



# *Diocese of Houma--Thibodaux*

## *Office of the Bishop*

2779 Highway 311 • Post Office Box 505 • Schriever, Louisiana 70395  
(985) 850-3124 • Fax (985) 850-3224

### **DECREE OF PROMULGATION**

To My Brother Priests, Deacons, Religious and the Lay Faithful of the Diocese:

The Diocese of Houma-Thibodaux is very committed to the protection of children and the prevention of their abuse in all its forms. I thank all those who have worked so hard at helping to create safer environments for children in our parishes, schools and institutions.

Indeed, betrayal of trust and abuse of power have caused enormous pain to children, their families, parish communities, and priests who have remained faithful to the mission and mandate of the Church. Our active participation in the efforts of healing and transparency will help restore the integrity of the Church. The implementation of this revised policy engages both the clergy and the laity, and both employees and volunteers, in a concerted effort to continue to protect the children within the community of faith.

In order, therefore, to ensure the above-mentioned commitment and to provide for the pastoral care of the people entrusted to me, especially the protection of children and young people, I, **Shelton J. Fabre**, by the Grace of God and the Favor of the Apostolic See, the Bishop of Houma-Thibodaux, hereby promulgate the **2018 Policy Concerning Abuse or Neglect of Minors in the Diocese of Houma-Thibodaux** as particular for our diocese.

With this promulgation, this document replaces earlier similar diocesan policies. This revision is done to ensure its fidelity to the U.S. Bishops' *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 and Deacons*. Furthermore, with this decree I renew my solemn pledge to ensure that we will do all in power to protect children and youth and will engage every resource available to accomplish it.

I therefore enjoin its full implementation and faithful observance to all the clergy, religious and laity of this Diocese.

Anything to the contrary notwithstanding, this policy will take effect on **July 1, 2018**.

Given at the Chancery of the Diocese of Houma-Thibodaux on the twenty-ninth day of June, in the year of Our Lord, two-thousand eighteen, the Solemnity of Saints Peter and Paul.

Bishop of Houma-Thibodaux

**Very Rev. Alex G. Gaudet**  
Chancellor



## POLICY CONCERNING ABUSE OR NEGLECT OF MINORS IN THE DIOCESE OF HOUMA-THIBODAux

### I. Introduction

Every human being is created with a God-given dignity. Therefore, the Catholic Church teaches that God condemns all forms of abuse or neglect of people of all ages. In regard specifically to minors or to adults who allege they were abused as minors, it is the policy of the diocese that the abuse of minors is sinful, reprehensible and intolerable behavior and it is illegal. Any such conduct is to be considered, by its very nature, completely contrary to Catholic teaching, to Christian morality and contrary to the employment and/or ministry of all those who serve the Diocese of Houma-Thibodaux and any of its related entities.

All who serve the diocese must comply with all local, state and federal reporting laws. The abuse or neglect of a minor is contrary to the moral instruction, doctrines, and the Code of Canon Law of the Catholic Church as a whole and the *Charter for the Protection of Children and Young People*, USCCB (United States Conference of Catholic Bishops), 2011. Such behavior includes actions that cause injury to another.

### II. Definitions

**"Sexual Abuse"** of a minor or an adult who reports abuse as a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Such "sexual abuse" may also include the involvement, use, aiding, tolerating, employment, persuasion, inducement, enticement, sexual exploitation, or coercion of any minor to engage in, or having a minor assist any other person to engage in, any sexual conduct. This would include, but is not limited to, producing any visual depiction of such conduct, including, but not limited to cell phones, cameras, the internet, and the acquisition, possession, or distribution of pornography as a result of relationships developed by any means or circumstances whether in a position performing service for the Diocese of Houma-Thibodaux or its related entities, or whether or not in the employment or ministry of the Diocese of Houma-Thibodaux or its related entities. The acquisition, possession or distribution of pornographic images of a minor for the purpose of sexual gratification are defined as any visual representation of a child, under the age of 18 years, engaged in sexual or lewd/erotic behavior designed to arouse the viewer's sexual interest. Visual representation of said acts include, but is not limited to, photographs, videos, digitally or computer generated images of minors.

**"Other Physical Abuse"** is the infliction or attempted infliction of physical injury to a minor. This applies while performing service for the Diocese of Houma-Thibodaux or its related entities, or outside of any position with the Diocese of Houma-Thibodaux or its related entities.

**"Neglect"** is the refusal or failure of a caretaker to supply the child with necessary food, clothing, shelter, care, or treatment for injury, illness, or condition of the child, resulting in the child's physical, mental, or emotional health and safety being substantially threatened or

impaired. This applies whether or not the caretaker is in employment or in a ministry of the Diocese of Houma-Thibodaux or its related entities.

**"Person Responsible for the Minor's Care"** is any employee or volunteer of the Diocese of Houma-Thibodaux or its related entities that cares for or supervises minors.

**"Mandated reporters"** are required to report any abuse of minors to law enforcement and/or the Department of Children and Family Services immediately, as specified by law. (See Summary of Louisiana Child Abuse or Neglect Reporting Laws, Art. 603).

**"Supervisor"** is a pastor of a parish, principal of a school, or the director of a diocesan office or related entity or their delegate responsible for the oversight of those who serve the diocese.

**"Minor"** is any individual under the age of eighteen (18) or one who habitually lacks the use of reason.

**"Adult"** (major) means any individual eighteen {18} years of age or older .

**"Cleric"** is a priest or deacon.

**"Church Personnel"** is any employee, volunteer, or contract worker who serves the diocese or its related entities in ministry to minors, whether clergy, religious, or lay.

**"Diocese of Houma-Thibodaux" and "Diocese"** include the diocesan departments and administrative offices, all parishes, missions, schools, institutions, agencies, and other offices under the direct supervision of the diocese and its related entities.

**"Independent Contractor"** is a person retained by the diocese or its related entities (instructors, therapists, maintenance personnel). An independent contractor who has ongoing contact with minors must comply with the background screening, training, and mandatory reporting requirements of the diocese and the State of Louisiana.

**"Coordinators of Ministry"** are the heads of departments within the diocese: Administration, Clergy and Religious, Formation, Social Ministries and Canonical Affairs.

**"Delegate Investigator"** is a person who does the preliminary, canonical investigation.

**"Promoter of Justice"** determines whether or not to prosecute and then is the prosecutor if there is a canonical trial.

**"Victims' Assistance Coordinator"** receives the allegation of abuse by a cleric and follows the appropriate process.

**"Diocesan Review Board"** the diocesan Review Board, established by the Bishop, will be composed of at least five persons of outstanding integrity and good judgment in full

communion with the church. See section VII for full description. (Norms, 5).

**"Decalogue"** same as Ten Commandments

**"Tribunal"** in every diocese the Ecclesiastical Tribunal is the legal forum where all canonical cases, procedures and processes are presented, heard and adjudicated. The Tribunal administers justice in all ecclesiastical matters affecting the faith and lives of the people in a particular diocese (Cf. Cns. 1402, 1468, 1419-1437).

### **III. DUTY TO DISTRIBUTE**

A copy of this policy shall be sent by the Bishop of Houma-Thibodaux to all clergy, religious, seminarians, diocesan departments and office directors, presidents and principals of Catholic schools, parish directors of religious education, parish directors of youth ministry, and directors of related entities. Those listed above are obligated by this policy to distribute it to all those who serve the diocese and its related entities as employees, volunteers, or contract workers.

### **IV. EDUCATION**

All employees and volunteers of the diocese and any independent contract workers who have ongoing unsupervised (possibility of unsupervised) contact with minors shall receive Safe Environment training regarding recognition and prevention of abuse or neglect of minors, teachings of the Catholic Church, and mandatory reporting laws of the State of Louisiana and mandatory reporting requirements of the Diocese of Houma-Thibodaux. Safe Environment training is required before beginning ministry within the church parish or school. Thereafter, according to Diocesan policy, training will be required during a three year cycle ; dates predetermined by the diocese.

Education and training for the children of the diocese as mandated by the *Charter for the Protection of Children and Young People* will take place on an annual basis.

### **V. QUESTIONNAIRE & STATEMENT AND BACKGROUND EVALUATION**

All those who serve the Diocese of Houma-Thibodaux, clergy or lay, employee, volunteer, or contract worker will complete the *Questionnaire & Statement* for employees and volunteers who will have ongoing contact with minors. Volunteers of church parishes and Catholic schools will also have to complete the required background screening prior to beginning their work with minors. Church parish employees will have to complete the required background screening once the offer for employment has been accepted. Background checks include a criminal history search and a search of the Sex Offender Database.

All school personnel must be fingerprinted according to Louisiana law. Fingerprints will be sent to the Louisiana State Police for a state criminal history check.

The Questionnaire and Background screening process are the first steps to the online Safe

Environment training process. Both are completed online by the applicant and are stored on the website of the provider's data management system. Due to the confidential nature of all files, the Office of Safe Environment and the Human Resources office have access to all files. All paper files should be kept in a locked file cabinet or closet.

Background screening will be conducted during a three year cycle, and/or in accord with diocesan policy.

## **VI. OBLIGATION TO REPORT**

Any person who has actual knowledge of or who has cause to believe any incident of physical abuse, emotional abuse, sexual abuse, neglect of a minor or possession of child pornography by those who serve the Diocese of Houma-Thibodaux, or its related entities, has occurred shall comply with all applicable reporting requirements of the State of Louisiana and all applicable local and federal laws. An individual with reasonable cause to believe abuse or neglect has occurred has the obligation to report even if another report has been made [Louisiana's Children's Code],[Essential Norms (Norms), 11].

In addition, a verbal report shall be made immediately to the supervisor, who will report immediately to the Diocesan Director of Safe Environment who will in turn report the incident to the Victims' Assistance Coordinator.

The "Alleged Child Abuse and/or Neglect Reporting Form" when an allegation is against an employee or volunteer of the Diocese of Houma-Thibodaux will be submitted immediately to the Diocesan Director of Safe Environment & the Director of Human Resources

Allegations Involving Priests or Deacons (made by an adult): Any person who receives an allegation of physical abuse, emotional abuse, sexual abuse, or neglect of a minor or alleges to have been abused as a minor by a priest or deacon who is an adult at the time the allegation is received shall immediately report within 24 hours of receiving the report of such allegation to the Vicar General or to the Vicar for Clergy. Also to the Victims Assistance Coordinator who will reach out to the victim.

## **VII. POLICY ON SEXUAL ABUSE OF A MINOR BY A PRIEST OR DEACON IN ACCORD WITH THE REVISED ESSENTIAL NORMS PUBLISHED MAY 15, 2006, AND THE SUBSTANTIVE NORMS PROMULGATED MAY 21, 2010**

Executive Power of Governance: For the sake of the common good and in observing the code of canon law, the Bishop exercises the executive power of governance to ensure that any priest or deacon who has committed even one act of abuse or neglect of a minor shall not continue in active ministry (Norms, 9).

Preliminary Investigation: When a report is received from a person, who, either a major or a minor alleges having been sexually abused by a cleric during his/her minority, the Vicar General, either personally or through his delegate, shall communicate the information received to the

Bishop and to the accused cleric, within seventy-two (72) hours of receipt of the report. The accused cleric is to be counseled that he is not to confront or challenge the accuser, nor is he to arrange for any confrontation or challenge in any way by another person, nor is he to retaliate against his accuser or the reporter in any way.

A person who requests that the church investigate an allegation of abuse or neglect of a minor will be informed by the Vicar General or Vicar for Clergy that a written signed statement, called a "complaint," will be necessary for a canonical investigation to be undertaken.

The Bishop will carefully inquire, personally or through the Vicar General or Vicar for Clergy, about the facts, circumstances and imputability of an allegation, unless such an inquiry seems entirely superfluous (c. 1717 §1). The purpose of the preliminary investigation is to acquire clear and specific understanding of the facts and circumstances of the alleged actions.

The Bishop will immediately, not more than 72 hours of receiving the report, provide for the pastoral care of the allegedly abused person. The Victims' Assistance Coordinator and/or the treating therapist will also make the report to law enforcement (Norms, 3). When the report involves a minor, the law requires the person of first instance to make the report.

The Vicar General or Vicar for Clergy will recommend that the cleric retain a canonical advocate and/or civil counsel.

Principles of Conducting the Preliminary Investigation: When it is necessary, the Bishop will direct an investigation to be "conducted promptly and objectively" (Norms, 6). He will appoint a delegate investigator when necessary to proceed with this investigation.

The investigation into a complaint of sexual abuse of a minor by a cleric will be conducted according to the requirements of canon law and civil law. In canon law, as in civil law, a person is presumed innocent until guilt has been established or admitted.

The right to privacy and the good reputation of all parties associated with the incident(s) under investigation are integral to the investigation. Care must be taken so that the good name of the individuals are not endangered by this investigation (Norms 6; c. 1717 §2).

During the preliminary investigation, evidence will be gathered to determine if there is sufficient evidence that sexual abuse of a minor has occurred. Evidence will be sought as to whether or not the alleged action is imputable by the cleric, i.e. caused by the cleric (Norms, 6).

When the evidence required by canon law has been gathered, the delegate will write a report to the Bishop. This report will indicate the reliability and sufficiency of the evidence gathered during the investigation. It will be communicated to the Bishop and to the Review Board.

Review Board: the Diocesan Review Board, established by the Bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the

employ of the Diocese; but at least one member should be a priest who is an experienced and respected pastor of the Diocese. If at all possible, at least one member should have particular expertise in the treatment of sexual abuse of minors. The members will be appointed for the term of five years which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board (Norms, 5).

After receiving the report of the delegate investigator, the Bishop will consult the chairperson of the Diocesan Review Board for an assessment of the complaint and the information gathered during the preliminary investigation.

After the board has been consulted, the board will offer to the Bishop an independent and confidential review of the complaint and recommend how to proceed.

Closing the Preliminary Investigation: The Bishop will carefully consider the facts gathered during the preliminary investigation together with the reports and recommendations of the Diocesan Review Board and the Delegate Investigator.

If the Bishop determines that the facts gathered are insufficient to establish the probability of a delict, i.e. an offense, the accused is to be "promptly notified of the investigation" (Norms, 6). The Bishop is to prepare an appropriate administrative decree. The acts of the preliminary investigation and the Bishop's decree explaining the insufficiency or doubtful nature of the proofs are to be placed in the diocesan archives (c. 1719).

If the Bishop determines that sufficient evidence has been gathered to establish the probability of a delict, he shall issue a decree closing the preliminary investigation. He, then, will undertake the following steps:

- The accused cleric is to be promptly notified of the results of the investigation (Norms, 6).
- The precautionary measures mentioned in canon 1722 are to be applied, i.e., remove the accused from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit the public participation in the Most Holy Eucharist pending the outcome of the judicial process.
- The acts of the preliminary investigation together with the Bishop's summary of facts are to be transmitted to the Congregation for the Doctrine of the Faith (CDF) at the Holy See. After considering these materials, the CDF will notify the Bishop whether it will adjudicate the case or direct the Bishop how to proceed (Norms, 8A).
- The determination of the Bishop will be communicated to the complainant.

Penal Trial: When directed by the Congregation for the Doctrine of the Faith, the Bishop shall decree the initiation of a judicial penal process (c. 1718). He shall nominate a collegial tribunal and shall give the acts of the preliminary investigation to the Promoter of Justice, who will present a petition of accusation to the presiding judge (cc 1502, 1504, 1721).

The Tribunal will decide whether or not to accept the petition (c. 1506).

The presiding judge will issue a decree stating the issues to be considered in the trial and setting the time for the Promoter of Justice and the accused cleric to complete the evidence and present it to the Tribunal (c. 1661). During the trial either party may introduce evidence including calling witnesses and introducing proofs, documents and other information.

The instruction of the case will normally be carried out by one of the judges of the Tribunal (c. 1561). A priest notary will be present during each of the procedural acts and must notarize written acts (cc. 483 §2; 1437).

Evidence may be introduced into the trial by means of public and private documents or witness testimony. Public documents will be trusted concerning everything that is directly and principally affirmed in them, unless contrary and evident arguments show otherwise (cc. 1539; 1541). Under the supervision of a canonical judge, proof by means of both public and private documents and witnesses is allowed (c. 1547).

The accused cleric is not bound to admit the offense, nor may an oath be demanded of him (c. 1728 §2). If the cleric decides to give testimony, either spoken or written, he has the right to do so lastly, either personally or through his advocate (c. 1725).

If it becomes clear to the Tribunal, at any point, that the accused cleric did not commit the alleged offense, the Tribunal has the duty to declare this fact *ex officio* in a judicial sentence and absolve the accused (c. 1726).

The Judicial Sentence and the Communication of the Acts: Once all of the evidence has been collected, the presiding canonical judge will permit the parties and their advocates to inspect, at the chancery, the evidence not yet known to them (cc. 1598-1606). The Promoter of Justice and the Advocate for the accused cleric will be given opportunity to inspect the acts and propose other evidence. When this process is completed, the presiding judge will decree the conclusion of the case.

The decision of the Tribunal, as to the innocence or guilt of the accused cleric, will be based on the evidence assembled in the acts. This decision will be pronounced in a judicial sentence, which must answer the questions stated in the grounds established for the trial (c. 1611). The sentence is to be published to the Promoter of Justice and the accused as soon as possible. The accused and the complainant will be informed that the sentence can be challenged (cc. 1614 - 1615) through an appeal to the Congregation for the Doctrine of the Faith. (This special procedure was established by the Holy Father on the occasion of the audience granted to the Prefect of the Congregation of the Doctrine of Faith on February 14, 2003).

Just Penalties: According to the law of the church, a cleric who has committed an offense against the sixth commandment of the Decalogue with a minor "is to be punished with just penalties, including dismissal from the clerical state if the case warrants it" (c. 1395 §2). The



particular law of the United States declares that "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 will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants" (Norms, 8; c. 1395 §2).

"If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the accused is directed to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest" (Norms, 8 §B).

Acquittal and Exoneration: The cleric will be declared to be acquitted of all charges when it is determined that the complaint is unfounded, false, or not factual, or that the complaint is unsubstantiated due to insufficient evidence (c. 1724, 1726; Norms, 13).

When a cleric is to be restored to ministry, the Bishop will invite him to a personal meeting to discuss the steps to be taken to restore him to ministry and/or ecclesiastical office.

The Bishop will make every effort to restore the good name of the accused.

Transfer of Clergy: No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, the Bishop shall forward, in a confidential manner, to the local Bishop/Eparch or Religious Ordinary of the proposed place of residence any and all information concerning any alleged act of sexual abuse of a minor and any other information that he has been or may be a danger to children or young people.

#### **VIII. POLICY ON SEXUAL ABUSE OF A MINOR BY A PRIEST OR DEACON WHO IS A MEMBER OF A RELIGIOUS INSTITUTION SERVING IN THE DIOCESE OF HOUMA-THIBODAU**

A canonical relationship exists between religious institutes and the Diocese of Houma-Thibodaux. Therefore, if a report alleges sexual abuse of a minor by a priest, brother, sister, or deacon of a religious institute, an investigation shall be made in accordance with the policy outlined above on the sexual abuse of a minor by a priest or deacon of the diocese. The only exception is that wherever the term in the Policy refers to "Bishop," the term "religious ordinary" is hereby substituted. It is the responsibility of the religious institute to initiate the investigation and report his/her findings to the Bishop if the accused is a member of a religious order.

Finally, any conflicts between the sexual abuse policy of the diocese and the sexual abuse policy of the religious institute will be resolved by the Bishop or his delegate and the religious institute.

#### **IX. ALLEGATIONS AGAINST MEN AND WOMEN WHO BELONG TO RELIGIOUS INSTITUTES, WHO ARE NOT CLERICS, SERVING IN THE DIOCESE OF HOUMA-THIBODAU**

A canonical relationship exists between priests, deacons, and religious (brothers or sisters) of religious institutes and the Diocese of Houma-Thibodaux. Thus, if a report alleges sexual abuse of a minor by a priest, deacon, sister or brother who serves in the Diocese of Houma-Thibodaux and who belongs to a religious institute, an investigation respecting the particular policy of the religious institute shall be made in the following manner:

- It is the responsibility of the Victims' Assistance Coordinator to notify the Major Superior of a religious institute that an allegation against one of its members has been received and to request the cooperation of the religious institute in the investigation. The Bishop of the diocese, in conjunction with the Victims' Assistance Coordinator, will work with the religious institute when an allegation has been received against a priest, sister, brother, seminarian, or member in formation who serves or has served in the Diocese of Houma-Thibodaux and who belongs to a religious institute.
- Should an allegation be made directly to the Major Superior of a religious institute, the Major Superior shall inform the Victims' Assistance Coordinator and put in writing to the Bishop of the allegation. The Victims' Assistance Coordinator will inform the Vicar General that an allegation has been made. The Major Superior will conduct the investigation following the diocesan process or the process currently in place for the particular religious institute. The Major Superior would be asked to keep the Victims' Assistance Coordinator informed as to each step in the process.
- If a Major Superior chooses to pursue the matter according to the diocesan process, this investigation may be done in consultation with the Victims' Assistance Coordinator. The Major Superior will coordinate the external investigation. This investigation is to include speaking with the accused, the accuser, the family of the accuser, and other appropriate persons, whenever possible. Legal advice, both civil and canonical, shall be obtained promptly.
- Other appropriate action may be taken to protect the accuser, the accused, or other affected persons during the investigation. The accused is to be counseled that he is not to confront or challenge his accuser, nor is he to arrange for any confrontation or challenge in any way by another person, nor is he to retaliate against his accuser in any way.
- Once an allegation is received by the Victims' Assistance Coordinator, the accused is immediately removed from ministry and the investigation follows.
- If the member of the religious institute admits the allegations, he/she is to be removed immediately from active ministry.
- If the member of the religious institute denies the allegation, but the allegations are serious and the evidence warrants it, the member of the religious institute will ordinarily be asked by the Bishop to take an administrative leave from ministry in the diocese

pending further investigation. Further decisions concerning his/her active ministry in the Diocese of Houma-Thibodaux or its related entities are to be made thereafter.

- An administrative leave may be imposed by the Diocese of Houma-Thibodaux. Such action does not imply guilt on the part of the accused.
- Once this recommendation has been received from the religious congregation, the Bishop of Houma-Thibodaux will meet personally with the Major Superior of the religious institute and also with the accused member of the religious institute. The Superior of the religious institute will then take appropriate action.
- The religious institute shall be expected to provide appropriate pastoral care for the accuser and the accused.

#### **X. ALLEGATIONS AGAINST OTHER PERSONS WHO SERVE THE DIOCESE OF HOUMA-THIBODAux**

- A. If the report alleges sexual abuse, physical abuse, or neglect of a minor by any person who serves the Diocese of Houma-Thibodaux or its related entities, including volunteers other than a priest, deacon, or member of a religious institute, the Coordinator of Ministry of the department under which he/she serves, or his/her delegate (the Victims' Assistance Coordinator), shall conduct an investigation. Legal advice, both civil and canonical, shall be obtained promptly. The Victims' Assistance Coordinator shall inform the Vicar General of the allegation as well.

Other appropriate action may be taken to protect the accuser, the accused, and/or other persons affected during the investigation. The accused is to be counseled that he is not to confront or challenge his accuser, nor is he to arrange for any confrontation or challenge in any way by another person, nor is he to retaliate against his accuser in any way.

When allegations of sexual abuse, physical abuse, or neglect of minors are made, the Victims' Assistance Coordinator shall contact the accuser, the family of the accuser, and other appropriate persons, including civil authorities as required by law. The Vicar General shall contact the accused.

If the Victims' Assistance Coordinator deems it appropriate, and after consulting with the Bishop or Vicar General, the accused will be immediately relieved of any position in the Diocese of Houma-Thibodaux and placed on administrative leave, pending the outcome of the internal investigation and any outside investigation. Administrative leave does not imply guilt on the part of the accused.

The Victims' Assistance Coordinator is responsible for making certain that pastoral care is offered to the appropriate parties.

After an adequate and appropriate investigation, the Victims' Assistance Coordinator shall make a determination about the validity of the allegation and take appropriate action up to and including termination of employment.

Any person who admits to, does not contest, or is found guilty of an incident of sexual abuse, physical abuse, or neglect of a minor shall be immediately terminated from service within the Diocese of Houma-Thibodaux and its related entities.

- B. The alleged victim, whether a minor or a major, is to be encouraged to contact the Victims' Assistance Coordinator. The person is also encouraged to make a report to the civil authorities.

The Victims' Assistance Coordinator will immediately report the allegations to the Vicar General.

The Victims' Assistance Coordinator will give a written report to the Vicar General and to the Bishop indicating:

- a. That the individual making the allegation has been asked if he/she has reported the allegation to civil authorities or if they would want the diocese to do so.
- b. The Victims' Assistance Coordinator will respect the desires of the accuser who is now a major, to report or not to report the alleged abuse, taking into consideration the rights of the accuser to privacy.
- c. That the accuser has been offered counseling.
- d. A signed statement of the complaint.

The Bishop will determine whether to hire an external investigator to conduct an in-depth investigation.

The Victims' Assistance Coordinator will report to the Vicar General, who will consult with the Bishop, the outcome of the investigation and his/her recommendation regarding action taken and/or to be taken in the case. The Bishop may place the person on administrative leave and mandated reports will be made when appropriate.

## **XI. MEDIA CONTACT AND INQUIRIES**

Recognizing the importance of supporting a community directly affected by ministerial misconduct, the Director of Communications, and other appropriate individuals, is entrusted with the responsibility to correspond and meet with the affected community in relaying timely, factual, and pastorally appropriate actions from the Diocese.

Any media contact or inquiries regarding an incident of sexual abuse, other physical abuse, or neglect of a minor or other ministerial misconduct by those who serve the Diocese of Houma-Thibodaux must be directed to the Director of Communications.

Within the confines of respect for the privacy of the individuals involved, the Diocese of

Houma-Thibodaux pledges itself to deal as open and timely as possible with the members of the church and the broader community about any incident of ministerial misconduct affecting minors or otherwise.

## **XII. RECORDS**

Records maintained concerning each incident reported, the investigation, and the results of the investigation shall be kept "confidential" pursuant to Canon Law (c. 489).

### **SUMMARY OF LOUISIANA CHILD ABUSE OR NEGLECT REPORTING LAW (L.S.A.-R.S. 14:403; LA. CHILDREN'S CODE ARTS. 601-616)**

Criminal statute L.S.A.-R.S.14:403 specifies that any person who is required to report abuse or neglect of a child and knowingly and willfully fails to do so shall be fined no more than \$500, imprisoned for no more than 6 months, or both.

Any person who is required to report sexual abuse of a child or the abuse or neglect of a child that results in the serious bodily injury, neurological impairment, or death of the child, and knowingly and willfully fails to report shall be fined no more than \$3000, imprisoned, with or without hard labor, for no more than three years, or both. The term "serious bodily injury" means injury involving protracted and obvious disfigurement or protracted loss or impairment of the functions of a bodily member, organ, or mental faculty, or substantial risk of death.

La. Children's Code Art. 603 defines those persons who must report child abuse as mandatory reporters, which include: any person who provides health care services, e.g., doctors, nurses, technicians; mental health or social services professionals who provide counseling services to a child or his/her family; members of the clergy; teachers or child care providers; law enforcement officers and commercial film processors.

Art. 603 (13) (c) provides an exception to the mandatory reporting requirement for a "Member of the Clergy." He is not required to report a confidential communication, i.e., "one made privately and not intended for further disclosure except to the persons present in furtherance of the communication from a person," if the member of the clergy, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential. In that instance, the member of the clergy shall encourage that person to report the allegations to the appropriate authorities.

Art. 610 is the reporting procedure that requires mandatory reporters to immediately report to the local child protection unit of Department of Social Services in cases where the abuser is believed to be a parent, caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as spouse whether married or not. If such a person or caretaker is not believed to have any responsibility for the abuse or neglect, the report should be

immediately made to the appropriate local or state law enforcement agency. Dual reporting shall be permitted.

The initial report may be verbal, and should contain the following information, if known:

1. name, address, age, sex and race of the child;
2. nature, extent and cause of child's injuries or endangered condition, including any previously known or suspected abuse to the child or child's siblings;
3. name and address of parent(s) or caretaker;
4. names and ages of all other members of child's household;
5. name and address of the reporter;
6. account of how child came to reporter's attention;
7. explanation of the cause of child's injury or condition offered by child, the caretaker of any other person;
8. any other information which the reporter believes might be important or relevant.

If the initial report is verbal, it shall be followed by a written report within five (5) days to the appropriate agency, i.e., local child protection unit or law enforcement agency.

Article 611 grants immunity from civil or criminal liability to any reporter, for the making of any report in good faith, and without knowledge of the falsity of such information, or reckless disregard for the truth of the report.

**Telephone Numbers for Reporting:** If allegation is against a member of a child's household:

Call the Louisiana Department of Children and Family Services (DCFS) 1-855-4LA-KIDS (1-855-452-5437). This is a toll free number.

If the allegation is against someone who is not a member of the child's household:

Call the police in the civil parish in which the child resides.