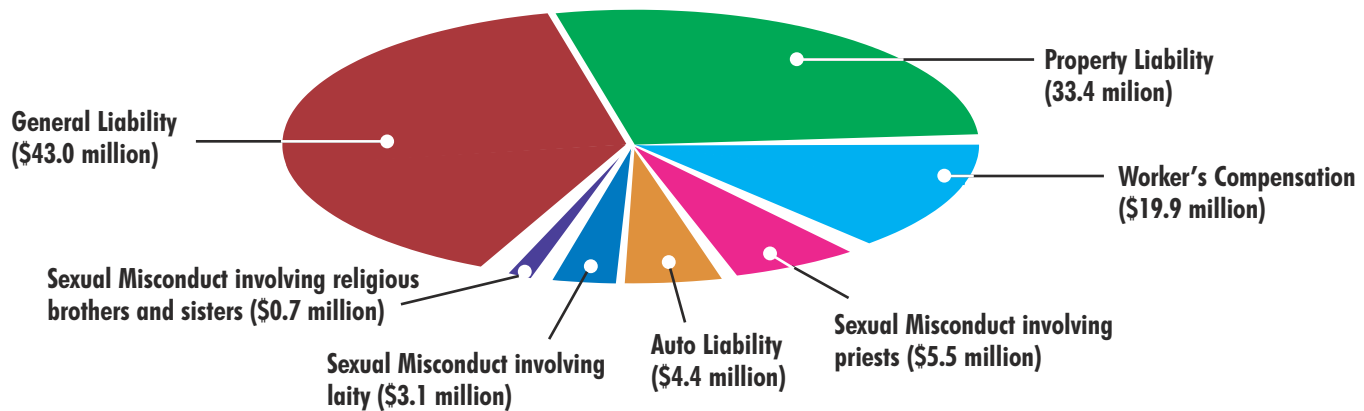
Since the Archdiocese of Miami was founded in 1958, allegations of sexual misconduct involving minors have been made involving 38 priests, which is less than 1% of the 4,340 priests who have served in the Archdiocese.



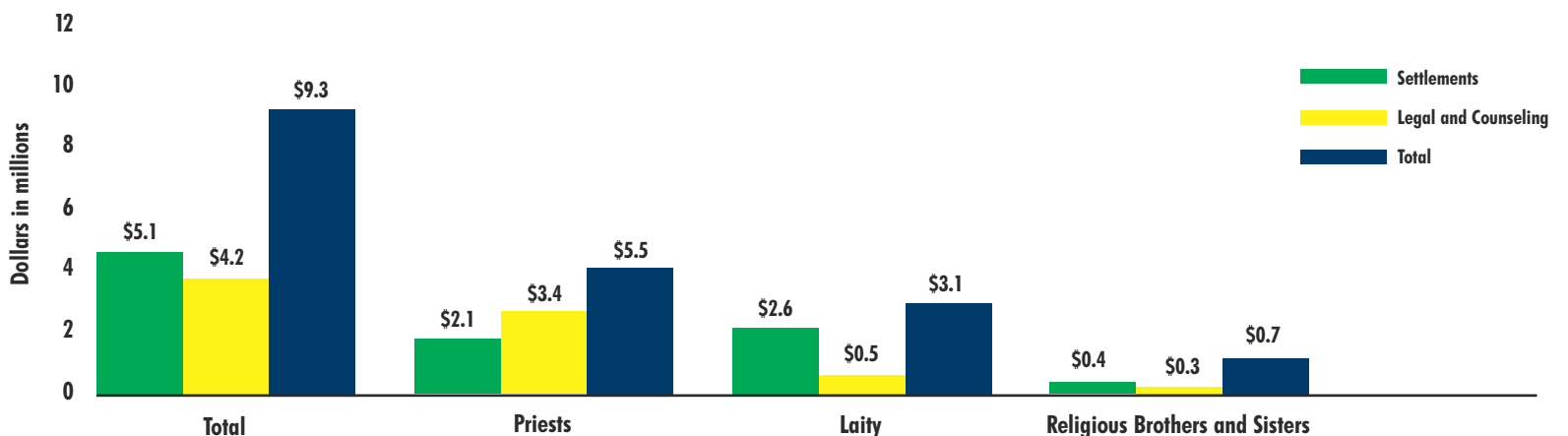
The Archdiocese of Miami Insurance Programs have reported 11,067 claims since 1966 (when the Insurance Programs were established) as follows:



The Archdiocese of Miami Insurance Programs have paid \$110 million in total claims since 1966, as follows:



The Archdiocese of Miami Insurance Programs have paid \$9.3 million in settlement, legal and counseling costs associated with sexual misconduct allegations made by minors involving priests, laity and religious brothers and sisters as follows:



## Marist brother coordinates Safe Environment program

After a lifetime of teaching and a quarter-century as a missionary in the Philippines, Marist Brother Joseph Teston has taken on a new task: archdiocesan coordinator of the Safe Environment program. He was appointed July 1, 2003.

Brother Teston's primary responsibility is to implement VIRTUS, the Safe Environment program selected by the Archdiocese.

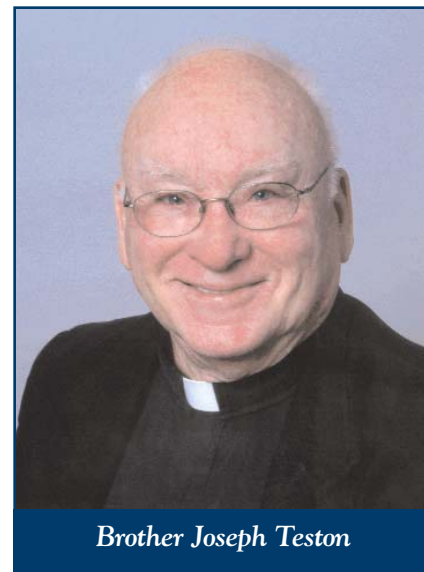
"This thing is for everybody. The archbishop wants everybody to experience it," Brother Teston said. "The idea is to bring the whole thing into the open so we can talk about it. So it won't be hidden or covered up. ... It's to make people aware of the fact that we have to protect the kids."

Brother Teston entered the Marists in 1939. He earned a bachelor's degree in education

from Fordham University, a master's in mathematics from Columbia University and in 1948 was among the first group of brothers sent as missionaries to the Philippines.

He served as superintendent of the Catholic school system in Cotabato and first provincial of the newly-formed Filipino province of Marist Brothers before returning to the states in 1973. He then ran the Marist Brothers' mission office in New York, taught high school in Augusta, Ga., worked in religious education for the Savannah diocese, and served as pastoral assistant at an Augusta parish. In the mid-1970s, he went back to the seminary and obtained two more master's degrees, one in theology and the other in religious education.

Brother Teston may be reached by calling 305-762-1250.



Brother Joseph Teston

## Her job: Screening personnel, volunteers



Dianne Trillo

The Archdiocese of Miami has hired Dianne Trillo as a human resources generalist, to implement the fingerprinting and background checks that are required of all archdiocesan employees and parish volunteers.

"We're coming together with a standardized hiring process so everybody has to follow the same procedures," Trillo said. "Everybody gets a statewide background check," including employment history, reference checks and fingerprinting.

The background checks apply to paid staff as well as volunteers who work 20 hours or more or have access to children. Some employees and volunteers also will be subject to federal criminal background checks. The same policies apply to those who work with vulnerable adults in nursing homes and hospitals.

Trillo has a degree in psychology and

worked for several years as a counselor to disadvantaged families and victims of domestic violence before putting her psychological skills to use in the field of human resources.

Since the mid-1980s, teachers and Catholic Charities workers who came into contact with children were required to undergo background checks in the Archdiocese. In 1999, the Archdiocese expanded the policy to include all clergy, religious and lay personnel as well as any volunteers who had unsupervised contact with children or spent at least 20 hours a week in a school or parish setting.

The screening of church personnel is now mandated in all U.S. dioceses by the U.S. bishops' "Charter for the Protection of Children and Young People."

Trillo can be reached at 305-891-5664.

## Victim Assistance Coordinator helps with referrals

Vicki Kaufmann was appointed Victim Assistance Coordinator for the Archdiocese of Miami in March, 2003. She is available for information and referral services for anyone claiming to have been sexually abused by a priest or deacon in the Archdiocese.

Kaufmann's role is to listen to victims' stories, do the initial assessment and arrange for them to receive proper counseling or therapy.

Kaufmann, with a background in counseling, is chief operating officer for Catholic Charities, Inc., which means that she oversees all of the charitable programs and services of the Archdiocese in Miami-Dade, Broward and Monroe counties. Kaufmann has been with Catholic Charities for nearly 10 years, initially

as division director for the Broward County programs. She was named chief operating officer in July, 2001.

Prior to that, she worked for the Diocese of Lansing, Mich., first as parish social ministry coordinator and family life educator, later as founder and executive director of Livingston County Catholic Social Services for nine years.

A special telephone line has been set up for callers to reach her directly and confidentially. The toll-free number is 1-866-80ABUSE (1-866-802-2873). Kaufmann checks and responds to messages daily during business hours from Monday through Friday. The calls come in only to her.



Vicki Kaufmann

## Frequently asked questions about sexual abuse

### What was the Archdiocese of Miami's procedure in the past when handling sexual abuse or misconduct allegations?

Since the mid-1980s, the Archdiocese has had policies in place detailing the response to sexual abuse allegations. The policy called for looking into the allegations; reporting them to civil authorities, who also investigated; providing psychological treatment for the accused, at times in a residential program; and offering counseling to the alleged victims. The Archdiocese then followed the recommendations of doctors, civil and other lay advisors regarding re-assignment of the accused individual.

### What is the procedure since the U.S. Conference of Catholic Bishops' meeting in Dallas in June, 2002?

The Archdiocese of Miami adheres to the Charter for the Protection of Children and Young Adults, which was approved by the bishops in Dallas and became particular law for the U.S. church after Pope John Paul II approved it in October, 2002. In keeping with the charter, when an allegation is received, it is reported to civil authorities and referred to the Archdiocesan Review Board. The board's recommendations are reported to the Archbishop. If the allegations are credible, the archbishop will place the accused on administrative leave. The case is referred to the Vatican for appropriate investigation and resolution according to Canon (Church) Law. Counseling is offered to the alleged victim, as well as the accused.

### What is the church doing for the alleged victims?

When the Archdiocese learns of an allegation, the alleged victim is offered counseling and the Archdiocese reaches out to the alleged victim to begin the process of pastoral healing.

### Has anyone from the Archdiocese met with alleged victims of sexual abuse?

Every alleged victim is invited to a pastoral meeting with representatives of the Archdiocese. The Archbishop, the vicar general and/or the chancellor have met with those alleged victims who accepted their invitation.

### What if I am an alleged victim of sexual abuse by a priest?

You must report it to the police or the Department of Children and Families' abuse hotline, 1-800-96ABUSE. After reporting the abuse to civil authorities, please notify the Archdiocese by calling our Victim Assistance Coordinator, Vicki Kaufmann (1-866-80ABUSE), or contacting Msgr. William Hennessey, Vicar General (305-762-1222).

### Why are these allegations now becoming public?

Partly due to the national publicity that accompanied the sexual abuse scandal around the country. After years of silent pain, victims

learned they were not alone and began to come forward. That explains why most of these cases have caught the Archdiocese by surprise. In most cases, we had not received word of any abuse allegations until lawsuits were filed by the alleged victims' attorneys. Although the Archdiocese repeatedly has invited alleged victims of abuse to come forward in order to offer them pastoral care, many alleged victims have decided first to file civil lawsuits.

### Why didn't the Archbishop or Archdiocese know that these priests were doing such terrible things?

A priest commits to a life of celibacy and it is presumed he lives according to that vow. When a man is ordained to the priesthood, he has every intention of adhering to that vow. However, neither the Archbishop nor the Archdiocese can know of every priest's actions at all times. The phrase "knew or should have known" is the standard for legal liability, not reality.

### How many priests from the Archdiocese of Miami have been accused?

Since the Archdiocese of Miami was founded in 1958, 4340 priests have served here; 38 have been accused. That is less than 1 percent of the priests.

### How many insurance claims have been filed?

Since 1966, 11,067 insurance claims have been filed with the Archdiocese of Miami Insurance Programs, of which 64 pertained to claims of priests' misconduct. That is less than one-half of one percent.

### Are my parish funds going to pay settlements or legal fees?

No. The Archdiocese has insurance programs to handle these items.

### Even if insurance covers the liability, aren't we as Catholics paying the insurance premiums?

Yes. Like families, individuals and businesses, the Archdiocese pays premiums for all kinds of insurance such as workers' compensation, general liability, property liability and auto liability.

### What about ABCD funds, which go toward paying the annual operating budget of the Archdiocese? Does this money go to legal fees?

No. The money raised by ABCD is earmarked for inner city schools, inner city parishes, Catholic Charities and other pastoral services. A full accounting of how ABCD funds are spent is presented each year in the archdiocesan financial report which is published in *The Florida Catholic* and *La Voz Catolica*.

### Does the settlement of a claim by the archdiocese mean that the accused is guilty?

No. The settlement of a claim by the archdiocese does not mean that the accused is guilty. A settlement is an equitable resolution of a claim, taking into account the cost of litigation and other related factors.

### Who are the members of the Archdiocesan Review Board?

The board is made up of a medical doctor, a psychiatrist, a canon lawyer, a civil lawyer and a priest. The members of the review board wish to remain anonymous. They believe they can work more efficiently that way.

### Can you guarantee that sexual abuse of a minor will never happen again in the Archdiocese?

No, we cannot; no one can. However, we have programs in place designed to prevent abuse by educating our children, our parents, our clergy, our lay employees and our volunteers. Since 1999, it has been the archdiocesan policy that all clergy, lay employees, deacons, teachers and volunteers with unsupervised access to children be fingerprinted and undergo criminal background checks. Church personnel who work with children now are required to sign a code of conduct. The VIRTUS Program teaches church personnel, parents and volunteers ways to avoid situations that could lead to sexual abuse as well as to recognize the warning signs of a perpetrator.

### What is being done for the continuing education of priests?

Over the past two years, Archbishop Favalora has met on several occasions with the priests of the Archdiocese to discuss this scandal. He also dedicated two days of reflection with the clergy to this subject, so that the priests and deacons, guided in their discussions by professionals, could discuss their response to the scandal and its impact on their spiritual lives and the exercise of their ministry.

### What is being done at the seminary to prevent sexual misconduct by future priests?

Prior to their admittance to St. John Vianney Minor Seminary and St. Vincent de Paul Regional Seminary, candidates undergo fingerprinting and background checks as well as a battery of psychological tests and one-on-one interviews with three members of the archdiocesan admissions board. Candidates must have graduated from high school and show that they have lived a celibate life for at least two to three years. They also must obtain recommendations from their pastors and the archdiocesan director of vocations. The admissions board is composed of 16 people: a lay man, a lay woman, two women religious and 11 priests, including the rector of the minor seminary and the vocations director. Once enrolled, seminarians attend classes and special seminars regarding Catholic spirituality, celibate sexuality, sexual development, nuptial love, discerning celibacy's call and dealing with sexual feelings. The VIRTUS Program has been presented at both seminaries.



## Policy and Procedural Guidelines (continued)

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### C. Obligation to Report Abuse

(1) All Church Personnel who know, or have reasonable cause to suspect, that a child or vulnerable adult has been a victim of sexual abuse, shall immediately make any report required by law directly to the Department of Children and Families (DCF). Any mandatory report may be made by calling the toll free statewide abuse or neglect registry at 1-800-96ABUSE, or by calling the local DCF office responsible for receiving such reports. Any verbal report to DCF, which is required by law to be confirmed in writing, shall be confirmed in writing to the local DCF office within forty-eight (48) hours of making the verbal report. The statutory clergy confidentiality privilege, as provided in Section 39.204, F.S., and as described in Section 90.505, F.S., shall apply to all reporting required under this paragraph.

(2) All allegations of sexual abuse by Church Personnel or on church premises shall be reported promptly to the Archdiocesan Contact Person. The Archdiocesan Contact Person shall immediately notify the Archdiocesan Attorney who will in turn notify the local State Attorney. Procedures for making a complaint will be readily available in printed form.

(3) Any report made to DCF should contain, when possible, the names and addresses of the child or vulnerable adult and of the child or vulnerable adult's parent, guardian, or other adult having custody and control of the child or vulnerable adult, the child or vulnerable adult's age, the nature and possible extent of the child or vulnerable adult's injuries, and any other information that the person reporting believes may be helpful with respect to the investigation of the alleged abuse, and the identity of the alleged perpetrator.

(4) If the complaint is not received from or does not involve the parent or guardian of the child or vulnerable adult, arrangements should be made to notify immediately the parent or guardian. Notice should not be given to the parent or guardian if he or she is the person against whom the complaint is made. Appropriate pastoral concern and support shall also be shown to all parties involved, including the family. All information relating to a child or vulnerable adult incident, in which a complaint is made against Church Personnel, shall be assembled and retained in a written form in a confidential manner.

(5) The Archdiocese will cooperate with public authorities about reporting in cases when the person alleged to have been abused is no longer a minor. In every instance, the Archdiocese will notify the Archdiocesan Attorney who will in turn notify the local State Attorney. In addition, the Archdiocese will advise and support a person's right to make a report to public authorities.

(6) In cases of child sexual abuse, the Archdiocese will not enter into confidentiality agreements except for grave or substantial rea-

sons brought forward by the victim or survivor and noted in the text of the agreement.

(7) If an allegation is made against the Archbishop or an Auxiliary Bishop, the Apostolic Nuncio will be notified of the allegation. The Archdiocesan Contact Person shall make certain that the Apostolic Nuncio is notified. In cases of financial demands for settlements involving allegations of any sexual misconduct by the Archbishop, the Apostolic Nuncio will be informed.

### IV. PASTORAL RESPONSE & REVIEW BOARD

#### A. Pastoral Commitment

When an allegation of sexual abuse of a minor by any Church Personnel is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the investigation. If an allegation of sexual abuse of a minor by Church Personnel is found credible, the alleged offender will be temporarily relieved of any ecclesiastical ministry or function, in harmony with canon law. The Archdiocese will not interfere with any investigation by law enforcement. When there is sufficient evidence that sexual abuse of a minor by a cleric has occurred, the Congregation of the Doctrine of the Faith shall be notified.

#### B. Assistance Coordinator

The Archdiocesan Victim Assistance Coordinator sees to the immediate pastoral care of persons who claim to have been sexually abused by Church Personnel when they were minors or vulnerable adults. The Archdiocese is concerned for the spiritual and emotional well being of alleged victims and is committed to promote healing and reconciliation. The Archdiocesan Victim Assistance Coordinator

will offer appropriate counseling, spiritual assistance, access to support groups and other agreed upon social services.

### C. Review Board

#### 1. Membership

To assist the Archbishop in his work, the Archdiocese has a Review Board that functions as a confidential consultative body established by the Archbishop, which is composed of at least five persons of outstanding integrity and good judgment. The majority of the Review Board members will be laypersons who are not in the employ of the Archdiocese; but at least one member must be a priest who is an experienced and respected pastor of the Archdiocese. At least one member should have particular expertise in the treatment of the sexual abuse of minors or vulnerable adults. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice and the Archdiocesan Attorney participate in the meetings of the Review Board.

#### 2. Functions

The functions of this Review Board include:

- a. Advising the Archbishop; 1) in his assessment of allegations of sexual abuse of minors and vulnerable adults; and, 2) in his determination of suitability for ministry;
- b. Reviewing Archdiocesan policies for dealing with sexual abuse of minors and vulnerable adults, offering advice on all aspects of these cases, whether retrospectively or prospectively.

#### 3. Procedures

- a. The Review Board shall develop its own procedures for implementing this policy.
- b. The Review Board or its designee shall

See **Policy and Procedural Guidelines**, page 7



Kathleen L. McChesney, a former FBI agent, was appointed director of the U.S. bishops' Office for Child and Youth Protection in November, 2002. Her role is to oversee U.S. dioceses' compliance with the "Charter for the Protection of Children and Young People."

CNS file photo

## Policy and Procedural Guidelines (continued)

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report to the Archbishop regarding their deliberations. At the Archbishop's request, the Review Board or its designee and the Archdiocesan Attorney shall meet with the Archbishop to respond to any questions he may have, or provide additional information desired by him. All information received by the Review Board shall be considered confidential and shall not be revealed by any member of the Review Board, except to the Archdiocesan Attorney, other members of the Review Board, and the Archbishop, unless compelled by law.

### 4. Removing Church Personnel

Nothing in this section shall be construed to preclude the Archbishop from temporarily or permanently removing Church Personnel upon receipt of an allegation, either pending or after the Review Board's completion of its proceedings.

### 5. Communications Policy

The Archdiocese has a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Archdiocese will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by alleged ministerial misconduct involving minors.

## V. ABUSE BY PRIEST OR DEACON

### A. Clinical Evaluation

If a credible allegation of sexual abuse of a minor or vulnerable adult involves a priest or deacon, the alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Archdiocese and to the accused.

### B. Response to Admitted or Established Abuse

When sexual abuse by a priest or deacon is admitted or is established after an appropriate

investigation in accord with canon law, the following will pertain:

1. The Archdiocesan policy provides that for even a single act of sexual abuse of a minor—past, present, or future—the offending priest or deacon will be permanently removed from ministry. At all times, the Archbishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor is a crime, for the sake of the common good and observing the provisions of canon law, the Archbishop shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

2. In every case, the processes provided for in canon law must be observed, and its various provisions be considered (cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; Letter from the Congregation for the Doctrine of the Faith,

May 18, 2001). These provisions may include a request by the priest or deacon for dispensation from the obligations of Holy Orders and the loss of the clerical state, or a request by the Archbishop for dismissal from the clerical state, even without the consent of the priest or deacon. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Archdiocese will supply canonical counsel to a priest.

3. If the penalty of dismissal from the clerical state has not been applied, the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He will be instructed not to wear clerical garb, or to present himself publicly as a priest.

4. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Archbishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state ex officio, even without the consent of the priest or deacon.

### C. Transfer Requirements

No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese or religious province. Before a priest or deacon can be transferred for residence to another diocese or religious province, the Archbishop shall forward in a confidential manner to the local bishop or religious ordinary of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life.

Approved by the Archbishop on July 1, 2003

## Audit finds Archdiocese in compliance with charter

A year after the U.S. bishops' June, 2002, approval of the "Charter for the Protection of Children and Young People", every diocese in the United States underwent an audit to monitor how it was complying with the charter.

Auditors from the Gavin Group of Winthrop, Mass., visited the Archdiocese Sept. 3-6, 2003. They documented that the Archdiocese had complied with the charter by establishing an Archdiocesan Review Board; by reporting allegations of sexual abuse to the proper civil authorities; by creating a Safe Environment office and appointing a coordinator to oversee the Safe Environment program; by naming a Victim Assistance Coordinator to offer counseling to alleged victims; and by offering counseling as well to those accused.

Many of these initiatives were already in place in the Archdiocese since 1986, long before the U.S. bishops' charter made them mandatory. The auditors found that the Archdiocese is in complete compliance with the charter.

The cumulative results of this nationwide audit will be made public by the U.S. bishops' Office for Child and Youth Protection on January 6, 2004. The office is directed by Kathleen McChesney, who reports to both the bishops and the National Review Board created by the Dallas charter.

## Bishops to release comprehensive study of sex abuse scandal

On February 24, 2004, the U.S. bishops' National Review Board will release the results of the most comprehensive study ever undertaken regarding the extent of the sexual abuse scandal in the United States.

The study, for the first time, will reveal the total number of incidents, offenders and victims of clergy sexual abuse in the United States between 1950 and 2002, as well as the aggregate cost of legal settlements of these cases. The John Jay College of Criminal Justice of the City University of New York conducted the study.

Individual victims, offenders and dioceses will not be named, but the information contained on page 3 of this special section is what the Archdiocese of Miami reported to representatives of the John Jay College.

All 195 U.S. dioceses, along with eparchies and religious orders, participated in this study, which was commissioned by the National Review Board, a group established by the bishops to assist them in addressing the clerical sex abuse scandal. Creation of the board was part of the "Charter for the Protection of Children and Young People" which the bishops approved in Dallas in June, 2002.



CNS file photo

Members of the National Review Board for clergy sex abuse as well as Kathleen L. McChesney, second from left, director of the U.S. bishops' Office for Child and Youth Protection, stand for prayer at the U.S. Conference of Catholic Bishops' general meeting in Washington on Nov. 11, 2002. At the meeting the U.S. bishops voted overwhelmingly for the revised norms for clergy sex abuse put forth by a joint commission of U.S. bishops and Vatican officials. The norms are now law for the U.S. Church.



## VIRTUS trains people to recognize signs of abuse

VIRTUS, the Safe Environment program selected by the Archdiocese of Miami, was developed six years ago by the National Catholic Risk Retention Group as a means of reducing the fourth highest insurance cost for Catholic dioceses: child sexual abuse committed not by priests, but by lay people who work for the church.

VIRTUS trains clergy, religious and laity to recognize the signs of sexual abuse and take steps to prevent it. The program debunks commonly-held myths about sexual offenders and stresses the lasting psychological damage caused by abuse. The VIRTUS training videos feature interviews with both perpetrators and victims.

"When the demon is named, it stops," said VIRTUS trainer Paul Ashton.

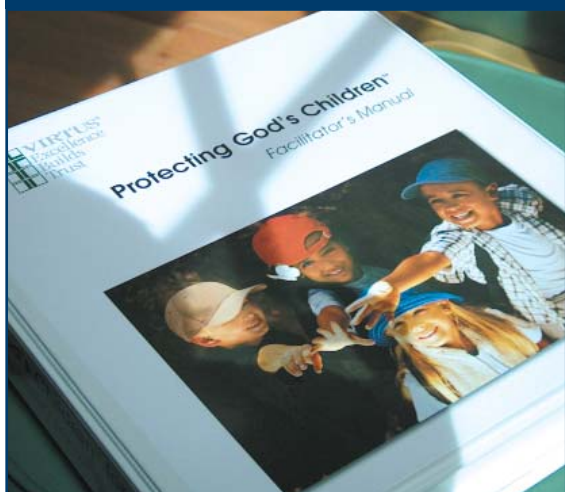
He pointed out that abusers come in all shapes and sizes and typically are highly successful in their professions. They also have excellent people skills, which they use to gain the confidence of both children and their parents.

"Evil does not appear as a bag of dung on



*VIRTUS trainer Paul Ashton leads a session for facilitators and parishioners of St. John Neumann Parish in Miami last September.*

*The VIRTUS Program (below) is designed not just for Church employees but for anyone having contact with children, especially parents.*



training have committed themselves to being facilitators. Three of them speak Creole and several more speak Spanish. They have since begun conducting shorter training sessions for fellow Catholics throughout the Archdiocese, including parents, teachers, clergy and religious. (See box for schedule and list of area coordinators.)

your desk.

It appears as a bag of chocolates, sweet and nice," Ashton said. "No blood test, no urine test, no psychological battery of tests" can reveal who is an abuser. "They fool us. That's the point."

The good thing is that the church, because of the sexual abuse scandal of the past year and a half, is now taking the lead in trying to prevent child sexual abuse at all levels of society.

"The church is excellent at turning sin and evil into good. That's what this program is about," Ashton said.

More than 100 lay Catholics were trained as VIRTUS facilitators during two weekend-long training sessions at the end of September. More than 60 of those who underwent the

### Archdiocesan, national Charter, policies available on website

The Archdiocese of Miami's policies on keeping children safe from sexual abuse and procedures for reporting suspected abusers are available on the archdiocesan website:

**[www.miamiarch.org](http://www.miamiarch.org)**

Also available on the site: a copy of the U.S. bishops' Charter for the Protection of Children and young People. To report suspected abuse to civil authorities, call the Florida Abuse Hotline:

**1.800.96ABUSE**

## To Schedule VIRTUS

Those wishing to schedule a VIRTUS Program session in a parish or school, in English, Spanish or Creole, should contact the volunteer coordinator for their area (deanery).

The coordinators are:

### **Broward County**

#### NORTHEAST BROWARD

Deacon Frank O'Gorman, 954-525-4133

#### NORTHWEST BROWARD

Ann Stiles, 954-761-2992

#### SOUTH BROWARD

Maureen H. Freeman, 954-963-1541

### **Miami-Dade County**

#### EAST DADE

Patricia E. Fairfield, 305-576-5850

#### NORTHEAST DADE

Myrna Sands, 305-691-0771

#### SOUTH DADE

Eduardo Navarro, 786-546-5784

#### WEST DADE

Maria P. Glass, 305-222-8751

### **Monroe County**

#### MONROE

Susan J. Dotten, 305-451-6404

### **Creole-speaking**

#### NORTHWEST BROWARD

Marvelite St. Fleur, 954-946-2310

#### SOUTH DADE

Astrid Schutt-Aine, 305-387-8289

## Upcoming VIRTUS Trainings

VIRTUS trainings for Catholic teachers and administrators will be held at three archdiocesan high schools on March 26, 2004, and a fourth will be held a week earlier at another Catholic high school. The locations are:

### March 19

Carrollton School of the Sacred Heart, Coconut Grove

### March 26

St. Thomas Aquinas High School, Fort Lauderdale; Msgr. Edward Pace High School, Opa-Locka; Christopher Columbus High School, Miami.

For more information, call Brother Joseph Teston at 305-762-1250.