

**Diocese of Las Cruces
Policy
Sexual Abuse of Minors**

Preamble

The purpose of this policy is to establish guidelines consistent with the *Charter for the Protection of Children and Young People* (hereafter *Charter*) and the *Essential Norms for the Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons* (hereafter *Essential Norms*). In concert with the United States Conference of Catholic Bishops, the Diocese of Las Cruces acknowledges that the Church, in our location, has made mistakes in the past concerning its vigilance over clergy who have been permitted to serve in the ten counties of southern New Mexico which now comprise the Diocese of Las Cruces. We know that in a number of situations, minors have been victimized by the sexual abuse perpetrated by clergy who are supposed to be among the most trustworthy of the Christian faithful. Those victimized and their families have suffered enormous pain, anger and confusion. Even though the abuse may have occurred many years ago, some victims still cannot feel a part of the Catholic community. As a local church we regret the alienation which many victims still experience. While we pray and work towards ensuring that sexual abuse of minors by priests or deacons never happens again, we also pray for the spiritual healing of all those who have been affected by this type of victimization.

I. Policy

Sexual abuse by personnel of the Diocese of Las Cruces is not acceptable and will not be tolerated. In conformity with the Essential Norms no one who has admitted or is proven to have sexually abused a minor will be permitted to serve in the name of the Church within our diocese.¹ All diocesan personnel must comply with applicable New Mexico state laws regarding incidents of real or suspected sexual abuse and participate in training/workshops as determined by the diocese. It is the responsibility of all personnel of the diocese, paid or volunteer, to be conscious of and adhere to this policy. To act responsibly, personnel must learn the facts about sexual abuse and procedures for reporting and intervention.

II. Underlying Principles

This policy builds on the “Sexual Misconduct Policy” which was first published in the *Pastoral Manual* in 1993. This policy now incorporates the principles in the *Charter* and *Essential Norms*. It includes:

- A. Uppermost concern for the protection of our children and young people;
- B. Strong commitment to the pastoral care of victims of sexual abuse, in that the diocese is committed to provide outreach to every person who has been a victim of sexual abuse as a minor by anyone acting in the name of the Church;

- C. Full cooperation with civil authorities in required notifications and in any criminal investigation;
- D. Greater specificity in the procedural guidelines to be employed in response to accusations of sexual abuse by diocesan personnel;
- E. Fair and just treatment of all diocesan personnel in any investigative process. We begin with the position that one is innocent and must be proven guilty;
- F. Adherence to the civil and canonical rights of all victims and alleged perpetrators;
- G. A commitment to openness and transparency in all aspects of the implementation of this policy.

III. Application of Policy

This policy applies to all diocesan, parish and Catholic school personnel which includes everyone engaged in the work of the diocese, including officials, employees, lay volunteers, seminarians, clergy and members of religious institutes who serve the diocese, its parishes, or Catholic schools as a volunteer or paid employee. It is the responsibility of diocesan, parish and Catholic school personnel, paid or volunteers, to be conscious of and adhere to this policy.

In the context of this policy, sexual abuse of a minor includes: contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome.²

IV. Safe Environment Program

The Diocese of Las Cruces strives to foster a safe environment for all people, particularly children and youth. The safe environment program shall have three major components: Education, Screening and Standards of Conduct.

A. Education

The diocese requires all paid diocesan, parish and Catholic school personnel to attend a sexual abuse awareness workshop within six months of beginning to work within the diocese. In addition, all diocesan, parish and Catholic school volunteers who have contact with minors must also satisfy this requirement. Sexual abuse awareness workshops shall be coordinated and attendance documented by the diocesan office of insurance, under the direction of the chancellor's office. Parishes, missions, quasi-parishes, Catholic schools, or other diocesan agencies are responsible to ensure and document that their personnel (paid or volunteer) are in compliance with this policy. As part of the education process, the office of insurance publicizes at least quarterly the procedures for reporting an allegation through

workshops, the diocesan web page and other diocesan, parish, Catholic school and mission publications.

Additionally the directors of Elementary Catechesis, Youth Ministry and the Superintendent of Catholic Schools shall work in conjunction with parishes/missions or Catholic schools to ensure children and youth receive age appropriate sexual abuse prevention education. Parents of children and young people should be involved in this training and offered training themselves.

B. Screening

Thorough screening of employees and volunteers will be conducted prior to beginning ministry within the diocese. It is the responsibility of the hiring agency (parish, school, etc) to submit the appropriate background investigation request forms to the Office of Lay Personnel. The diocesan Office of Lay Personnel administers the required background investigations. The diocese shall conduct background investigations on all diocesan and parish personnel. No person shall be allowed to begin paid service within the diocese unless they have completed a background consent form. All volunteers working with minors must also complete the background consent form before beginning service. The depth of a background investigation shall be conducted in a manner appropriate to the position held by an individual. For further details concerning background investigations, see the “Background Investigation” Policy in the *Pastoral Manual*.

C. Standards of Conduct

The Charter states that the diocese must make clear to clergy and all members of the Christian faithful “the standards of conduct for the clergy and other persons in positions of trust with regard to sexual abuse.”³ In response to that requirement, the Diocese of Las Cruces has developed a special set of guidelines for priestly conduct which are based on John Paul II’s 1992 post-synodal apostolic exhortation, *Pastores Dabo Vobis* and the United States Conference of Catholic Bishops (then the National Conference of Catholic Bishops) Basic Plan for the Ongoing Formation of Priests (2001). These standards are also available on the diocesan web site (www.dioceseoflascruces.org). With the exception of #7 these standards apply equally to all priests and lay persons serving in the diocese.

1. All those who serve in positions of trust in the Church must at all times maintain a professional dignity that reflects Christ who he exemplifies, especially in practicing compassion and charity towards the poor and needy. All who serve must be aware of the challenges of professional boundaries, appropriate touches, verbal and non-verbal communication. While it is natural to love with the love that Jesus expressed towards men, women and children, any conduct which might lead to accusations of inappropriate behavior must be avoided.
2. The use of books, literature, TV programs, movies, videos or websites of a pornographic

nature that degrade the holiness of God's creation are not appropriate for anyone serving in the name of the Church.

3. Those who minister to children and youth need to be mindful of the need to keep professional boundaries especially when working with difficult youth.
4. Parents or another adult should always be present at events involving minors.
5. Minors are never to be alone in a church office or room without the door being open or similar visibility.
6. Vacations or overnight trips must always include family or other adults.
7. Priests may not have minors stay overnight at their residence unless the minor is a relative.

In the case of a priest, infractions of the above must be reported to the diocesan bishop, vicar general or chancellor. In the case of another person serving in the name of the Church, such an infraction must be reported to the person's supervisor or pastor.

V. Communications Policy

The diocese shall be open and transparent in all its policies and procedures. The diocese will always consider "respect for the privacy and the reputation of the individuals involved." The following guidelines are adopted to support this policy;

- A. The diocese will make the policies and procedures concerning the protection of children and young people readily available to the public via its website, parishes, schools, diocesan offices and publications.
- B. The diocese will publicize quarterly the name and business phone number for the victim assistance coordinator through parish bulletins and the *Agua Viva*. This information will also be available on the diocesan website and during all sexual abuse awareness workshops/trainings.
- C. The diocese will publicize and make available training resources to all parishes and schools.
- D. The diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of any agreement between the victim/survivor and the diocese.
- E. When a priest or deacon is removed from his assignment, the bishop shall deal directly with the community.

- F. The diocese will notify civil authorities in keeping with New Mexico state law and cooperate with all civil investigations.
- G. The diocese will inform every alleged victim of their right to notify civil authorities and to seek legal counsel.
- H. The diocese will deal as directly and openly as possible with members of the community and media.

VI. Pastoral Care of Victims, Family, Parish and Community

The focus of the diocese is prevention; however, if abuse occurs, the diocese is concerned about the care and healing of the victims, their families, the perpetrator, and the community of which they are a member. In the case of clerical sexual misconduct with minors, all members of the diocese are directly or indirectly affected and need to be given an opportunity to be involved in a healing process. Because pastors and other priests or deacons are recognized as leaders of the parish, they carry a special responsibility to set a tone of constructive and personal response to the victims and their families. Denial and defensiveness are major obstacles to the healing process. An environment in which the situation can be discussed openly and with sensitivity is of utmost importance.

So that victims and their families will receive prompt pastoral care the bishop has appointed a victim assistance coordinator. Victims or families of victims who wish to report an incident of abuse should contact the victim assistance coordinator or chancellor at The Pastoral Center, 505-523-7577 or via e-mail through the diocesan website.

A. Counseling

The primary concern for victims of sexual abuse is to help them move toward healing and reconciliation. The following procedures have been developed to deal with claims of sexual abuse.

The claimant arranges to meet with the chancellor for an interview. The name of the alleged victim, address, phone number, date of birth and relevant dates, facts, details and places of the alleged abuse will be noted.

The following specific policies will be observed:

1. The victim assistance coordinator approves psychological counseling for the claimant for a period of up to three months, not to exceed ten sessions, at which time an evaluation from the psychologist, psychiatrist or other counselor is required before continued counseling is approved. The maximum period of counseling is ordinarily two years. More specifics regarding counseling procedures are provided the claimant by the victim assistance coordinator at the time of approval.

Ordinarily, payment for counseling by the diocese will cease if the claim is brought to litigation;

2. Psychological counseling may also be offered to family members;
3. The victim assistance coordinator will offer to arrange for spiritual counseling and offer the opportunity for the victim to meet with the bishop;
4. Psychological counseling received by the claimant before requesting the diocese to provide it or before the counseling is formally approved will not be reimbursed or paid for by the diocese;
5. The diocese does not pay for forensic evaluation or therapy for use in litigation, group therapy, hospitalizations or alternative therapies, such as massage therapy;
6. Victims of sexual abuse who are interested in the formation of victim support groups may contact the chancellor.

B. Understanding the spiritual and family context

The Church's response to a victim of sexual abuse requires sensitivity, fairness and justice. The victim is to be assured that appropriate responses will result from the report of the abuse. It is not unusual for the victim to become angry with God, questioning why God might have allowed the abuse to happen. While this sense of anger is common, and may, in fact, be part of the initial healing process, it often results in guilt, depression, and may affect the person's relationship with God and the Church.

In the case of abuse of minors, family members of victims, especially parents, but also siblings, children, and spouses may experience destructive reactions to the report of abuse of their loved ones. The families, too, require compassion and sensitivity. Guilt may be a response of the families of victims. A primary and deep seated value in families is that of protecting each other. Families may experience a sense of failure in this regard when a family member is abused. This sense of guilt and failure is often heightened in clergy sexual abuse because the family, especially the parents, may have encouraged the relationship between the victim and the abuser. Anger and lack of trust may be reactions of the families. The experience of any of these reactions could lead to isolation or leaving the faith community. Families must be made aware, however, that they are welcome and their anger or lack of trust is understood. The diocesan bishop provides spiritual counseling, either personally or through a delegated priest or other church minister to the families of the abused. The diocesan bishop is open to meeting with victims and families to further the healing process.

C. Response to the parish community

Sexual abuse can affect the entire parish community. Persons who discover that their priest, deacon, principal, teacher, or staff member has sexually abused a member of the parish/school community may see the person in different ways and remember different things. These different viewpoints may lead to polarized groups, causing divisiveness within the parish community. Parishioners are to be encouraged to refrain from causing division within the parish or disregard for the process or policy of the diocese.

When a priest or deacon is removed from his assignment, the diocesan bishop prepares a letter to be read by him, the vicar general or another person designated by him, at all liturgies following the removal. The letter will inform the people of the action taken in compliance with diocesan policy and the manner in which the spiritual needs of the parishioners will be provided.

No statements are to be made to the media by any church personnel. Questions regarding the removal of a priest/deacon are ordinarily to be directed to the vicar general.

VII. Composition of Review Board

The Diocese of Las Cruces established a Sexual Abuse Review Committee in 1992. Since this type of board provides essential advice to the diocesan bishop, its composition is of utmost importance. In an effort to provide diocesan bishops with advice which has a greater degree of objectivity and expertise, the *Charter* and the *Essential Norms* have set in place a number of requirements concerning the Sexual Abuse Review Board. The composition of the Review Board then is as follows:

- A. The Review Board must consist of at least five person of outstanding integrity, good judgment and in full communion with the Church;
- B. The majority of the Review Board members are lay persons who are not in the employ of the diocese;
- C. At least one member must be an experienced and respected pastor who does not serve in the diocesan administration;
- D. At least one member should have particular expertise in the treatment of sexual abuse of minors and at least one should be the parent of a child or adolescent; and
- E. All members must have the capacity for maintaining confidentiality.

The diocesan bishop, in consultation with the Bishop's Administrative Council, shall make these appointments to the Review Board for a term of five years and said terms can be renewed. Nominations for such appointments may be surfaced by the Presbyteral Council, the Diocesan Pastoral Council or other members of the faithful of the diocese. The names

of members serving on the Sexual Abuse Review Board are not to be released to the public or to media, without permission of the member and the approval of the bishop. All members shall serve without compensation except that the diocese shall reimburse them for any preauthorized out-of-pocket expenses incurred in connection with the performance of their duties. The diocesan bishop has the right to remove any member at any time without cause.

Available to, but not members, of the Review Board are the following: the promoter of justice; the vicar general; the chancellor; the victim assistance coordinator and the appropriate diocesan civil attorney.

The Review Board shall prepare and adopt its own internal rules for the conduct of its meetings. There shall be a chairperson and vice-chairperson. Secretarial services shall be supplied by the diocese. All proceedings of the Review Board shall be documented in written minutes maintained by the chancellor. All case recommendations shall be made in writing to the bishop and will be signed by the chair or the chancellor. The Review Board shall meet at least semi-annually to ensure compliance with this policy and review the policy on an annual basis. Additional meetings to address specific cases will be called by the chairperson and/or chancellor as needed. The diocese shall indemnify, save and hold the review board members harmless from and against any and all causes of action, costs or expenses arising from or connected with the good faith performance of their duties. All matters reviewed by the Review Board are to be treated with the strictest confidentiality.

VIII. Investigation Procedures

The diocese recognizes that bringing forward a complaint concerning sexual abuse may be a painful process to all concerned. This can also be time consuming since the questions involved are often complex. Still, it is our intent to move as rapidly as possible while ensuring that the rights of all concerned are respected and that the investigation is thorough. The diocese recognizes that since each allegation is unique variations in investigative procedures may occur. However the Review Board is to comply with New Mexico law concerning reporting of sexual abuse of minors, as are other diocesan personnel.

- A. If the alleged perpetrator is a lay person;
 - 1. Any allegation of the sexual abuse of a minor by lay person must be reported to civil authorities and the chancellor, who, in turn, informs the diocesan bishop and the vicar general;
 - 2. The alleged perpetrator must be placed on administrative leave with pay for the duration of the investigation, and
 - 3. The chancellor in consultation with the Office of Lay Personnel and the parish, school or other agency involved will determine if an internal investigation is required.

4. Lay personnel and volunteers placed on administrative leave are to refrain from contact with other employees and volunteers, and from participating in or encouraging any action which may cause division or misunderstanding among parishioners and the community at large.

B. The following investigative procedures and paragraphs 9 and 10 apply only to priests and deacons.

In the case of clerics, all investigative procedures employed by the diocese are in accordance with the *Code of Canon Law*, the *Essential Norms* and the National Conference of Catholic Bishops' 1995 document entitled *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*.

The following steps are employed in diocesan investigative procedures:

1. Any allegation of the sexual abuse of a minor by a priest or deacon must be reported to civil authorities and the chancellor, who, in turn, informs the diocesan bishop, the vicar general; promoter of justice and judicial vicar
2. If the alleged victim is no longer a minor, the chancellor informs the alleged victim of their right to notify civil authorities;
3. If a criminal investigation has been initiated, any diocesan investigation shall not interfere with the criminal investigation;
4. The vicar general, chancellor, and judicial vicar provide administrative support and guidance to the auditor
5. As long as it does not interfere with a criminal investigation or endanger a minor or anyone else, the vicar general notifies the alleged perpetrator of the allegations, suggests that he obtain the services of both a civil or criminal attorney and a canon lawyer; and admonishes him that anything he says to diocesan investigators and/or the diocesan bishop is not privileged information;
6. If the diocesan bishop judges that circumstances so warrant and upon consultation with the promoter of justice, the diocesan bishop places the cleric on administrative leave in accord with canon 1722;
7. When the diocesan bishop determines that a preliminary investigation is appropriate, he appoints an auditor;
8. Care is taken so that the good reputation of neither the alleged victim nor alleged perpetrator is endangered;

9. The investigation seeks to determine whether or not it is probable that the sexual abuse of a minor occurred;
10. The investigation seeks to differentiate facts from rumor, suspicion, opinion, the personal propensities of the accused or even his past behavior;⁴
11. The background of all witnesses, alleged victims and the alleged perpetrator is examined;
12. Wherever possible, in-person interviews are conducted;
13. When necessary telephone interviews are conducted;
14. Summaries of testimonies are reviewed and signed by alleged victims and witnesses;
15. The alleged victim's testimony shall be notarized by a civil notary;
16. If police, court, other diocesan or religious congregation's records are available, they should be obtained;
17. The alleged perpetrator shall be provided an opportunity to respond, without taking an oath and with the assistance of a canon lawyer, to the evidence gathered; the alleged perpetrator or his canon lawyer may suggest the acquisition of other evidence.
18. A summary of all the information gathered shall be made available to the Review Board, at least one week prior to the meeting at which the case is to be considered;
19. Review Board shall provide the diocesan bishop with its analysis of the evidence obtained during the preliminary investigation and render an opinion as to the probability that an act of sexual abuse of a minor occurred;
20. The diocesan bishop determines the probable nature of the allegation and issues a decree closing the investigation;
21. The diocesan bishop or his delegate notifies the alleged perpetrator and alleged victim of the outcome of the investigation; and
22. If the diocesan bishop determines the allegation is false, he takes the necessary steps to restore the reputation of the accused priest, deacon or lay person.

XI. Permanent Removal from Ministry

Where sexual abuse of a minor by a priest, deacon or other diocesan personnel is admitted, not contested, or is established after an appropriate investigation in accord with canon law, particularly the *Essential Norms*, the following will pertain: For even a single act of sexual abuse of a minor the offending priest, deacon or other diocesan personnel will be permanently removed from ministry or service to the diocese.

Diocesan priests who have been found to have sexually abused minors shall not be transferred to serve in other dioceses. Additionally if a priest wishes to reside in another diocese the Bishop of the diocese shall be notified in writing.

When the diocesan bishop determines that a cleric *probably* sexually abused a minor, the Diocese of Las Cruces complies fully with the *Essential Norms* regarding the steps to be followed in the notification of the Congregation for the Doctrine of the Faith and the conducting of a penal trial, if necessary. -

X. Pastoral Care for the (Alleged) Perpetrator

The sexual abuser may be a very complex person who may have a background of kindness, gentleness and an ability to relate very positively to others. When evidence warrants, the alleged perpetrator will be offered a medical and psychological evaluation unless legal constraints prohibit such an evaluation. While on administrative leave, the priest/deacon may not engage in public ministry, wear the Roman collar, administer the sacraments or perform any of the usual duties of priests and deacons who enjoy the ministerial faculties of the Diocese of Las Cruces. Clergy on administrative leave are to refrain from contact with parishioners, and from participating in or encouraging any action which may cause division or misunderstanding among parishioners and the community.

The treatment program for incardinated priests may include a complete diagnostic evaluation and treatment plan. In most cases, the initial diagnostic evaluation and treatment will be in an in-patient facility. The priest will be offered professional assistance for his own healing and well being, as well as for the purpose of prevention. Upon release by the accused priest or deacon, the diagnostic report, treatment plan, and progress report will be forwarded to the diocesan bishop and placed in a confidential file.

XI. Reinstatement of Personnel When Allegations are Unfounded

When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the priest, deacon or other accused person.

XII. Responsibilities of All Diocesan and Parish Personnel

Specifically, all diocesan, parish and school personnel are required to:

- A. Report all allegations of sexual abuse of a minor to the civil authorities in accordance with New Mexico State law. In New Mexico, as in all other states, abuse or neglect of any person under the age of eighteen, constitutes a crime. New Mexico also has a specific statute which requires that child abuse or neglect be reported to authorities and provides that failure to report child abuse or neglect is itself a criminal offense. The reporting statute (N.M.S.A. 32-4-3) states: “Every person who knows or has reasonable suspicion that a child is an abused or neglected child will report the matter immediately to: (1) a local law enforcement agency; (2) the department office in the county where the child resides; (3) tribal law enforcement or social services agencies for any child residing in Indian country.” A separate New Mexico statute provides that a person reporting an instance of alleged child abuse or neglect or participating in a judicial proceeding brought as a result of such a report “is presumed to be acting in good faith and shall be immune from liability, civil or criminal unless the person acted in bad faith or with malicious purpose.” (N.M.S.A. 32A-4-5, (1978))
- B. When an adult makes an allegation that he/she was abused as a child by clergy or other church employee or volunteer, diocesan, parish or school personnel shall refer the person immediately to the chancellor’s office and the employee/volunteer should contact the chancellor’s office immediately. No person or position is exempt from the responsibility to report allegations to the chancellor’s office. Failure to report allegations of sexual abuse by diocesan and parish personnel may result in disciplinary action up to and including removal from employment and/or ministry within the diocese.
- C. All paid diocesan, parish and school personnel and volunteers whose services brings them into contact with minors shall participate in a diocesan sponsored sexual abuse workshop and other “safe environment” programs, as directed. Attendance at sexual abuse workshops or training for other dioceses or employers does not satisfy this requirement. Failure to participate in such a program, within the first three months of beginning employment or volunteering, may lead to suspension or termination of employment or volunteering.

XIII. Specific Responsibilities of Certain Diocesan Personnel

The diocesan bishop is ultimately responsible for the timely disposition of all cases of sexual abuse of minors. However, in an effort to provide for the most effective means of ensuring a safe environment program as well as promoting the rights of both alleged victims and alleged perpetrators, the diocesan bishop hereby delegates particular responsibilities to the director of the Office of Insurance, the director of the Office of Lay Personnel, the chancellor, the vicar general, and the sexual abuse review board.

A. Specific Responsibilities of the Director of the Office of Insurance

Under the supervision of the chancellor, the director of insurance oversees the diocese’s Child Abuse/Sexual Misconduct Workshops. In that capacity, the director of insurance

assumes the following responsibilities:

1. Schedule and publicize child abuse/sexual misconduct workshops for all paid employees and volunteers as designated by this policy;
2. Maintain the database for all workshop participants
3. Provides verification for parishes as to participation in the workshops;
4. Issues certificates to participants;
5. Notifies the third party administrator of insurance when informed of allegations.

B. Specific Responsibilities of the Director of Elementary and Adolescent Catechesis and the Superintendent of Catholic Schools

1. Identify and make available to parish DRE's and school administrator's age appropriate programs for children and youth.
2. Identify and make available to parishes/schools program for parents.

C. Specific Responsibilities of the Director of the Office of Lay Personnel

The director of the office of lay personnel coordinates background investigations on individuals wishing to serve in this diocese. In this capacity the director:

1. Receives requests from employers within the diocese;
2. Provides notifications in accordance with the "Background Investigation" policy in the *Pastoral Manual*; and
3. Manages the database file for background checks.

D. Specific Responsibilities of the Victim Assistance Coordinator

Normally the chancellor serves as the victim assistance coordinator or contact person for victims of sexual abuse. The victim assistance coordinator's name, work address and telephone number will be made public through the diocesan web page, during safe environment training, through our local parishes and other avenues.

1. Receive and document initial allegations of sexual abuse of a minor by a parish, school or diocesan employee or volunteer;
2. Notify the bishop, vicar general and chairperson of the review board immediately of the allegation;

3. Notify public authorities of any allegation involving a person who is still a minor;
4. Notify the appropriate diocesan civil counsel;
5. Notify the Office of Insurance;
6. Coordinates any necessary investigation with the vicar general, judicial vicar and promoter of justice;
7. Ensures that appropriate pastoral care is provided to the alleged victim;
8. In collaboration with the vicar general provides pastoral care to the alleged perpetrator and community;
9. Maintain all files associated with cases of alleged sexual abuse;
10. Convene the review board at least semi-annually or within 15 calendar days of a reported allegation; and
11. Act as the point of contact and ensures the cooperation of the diocese with civil authorities investigating allegations of sexual abuse.

E. Specific Responsibilities of the Vicar General

The vicar general acts as the diocesan bishop's representative to any priest, deacon or parish or diocesan employee accused of sexual abuse of minors. In the case of a lay person, the vicar general may delegate this responsibility, in writing, with the knowledge of the diocesan bishop and the chancellor, to another appropriate person in the diocesan curia. In his role as the diocesan bishop's representative to the accused, the vicar general has the following responsibilities:

1. To notify the priest, deacon or lay employee/volunteer accused of sexual abuse;
2. To advise the accused of the need to obtain civil and canonical counsel;
3. To recommend the accused not make any statement to any diocesan official, including the bishop, civil official or the media without first seeking legal advice;
4. To ensure that appropriate pastoral care is provided to the alleged perpetrator; and
5. To provide "clear and well publicized diocesan standards of ministerial behavior and appropriate boundaries for clergy and for any other diocesan and parish personnel in positions of trust who have regular contact with children and young people."⁵

F. Specific Responsibilities of the Diocesan Sexual Abuse Review Board

The diocese has established a Sexual Abuse Review Board, which acts as a confidential, consultative body to the diocesan bishop, in cases involving the alleged sexual abuse of minors by priests, deacons, and parish or diocesan employees and volunteers. The functions of the Review Board include:

1. To advise the diocesan bishop in his assessment of allegations of sexual abuse of minors;
2. To review diocesan policies for dealing with the sexual abuse of minors;
3. To offer advice on cases, whether retrospectively or prospectively; and
4. To identify and facilitate development of resources for the community that will promote spiritual psychological healing and reconciliation throughout the process. This may include the formation of a community response team to address the psychological and spiritual needs of the community.

The Review Board will specifically advise the bishop on whether or not the allegations appear to be credible. “It is not the responsibility of the review board to make any final determination relative to an accusation...”⁶ That responsibility belongs to the diocesan bishop. Rather, “the principal role of the review board is to assess whether the proofs which are gathered are sufficient to support the probable nature of the allegation.”⁷ The diocese recognizes that every case is unique, and therefore recommendations will vary by case. The Board always has the responsibility to ensure that the diocese takes no action which would interfere with an investigation by civil authorities, that both the canonical and civil rights of all parties are respected and that Christian compassion and justice are the foundation of any recommendations.

G. Specific Responsibilities of the Diocesan Bishop

Responsibilities which belong to the diocesan bishop alone:

1. Provide for the initiation of the preliminary investigation, when an allegation of sexual abuse of a minor surfaces. This investigation is normally conducted by an auditor appointed by the bishop, in collaboration with the chancellor and vicar general;
2. Place a cleric accused of sexual abuse of minors on administrative leave, if such a measure is needed in order to prevent scandal, provide a safe environment for minors and other members of the Christian faithful, protect the freedom of witnesses and to guard the course of justice after having cited the accused and consulted with the promoter of justice;
3. In consultation with the Bishop’s Administrative Council (BAC) appoint members

of the Sexual Abuse Review Board;

4. Consult with the Sexual Abuse Review Board in cases involving allegations of sexual abuse of a minor by diocesan personnel. In accordance with canon 127 §1, 2°, the diocesan bishop does not act contrary to the advice given by the Sexual Abuse Review Board, especially if unanimous, without a reason which is overriding in his judgement;
5. Decide whether or not there is the probability that a cleric has committed the delict of the sexual abuse of a minor;
6. Decree, in writing, any administrative action which he deems appropriate, at the conclusion of the preliminary investigation and after hearing the advice of the Sexual Abuse Review Board;
7. Notify the cleric of the outcome of any administrative processes or actions;
8. Where there is the probability that a cleric has committed the delict of sexual abuse of a minor, transmit to the Congregation of the Doctrine of the Faith the outcome of the preliminary investigation and his *votum* (opinion) when appropriate;
9. Provide for the holding of a penal trial when necessary.
10. Provide spiritual counseling, either personally or through a delegated priest or other church minister, to families of the abused.

The Diocese of Las Cruces is firmly committed to carryout the mission of Jesus Christ, which he rooted in special concern for the poor and most vulnerable of our society. Jesus inaugurated his mission with the words of the prophet Isaiah:

*“The spirit of the Lord is upon me,
because he has anointed me
to bring glad tidings to the poor.
He has sent me to proclaim liberty to captives
and recovery of sight to the blind,
to let the oppressed go free,
and to proclaim a year acceptable to the Lord.” (Luke 4:18)*

These words spoken over 2000 years ago by Jesus Christ are prophetic for us today. With God’s grace we will become the prophetic local church to which we have been called.

Footnotes

- ¹ United States Conference of Catholic Bishops, Essential Norms, No. 8
- ² United States Conference of Catholic Bishops, Essential Norms, Preamble.
- ³ United States Conference of Catholic Bishops, Charter, no. 12.
- ⁴ Thomas J. Green, "The Penal Process," in Beal et al., *New Commentary on the Code of Canon Law*, (New York: Paulist Press, 2000) 1808.
- ⁵ United States Conference of Catholic Bishop, Charter, no. 6.
- ⁶ Fred C. Easton et al., *Guide to the Implementation of the U. S. Bishops, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, (Washington, D.C.; The Canon Law Society of America, 2003) 27.
- ⁷ Ibid.