

Office of the Bishop

DIOCESE OF LITTLE ROCK

2500 North Tyler Street • P.O. Box 7565 • Little Rock, Arkansas 72217 • (501) 664-0340 Fax (501) 664-6304

DECREE OF PROMULGATION
FOR THE
POLICY FOR INVESTIGATING AND RESPONDING TO
ALLEGATIONS OF
SEXUAL ABUSE OF MINORS

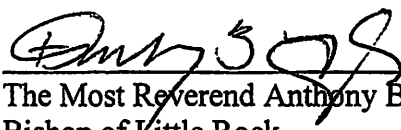
To the Christian faithful in Arkansas:

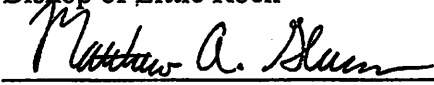
Our children and young people are our most precious gifts, for they truly are the future of our families, the future of our communities, and the future of our Church. As the first teachers of the faith, parents are tasked with guiding, educating, protecting, and nurturing their children in the Catholic faith. In a similar way, the Church is called to show the same loving concern to the children entrusted to its care.

The bishops of the United States have recommitted themselves and their respective dioceses to protecting children and to providing healing for victims of sexual abuse and their families. Two significant documents guide our efforts in this regard: the *Charter for the Protection of Children and Young People*, and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. Although these documents call for a policy on allegations of sexual abuse of minors, the Diocese of Little Rock already had such a policy in place dating back to 1992, thanks to the pastoral initiative and foresight of the Most Rev. Andrew J. McDonald. The policy was then updated and revised under the leadership of the Most. Rev. J. Peter Sartain.

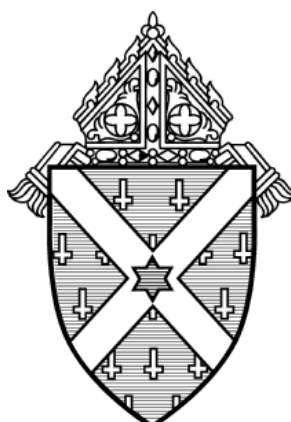
In an effort to update our policy to conform to current state and ecclesiastical laws, this past year I instructed several groups of persons to work together on a revision to our policy. The revised *Policy for Investigating and Responding to Allegations of Sexual Abuse of Minors*, which I hereby promulgate by issuance of this decree, is the fruit of their labor. It is my sincere hope that this revised policy will demonstrate the Church's concern for the children and youth of our diocese; be a means by which heartfelt assistance is provided to victims of sexual abuse; and ensure that justice is achieved when such allegations are made known to the Church.

Given at the Chancery, Diocese of Little Rock, on September 9, 2015, Memorial of Saint Peter Claver.


The Most Reverend Anthony B. Taylor
Bishop of Little Rock


Matthew A. Glover, J.D., J.C.L.
Chancellor for Canonical Affairs





Diocese of Little Rock

**Policy for
Investigating and Responding to
Allegations of
Sexual Abuse of Minors**

DIOCESE OF LITTLE ROCK

**POLICY FOR
INVESTIGATING AND RESPONDING TO
ALLEGATIONS OF
SEXUAL ABUSE OF MINORS**

I. INTRODUCTION

The following is the policy outlining the diocesan response in the event of allegations of sexual abuse¹ of minors directed against anyone acting as an agent of the Diocese of Little Rock. This policy has been derived from and is intended to comply with the following:

- (i) pertinent Arkansas law;²
- (ii) the 1983 Code of Canon Law;³
- (iii) the Apostolic letter *motu proprio Sacramentorum Sanctitatis Tutella*;⁴
- (iv) the USCCB *Charter for the Protection of Children and Young People* [the “Charter”];⁵ and
- (v) the USCCB *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* [the *Essential Norms*].⁶

This policy is part of the particular law of the Diocese of Little Rock.

¹ Pursuant to Arkansas law, and for purposes of this policy, “sexual abuse” includes the following: solicitation of sexual activity; deviate sexual activity; sexual contact; sexual intercourse; rape; sexual indecency with a child; indecent exposure; sexual assault; and the acquisition, possession, and/or distribution of matter depicting sexually explicit conduct involving a child (with “child” being defined as any person under seventeen (17) years of age) (Ark. Code Ann. § 5-14-101 *et seq.*, and § 5-27-601 *et seq.*). Pursuant to Church law, and for purposes of this policy, “sexual abuse” also includes the following: a delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years (a person who habitually lacks the use of reason is to be considered equivalent to a minor); and the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology (*Sacramentorum Sanctitatis Tutella*, art. 6 §1). See also the “Appendix of Definitions.”

² See Appendix of Arkansas Code Annotated.

³ The current Code of Canon Law was promulgated by Pope John Paul II in 1983. It is the universal law of the Catholic Church and is available at: http://www.vatican.va/archive/ENG1104/_INDEX.HTM.

⁴ *Sacramentorum Sanctitatis Tutella* was most recently revised in 2010 and promulgated by the Congregation for the Doctrine of the Faith, upon the approval and order of Pope Benedict XVI. The norms on *graviora delicta* (the “more grave delicts”) mentioned in *Sacramentorum Sanctitatis Tutella* are available at: http://www.vatican.va/resources/resources_norme_en.html.

⁵ The *Charter* was promulgated by the United States Conference of Catholic Bishops in 2005 and most recently revised in 2011. It is particular law for the Catholic dioceses within the United States. It is available at: <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-revised-2011.pdf>.

⁶ The *Essential Norms* received *recognitio* from the Holy See on January 1, 2006, and were promulgated on May 5, 2006. They are particular law for the Catholic dioceses within the United States and are available at: <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-revised-2011.pdf>.

For those matters that concern the Catholic Church in Arkansas, it is the policy of the Diocese of Little Rock that all allegations of sexual abuse of minors by Church personnel⁷ shall be dealt with in accord with these norms. The policy addresses all clerical, religious, lay, and paid and unpaid church personnel within the Diocese of Little Rock. Thus, this policy applies to priests, men and women religious, deacons, and lay employees and volunteers. All Church personnel should read this document carefully and be aware of its contents. They should also use great prudence and carefully avoid situations that lend themselves to even the appearance of sexual abuse or inappropriate behavior in dealing with minors.

The Bishop of the Diocese of Little Rock (the “Bishop”) is responsible for promulgating and implementing this policy. He implements this policy with the assistance and counsel of the Vicar General, Chancellor for Ecclesial Affairs, Chancellor for Canonical Affairs, Victim Assistance Coordinator(s), and Diocesan Review Board.

In accord with the *Charter* and the *Essential Norms*, the Diocesan Review Board (hereafter the “Review Board”) has been established to perform the following functions within the Diocese of Little Rock:

- (i) advise the Bishop in his assessment of allegations of the sexual abuse of minors and in his determination of suitability for ministry;
- (ii) review diocesan policies for dealing with sexual abuse of minors; and
- (iii) offer advice on all aspects of these cases, whether retrospectively or prospectively.

II. REPORTING TO CIVIL AUTHORITIES

All personnel of the Diocese of Little Rock must comply with applicable state and local laws and procedures, including but not limited to those outlined in this document (*Essential Norms* 4). This policy is designed to conform to the requirements of civil and criminal law in the State of Arkansas and to the laws of the Catholic Church.

Arkansas law *requires* the reporting of suspected child maltreatment, which includes child sexual abuse, by those persons listed as mandatory reporters (Ark. Code Ann. § 12-18-402). Specifically, Arkansas law states that mandated reporters “shall immediately notify the Child Abuse Hotline” if they have “reasonable cause to suspect” child maltreatment or if they observe “circumstances that would reasonably result in child maltreatment” (Ark. Code Ann. § 12-18-402(a)). The number for the Arkansas Child Abuse Hotline is 1-800-482-5964 or 1-844-SAVEACHILD. *The alleged victim’s age at the time the accusation is made has no bearing on whether a report must be made to the Child Abuse Hotline.*

For those who are not mandatory reporters, Arkansas law still permits the reporting of suspected child abuse to the Child Abuse Hotline (Ark. Code Ann. § 12-18-401). Even if not required by state law, all Church personnel in the diocese, including volunteers, are to report all such incidents to the Arkansas Department of Human Services’ Child Abuse Hotline, except when to do so would break the seal of confession. Again, *the alleged victim’s age at the time the*

⁷ See Appendix for who is included in “Church personnel.”

accusation is made has no bearing on whether a report must be made to the Child Abuse Hotline.

The Diocese of Little Rock strongly encourages *all persons* (even if they are not mandatory reporters or Church personnel) who have reasonable cause to suspect child abuse to report their suspicions directly to civil authorities and the Child Abuse Hotline.

In both civil and canon law, persons accused of crimes are presumed innocent until proven guilty. According to the provisions of Canon 220 of the Code of Canon Law, which deals with a person's right to privacy and protection from defamation of character, all the proceedings in this policy are of the highest confidential nature. The appropriate penalties outlined in the Code of Canon Law apply to any member of the Review Board who violates the confidentiality to which all parties involved in these proceedings have a right. False or mistaken accusations and unsubstantiated claims are always a possibility. It is important for all Church personnel to know that both civil law and canon law (canons 1390-1391) provide for certain penalties where individuals have become victims of false denunciation and calumny.

III. THE DIOCESE'S PRELIMINARY INVESTIGATION (CC. 1717-1719)

A. INTRODUCTION

After first ensuring that the reporting requirements of Arkansas law have been fulfilled, the Diocese of Little Rock shall also conduct its own investigation and response pursuant to the norms of the Code of Canon Law and other pertinent Church law, which normally require a preliminary investigation and, if applicable, a penal process. The diocese shall also ensure an ongoing pastoral response for all affected and involved.

Any and all allegations of sexual abuse⁸ by Church personnel—i.e., personnel of the diocese or any of its parishes, entities, or organizations—shall be immediately communicated to the Chancellor for Canonical Affairs,⁹ who has been mandated by the Bishop to receive such allegations. The Chancellor for Canonical Affairs shall immediately notify the Victim Assistance Coordinator(s).

During the preliminary investigation, the accused retains the presumption of innocence. All Church personnel are to refrain from public comments regarding the allegation, and all media inquiries must be directed to the office of the Chancellor for Administrative Affairs, or in his absence, to the person designated by the Bishop. The Chancellor for Administrative Affairs (or the person designated by the Bishop) shall act as the diocesan spokesperson and coordinate any statements regarding the allegation.

⁸ See Appendix for what constitutes "sexual abuse" for purposes of this policy.

⁹ In the event that the Chancellor for Canonical Affairs is unavailable for whatever reason to conduct the initial intake and investigation, those duties shall all be fulfilled and carried out by the Vicar General or another person to whom the Vicar General delegates those duties. Hereinafter, references to the "Chancellor for Canonical Affairs" shall include the Vicar General or his delegate in those instances where the Chancellor for Canonical Affairs is unavailable.

1. An Accused Lay Employee or Volunteer¹⁰

If the accused is a lay employee or volunteer, the preliminary investigation shall be conducted by the Chancellor for Canonical Affairs or his/her delegate. The Chancellor for Canonical Affairs contacts the accused's ecclesiastical superior, employer, and/or supervisor to inform him or her of the allegation and the diocesan policy for handling such allegations. The Chancellor for Canonical Affairs shall confer with and coordinate the investigation with the accused's ecclesiastical superior, employer, and/or supervisor, as well as with the Chancellor for Administrative Affairs.

An accused lay employee or volunteer may be placed on administrative leave during the course of the preliminary investigation. If the accusation is determined to be substantiated, a lay employee shall be subject to termination, and a lay volunteer shall be precluded indefinitely from volunteering.

2. An Accused Diocesan Cleric¹¹

If the accused is a diocesan cleric, the Chancellor for Canonical Affairs shall notify the Bishop, Vicar General, and Chancellor for Ecclesial Affairs. Allegations against the Bishop are additionally directed to the Metropolitan Archbishop and the Apostolic Nuncio.

If an accused cleric already has been removed from active ministry, has resigned from active ministry, or has been laicized, the Chancellor for Canonical Affairs shall refer the accuser and/or the alleged victim to the Victim Assistance Coordinator for appropriate care. If such a cleric can be reasonably located, the Chancellor shall inform the cleric of the allegation and request his response.

If an accused cleric is already deceased, the Chancellor for Canonical Affairs shall refer the accuser and/or the alleged victim to the Victim Assistance Coordinator for appropriate care. Such allegations, however, will ordinarily not be reviewed by the Review Board because there is no current risk to children.

If a still-living accused cleric has not already resigned,¹² been removed, or been laicized, the Chancellor for Canonical Affairs shall also additionally notify the Review Board, and the norms of section III.B of this policy shall then be enacted.

3. An Accused Extern or Religious Cleric

If an accused cleric is either an extern cleric from outside the Diocese of Little Rock (an "extern cleric") or a member of a clerical institute of consecrated life or society of apostolic life (a

¹⁰ For purposes of this policy, a "lay employee or volunteer" shall include non-cleric members of non-clerical religious institutes of consecrated life or societies of apostolic life.

¹¹ Under Church law, a "cleric" is a validly ordained deacon, priest, or bishop.

¹² For purposes of this policy, a cleric who has resigned from active ministry shall *not* include retired clerics, since retired clerics may continue to exercise ministry and perform sacraments. Accordingly, accusations against retired clerics shall be processed in the same manner as accusations against other clerics who are still in active ministry.

“religious cleric”), the Bishop shall determine whether or not the cleric may continue to exercise a ministry that involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (cf., cc. 392 and 678 §1). If the Bishop determines that the cleric may no longer exercise such ministry within the diocese, his faculties shall be revoked and his proper ordinary shall be requested to recall the cleric immediately.

For an extern cleric, the Diocese retains the right to initiate the process of a canonical investigation, and the norms of section III.B of this policy shall be enacted.

For a religious cleric, the religious congregation retains its rightful autonomy and the responsibility to address its own internal affairs, including the psychological assessment, treatment, and continued care for the accused cleric. If the religious cleric is accused of sexual abuse of a minor while exercising a ministry that is strictly internal to his religious congregation, the religious congregation has the responsibility to investigate and review the accusation in accordance with its own policies and procedures. Regardless, the Bishop retains the right to prohibit the religious cleric from residing in the diocese if his major superior has failed to make provision after having been informed; such matter must then be referred immediately to the Holy See (c. 679).

If a religious cleric is accused of sexual abuse of a minor while exercising ministry in a parish, school, or other entity that is under the auspices of the Diocese of Little Rock, the Bishop retains the right to initiate the canonical preliminary investigation in section III.B of this policy and to take whatever canonical steps are necessary. However, because the religious cleric is also subject to his own proper superior and the discipline of his institute (c. 678 §2), the religious institute or society may also choose to investigate the allegation in accordance with its own policies and procedures. If the religious superior removes the religious cleric from the office entrusted to him after having informed the Bishop (c. 682 §2), the religious cleric’s diocesan faculties shall be revoked.

4. Anonymous Accusations

If an accusation is made anonymously or contains insufficient information, the Chancellor for Canonical Affairs shall gather all pertinent information and investigate the matter to the extent possible. Such accusations shall be presented to the Review Board at the next regularly scheduled meeting. The Review Board reviews the Chancellor’s actions and makes any appropriate recommendations for further action.

B. THE PRELIMINARY INVESTIGATION OF AN ACCUSED CLERIC (CC. 1717-1719)

When the accused is a cleric who is subject to the Bishop’s authority to investigate, the Bishop must first determine, after having heard the consultative advice of the Review Board, whether the allegation has at least the “semblance of truth” (c. 1717 §1).

If the Bishop determines that the allegation does *not* have at least the semblance of truth, no further canonical action or procedure is necessary. However, the Bishop can still provide for the

accused's welfare and for the public good through appropriate warnings, other means of pastoral solicitude, or even penal remedies (i.e., penal warnings) (c. 1348).

If the Bishop determines that the allegation *does* have at least the semblance of truth, then he shall decree that the Chancellor for Canonical Affairs immediately conduct a preliminary investigation (cc. 1717-1719), to the extent that he/she is not precluded from doing so by an ongoing civil or criminal investigation or proceeding. The Chancellor for Canonical Affairs has the same powers and obligations as an auditor (c. 1717 §3).¹³ To the extent possible, the Chancellor for Canonical Affairs may delegate to a lay independent investigator the responsibility of conducting the preliminary investigation of a cleric who is still in active ministry.

During the preliminary investigation, the accused cleric enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation (cc. 220, 1717 §1; *Essential Norms* 6). During the course of the preliminary investigation the Bishop may impose on an accused cleric certain reasonable penal precepts, including but not limited to a precept to avoid unsupervised contact with the accusers and alleged victims; a precept to avoid all unsupervised contact with minors; or a restriction of certain faculties (cc. 1319; 1339). If there is sufficient evidence from the outset of the preliminary investigation that the alleged delict occurred, the Bishop may also impose the penal measures in canon 1722 even at the outset of the preliminary investigation,¹⁴ but only after having heard the Promotor of Justice and having cited the accused (c. 1722), and always keeping in mind the accused's right to the presumption of innocence, his right to privacy, and his right to a good reputation (c. 220). The Vicar General shall attempt to provide the accused with whatever care can be provided under the circumstances of the case.

During the preliminary investigation, the Victim Assistance Coordinator and the Review Board shall advise the Bishop regarding the pastoral care of the alleged victim, the alleged victim's family, the accused, the accuser, and the parish or other groups that have been affected. A letter shall be sent to the alleged victim and the accuser explaining the role of the Victim Assistance Coordinator, providing contact information for the Victim Assistance Coordinator, and reaffirming the diocese's interest in providing them with whatever pastoral help they need at that time. Insofar as possible, the Victim Assistance Coordinator shall coordinate his/her efforts with the Arkansas Department of Human Services and the investigation detective assigned to the case by the Prosecuting Attorney. The Victim Assistance Coordinator shall attempt to contact the alleged victim and his or her family in person, reiterating the offer of the diocese to provide pastoral help. When appropriate, the Victim Assistance Coordinator also offers to provide pastoral help to the accuser.

The preliminary investigation shall include but not be limited to the following steps:

- (i) The Chancellor for Canonical Affairs informs the person reporting the complaint or allegation that the diocese has policies and procedures that it must follow in this matter. The Chancellor for Canonical Affairs will offer to travel to the accuser to meet with him or her in person in furtherance of its policies and procedures.

¹³ Cf., c. 1428, on auditors.

¹⁴ Cf., *Sacramentorum Sanctitatis Tutella*, art. 19.

- (ii) The Chancellor for Canonical Affairs provides the Bishop with the details as known, including the identity of the accused cleric and the alleged victim, and provides him with the means of contacting the person reporting the complaint or allegation.
- (iii) The Chancellor for Canonical Affairs cautions the following persons not to hear the sacramental confession of the accused: the Bishop; the Vicar General; the Chancellor for Ecclesial Affairs; the Judicial Vicar; and the priest members of the Review Board.
- (iv) The Chancellor for Canonical Affairs contacts the accused cleric regarding the allegation. He reveals the name of the accuser *unless the allegation pertains to a violation of canon 1387*.
- (v) If criminal charges have already been filed or at any time are filed against the accused cleric, the accused shall be placed on administrative leave until resolution of the criminal charges. In such a case, the accused cleric may not function as a deacon or priest in any public liturgical service until resolution of the criminal charges.
- (vi) If the accused cleric is a diocesan associate pastor, resident priest, or deacon, the Chancellor for Canonical Affairs contacts the direct employer or administrative supervisor of the accused to inform him or her of the allegation and the diocesan policy for handling such allegations.
- (vii) The Chancellor for Canonical Affairs advises the accused cleric to enlist his or her own civil and canonical legal counsel. Any retained civil counsel must be completely independent of the diocese. Although a list of possible civil and canonical legal contacts may be provided to the accused, the diocese shall not recommend a specific attorney to serve as civil or canonical counsel for the accused. To the extent that the accused is insured for the legal defense, the accused should consult the diocesan insurance carrier immediately.
- (viii) If there is sufficient evidence and reasonable cause to warrant it, the Chancellor for Canonical Affairs may request that the accused seek, and may urge the accused to voluntarily comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and to the accused (*Essential Norms 7*), and the Chancellor shall request a signed release for access to the results of the evaluation.
- (ix) If the alleged victim is currently a minor, the Chancellor for Canonical Affairs contacts the accuser, the parents of the alleged victim, and (if the Chancellor and the parents deem it appropriate) the alleged victim, in order to offer help and to inform the victim of the steps which the diocese has taken and will take. If the alleged victim is currently an adult, the Chancellor contacts the alleged victim to offer the same help and information.
- (x) The Chancellor for Canonical Affairs immediately notifies the diocesan attorney and insurance carrier of the case at hand.

- (xi) Within forty-eight (48) hours of the initiation of the preliminary investigation, the Chancellor for Canonical Affairs reports to the Bishop to confirm whether or not the above steps have been taken.
- (xii) The Chancellor for Canonical Affairs interviews and takes the depositions of all interested parties, including the accusers, the accused, the alleged victims (if reasonable and appropriate), and any witnesses. The Chancellor for Canonical Affairs is to complete the preliminary investigation as soon as reasonably possible. As soon as possible after completion of the preliminary investigation, he is to transmit to the Bishop the results of the preliminary investigation in writing.

IV. THE PENAL PROCESS FOR AN ACCUSED CLERIC

After the Bishop receives the report on the preliminary investigation referenced in III.B.xii, *supra*, he is to consult with the Review Board, which must also be provided with a copy of the same report. The Bishop must then determine whether there is sufficient evidence to initiate a penal process.

If the Bishop determines, after having heard the Review Board, that there is sufficient evidence that a cleric sexually abused a minor and that further action should be taken in the form of a penal process, the Bishop is to communicate the matter immediately to the Congregation for the Doctrine of the Faith (the “CDF”) (*Essential Norms* 6). Even if the case is barred by prescription (i.e., the canonical statute of limitations), the Bishop may apply to the CDF for a derogation from the prescription, while indicating the relevant grave reasons (*Essential Norms* 8a). Unless the CDF calls the case to itself, the CDF will then direct the Bishop regarding how to proceed further vis-à-vis a penal trial or administrative process (*Sacramentorum Sanctitatis Tutella* art. 6, 16; *Essential Norms* 6, 8a). Alternatively, the Bishop may request in “grave and clear cases” that the CDF dispense from the requirements of conducting a judicial process and immediately issue a decree imposing dismissal from the clerical state.¹⁵

If the Bishop has determined that a penal process and referral to the CDF is required, and after he has heard the promoter of justice and has cited the accused, the Bishop can impose the following restrictions on an accused cleric in order to “prevent scandals, to protect the freedom of witnesses, and to guard the course of justice” (c. 1722):

- withdrawal from exercising sacred ministry or any ecclesiastical office or function;
- relocation to an appropriate place;
- restriction from access to the place in which the misconduct is alleged to have occurred; and
- prohibition from public participation in the Most Holy Eucharist pending the outcome of the process (c. 1722; *Essential Norms* 6).

¹⁵ See John Paul II, rescript, “Faculty to Dispense from Article 17 of *Sacramentorum Sanctitatis Tutella*,” Feb. 7, 2003.

If the Bishop has determined that there is *not* sufficient evidence for a penal process or for referral to the CDF, he shall decree that the investigation is concluded and communicate that decree to both the accuser and the accused. All materials pertaining to the preliminary investigation are then to be placed in the secret archives (c. 1719).

For the sake of due process, the accused shall be encouraged to retain the assistance of civil and canonical counsel during the course of any penal process. When necessary, the diocese will provide reasonable assistance to supply an accused priest with canonical counsel (*Essential Norms* 8a.)

Subject to the direction of the CDF, no diocesan canonical judicial or administrative process should be initiated until after any criminal investigation and/or trial has been completed. After the conclusion of any criminal investigations and/or proceedings, and assuming there are no on-going civil lawsuits, the diocese shall proceed according to the direction of the CDF.

V. THE ONGOING DIOCESAN RESPONSE

When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon shall be removed permanently from ministry, not excluding dismissal from the clerical state (*Essential Norms* 8 – 10), and he shall not be transferred for ministerial assignment to another diocese or religious province (*Essential Norms* 12).

Regardless of the results of the preliminary investigation or any subsequent penal process, the Bishop must consult with the Review Board regarding future ministerial assignments. After having heard the Review Board, it is the Bishop's responsibility to determine whether any restrictions must be imposed on the cleric's ministry and whether he may be appointed to an office in the future.

If the allegation is ultimately determined not to have been substantiated, every step possible shall be taken to restore the good name of the accused (*Charter*, art. 5), including but not limited to the following:

- Every effort will be made to restore the accused to his or her previous ministry. If a return to the previous ministry is not possible, the Review Board will make recommendations to the Bishop in order to assist the accused in finding another ministry.
- The diocese will assist the accused cleric, religious, or lay person in finding appropriate care to help him/her deal with any trauma as a result of being subjected to the proceedings involved in the canonical investigation and proceedings.

If the allegations are substantiated but the accused is acquitted or no penalty is ultimately imposed, the Bishop can still provide for the welfare of the person and for the public good through appropriate warnings, other means of pastoral solicitude, or even penal remedies and warnings (c. 1348).

VI. CONCLUSION

To better protect our children, the diocese has already implemented two essential programs: a Safe Environment Program that has been implemented throughout the diocese, and a standard for checking the backgrounds of all those who have routine contact with minors, especially those who would be candidates for sacred ministry. The instant policy is an essential part of the diocese's Safe Environment Program.

We hope and pray that the provisions of this policy never have to be applied. However, if and when allegations arise regarding the sexual abuse of minors by Church personnel in the Diocese of Little Rock, the provisions of this policy must be followed carefully and all parties involved must receive suitable pastoral care and protection.

The Bishop and the Review Board will review these policies at least every two years. In addition, these policies and the Safe Environment Program are subject to an annual audit by an independent firm through the United States Conference of Catholic Bishops to ensure compliance with national and universal Church norms.

Promulgated by decree this 9th day of September, 2015, Memorial of Saint Peter Claver.

The Most Reverend Anthony B. Taylor
Bishop of Little Rock

Matthew A. Glover, J.D., J.C.L.
Chancellor for Canonical Affairs

APPENDIX OF DEFINITIONS

“Administrative Supervisor”

See “Direct Employer,” *infra*.

“Church Personnel”

For purposes of this policy, “Church personnel” may include the following:

- All incardinated priests, all incardinated permanent deacons and all incardinated transitional deacons of the diocese.
- All religious priests and deacons; all religious sisters and brothers working for the diocese.
- All those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2 of the Code of Canon Law, e.g. Pastoral Administrators.
- All seminarians who seek ordination as clerics of the diocese before being admitted to candidacy, while engaged in work on behalf of the diocese of Little Rock;
- All candidates for the diaconate (non-transitional).
- All clerics of other jurisdictions who are accepted for work in the diocese.
- All assigned Pastoral Ministers
- All personnel of Catholic schools of the diocese (administration, faculty and support staff).
- All religious education directors and teachers in the parishes and schools of the diocese.
- All youth ministers in the parishes, schools and institutions of the diocese.
- All personnel of diocesan campus ministry programs.
- All paid personnel in the offices of the diocese, in the parishes of the diocese, in the schools of the diocese.
- All who volunteer for work on a significant scale in the offices and institutions mentioned above, and such other personnel as designated by the Bishop of the diocese.

“Diocese” or “Diocesan”

“Diocese” or “Diocesan” includes the Diocese of Little Rock as a corporate entity, all the parish corporations, and all diocesan schools.

“Direct Employer” or “Administrative Supervisor”

For purposes of this policy, “direct employer” or “administrative supervisor” may include the following:

- The pastor of the parish or institution, principal of a school, administrator of a hospital.
- Religious superiors of Convents and Monasteries.
- Those who hold supervisory roles in agencies attached to the diocese.
- Pastoral Administrators.

“Minor”

For purposes of this policy, a “minor” shall include anyone who has not yet reached eighteen (18) years of age or who habitually lacks the use of reason.

“Sexual Abuse”

Pursuant to Arkansas law (Ark. Code Ann. § 5-14-101 *et seq.*, and § 5-27-601 *et seq.*), “sexual abuse” includes:

- solicitation of sexual activity;
- deviate sexual activity;
- sexual contact;
- sexual intercourse;
- rape;
- sexual indecency with a child;
- indecent exposure;
- sexual assault; and
- the acquisition, possession, and/or distribution of matter depicting sexually explicit conduct involving a child

Pursuant to Church law (*Sacramentorum Sanctitatis Tutella*, art. 6 §1), “sexual abuse” also includes:

- a delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years (a person who habitually lacks the use of reason is to be considered equivalent to a minor); and
- the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology

APPENDIX OF
ARKANSAS CODE ANNOTATED
(in pertinent part)

Ark. Code Ann. § 12-18-102. Purpose [of the Child Maltreatment Act]

The purpose of this chapter is to:

- (1) Provide a system for the reporting of known or suspected child maltreatment;
- (2) Ensure the immediate screening, safety assessment, and prompt investigation of reports of known or suspected child maltreatment;
- (3) Ensure that immediate steps are taken to:
 - (A) Protect a maltreated child and any other child under the same care who may also be in danger of maltreatment; and
 - (B) Place a child whose health or physical well-being is in immediate danger in a safe environment;
- (4) Provide immunity from criminal prosecution for an individual making a good faith report of suspected child maltreatment;
- (5) Preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians;
- (6) Encourage the cooperation of state law enforcement officials, courts, and state agencies in the investigation, assessment, prosecution, and treatment of child maltreatment; and
- (7) Stabilize the home environment if a child's health and safety are not at risk.

Ark. Code Ann. § 12-18-107. Liability

- (a) A person or agency required by this chapter to report suspected child maltreatment who acts in good faith in making notification . . . is immune to suit and to civil and criminal liability.
- (b) If acting in good faith, a person making notification not named in this section is immune from liability.

Ark. Code Ann. § 12-18-401. Generally [Reporting Suspected Child Maltreatment]

A person may immediately notify the Child Abuse Hotline if he or she:

- (1) Has reasonable cause to suspect that:
 - (A) Child maltreatment has occurred; or
 - (B) A child has died as a result of child maltreatment; or
- (2) Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.

Ark. Code Ann. § 12-18-402. Mandated Reporters

- (a) An individual listed as a **mandated reporter** under subsection (b) of this section **shall immediately notify** the Child Abuse Hotline **if he or she:**
 - (1) **Has reasonable cause to suspect** that a child has:
 - (A) Been subjected to child maltreatment; or
 - (B) Died as a result of child maltreatment; or
 - (2) Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.
- (b) **The following individuals are mandated reporters** under this chapter:
 - (1) **A child care worker or foster care worker;**
 - (2) A coroner;
 - (3) **A day care center worker;**
 - (4) A dentist;
 - (5) A dental hygienist;
 - (6) A domestic abuse advocate;
 - (7) A domestic violence shelter employee;
 - (8) A domestic violence shelter volunteer;
 - (9) An employee of the Department of Human Services;
 - (10) An employee working under contract for the Division of Your Services of the Department of Human Services;
 - (11) A Foster Parent;
 - (12) A judge;
 - (13) A law enforcement official;
 - (14) A licensed nurse;
 - (15) Medical personnel who may be engaged in the admission, examination, care, or treatment of persons;
 - (16) **A mental health professional or paraprofessional;**
 - (17) An osteopath;
 - (18) A peace officer;
 - (19) A physician;
 - (20) A prosecuting attorney;
 - (21) A resident intern;
 - (22) **A public or private school counselor;**
 - (23) **A school official, including without limitation institutions of higher education;**
 - (24) **A social worker;**
 - (25) A surgeon;
 - (26) **A teacher;**
 - (27) A court-appointed special advocate program staff member or volunteer;
 - (28) A juvenile intake or probation officer;
 - (29) **A clergy member, which includes a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed to be so by the person consulting him or her, except to the extent the clergy member:**

- (A) **Has acquired knowledge of suspected child maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith; or**
- (B) **Received the knowledge of the suspected child maltreatment from the alleged offender in the context of a statement of admission;**
- (30) An employee of a child advocacy center or a child safety center;
- (31) An attorney ad litem in the course of his or her duties as an attorney ad litem;
- (32) (A) A sexual abuse advocate or sexual abuse volunteer who works with a victim of sexual abuse as an employee of a community-based victim service or mental health agency such as Safe Places, United Family Services, or Centers for Youth and Families.
(B) A sexual abuse advocate or sexual abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;
- (33) **A rape crisis advocate or rape crisis volunteer;**
- (34) (A) A child abuse advocate or child abuse volunteer who works with a child victim of abuse or maltreatment as an employee of a community-based victim service or a mental health agency such as Safe Places, United Family Services, or Centers for Youth and Families.
(B) A child abuse advocate or child abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;
- (35) **A victim/witness coordinator;**
- (36) **A victim assistance professional or victim assistance volunteer;**
- (37) An employee of the Crimes Against Children Division of the Department of Arkansas State Police.
- (38) An employee of a reproductive healthcare facility; and
- (39) A volunteer at a reproductive healthcare facility.
- (c) (1) A privilege or contract shall not prevent a person from reporting child maltreatment when he or she is a mandated reporter and required to report under this section.
(2) An employer or supervisor of an employee identified as a mandated reporter shall not prohibit an employee or a volunteer from directly reporting child maltreatment to the Child Abuse Hotline.
(3) An employer or supervisor of an employee identified as a mandated reporter shall not require an employee or a volunteer to obtain permission or notify any person, including an employee or a supervisor, before reporting child maltreatment to the Child Abuse Hotline.

Arkansas Code Annotated § 12-18-803. Privileged communications as evidence – Exception.

- (a) It is the public policy of the State of Arkansas to protect the health, safety, and the welfare of children within the state.
- (b) **No privilege, except that between a lawyer and client or between a minister, including a Christian Science practitioner, and a person confessing to or being**

counseled by the minister shall prevent anyone from testifying concerning child maltreatment.

- (c) When a physician, psychologist, psychiatrist, or licensed counselor or therapist conducts interviews with or provides therapy to a subject of a report of suspected child maltreatment for purposes related to child maltreatment, the physician, psychologist, psychiatrist, or licensed counselor or therapist is deemed to be performing services on behalf of the child.
- (d) An adult subject of a report of suspected child maltreatment cannot invoke privilege on the child's behalf.