

**Summary of Process
When an Allegation of Clergy Sexual Abuse
is
Received**

Approved 6-4-12

The following points are extracted from Appendix E, Many Gifts, One Spirit: Priestly Life and Ministry for ease of understanding and do not establish any new or additional policies or procedures apart from that original document.

1. A priest undergoing a criminal investigation¹ has the right to obtain representation by a civil attorney. If the priest is cleared of charges or if it is found that there is insufficient evidence for charges to be filed, the cost of representation is borne by the Archdiocese. The timing of when a priest is informed that a criminal investigation is underway is controlled by law enforcement.
2. If there is no criminal investigation and the Archbishop determines that an allegation is not manifestly false or frivolous², prior to the initiation of a preliminary canonical investigation³, the priest has the right to be informed by the Archbishop of the allegation and its general nature, and be provided an overview of the process. The canonical investigation is carried out by a canonical investigator, an independent professional specializing in conducting such investigations.
3. The priest has the right to canonical counsel, the cost of which is borne by the Archdiocese if the Archbishop approves the selection of the canonical advocate. The priest has the right to select canonical counsel without the Archbishop's approval but at his own expense. Reasons the Archbishop may not approve the selected canonists include but are not limited to: concerns about the competency of the canonist, location of the canonist that may drive expense unreasonably high, or unreasonably high fees.
4. Consistent with the provisions of the Code of Canon Law, the canonist selected for this process must be a priest.
5. When asked by the Archbishop to accept voluntary administrative leave, the priest has the right to refuse. In this case, the Archbishop would pursue other canonical avenues to restrict his ministry. The priest will be informed of any avenues selected.

¹ A criminal investigation is one that is conducted by law enforcement.

² An allegation is determined to be "manifestly false or frivolous" if it appears that it could not have possibly have occurred (e.g. priest was not in the area, the act was physically impossible, etc.)

³ A canonical investigation is initiated by the Archbishop and conducted according to Canon #1717-1719.

6. During voluntary administrative leave, the priest has the right to continue to receive all compensation and benefits that were regularly received prior to the leave.
7. The priest whose guilt has not been admitted or clearly established⁴ has the right to protection of his reputation and is presumed innocent until otherwise established.
8. An accused priest, when asked to undergo a forensic evaluation and/or treatment, has the right to decline. However, a decision not to cooperate may be taken into consideration in determining the priest's suitability for ministry.
9. The accused priest has the right to review the allegations, to have access to all evidence prior to a meeting with the Archdiocesan Review, and have sufficient time for adequate review. He also has the right to meet with the Archdiocesan Review Board to present his perspective. The priest may bring a support person or canonical advisor to this meeting.
10. When allegations cannot be substantiated by the Archbishop in consultation with the Archdiocesan Review Board, the Archdiocese works closely with the accused priest and if necessary the faith community of current assignment to restore trust and re-establish the pastoral and ministerial relationships.
11. In the event of a false accusation the wrongly accused priest has the right to be supported by the Archbishop in efforts to restore his reputation and his pastoral and ministerial relationships.
12. In the event of a false accusation the wrongly accused priest has the right to counseling or therapy, paid by the Archdiocese, to help mitigate the effects of the false accusation.
13. If the Archdiocesan Review Board recommends that a priest return to ministry, the recommendation may include whether ministry should be unrestricted or restricted and it may recommend monitoring and support of the priest. The priest has a right to canonical recourse against any decrees of the Archbishop as provided by canon law.
14. If the investigation and the Archdiocesan Review Board's deliberations result in a finding by the Archbishop that an allegation of sexual abuse of a minor has been admitted or established, the Archbishop is required by the Congregation for the Doctrine of the Faith (CDF) to pursue permanent prayer and penance or laicization. The priest is entitled to canonical counsel as noted above and to all rights provided for in canon law.

⁴ Guilt is clearly established when the evidence leads the Archbishop to moral certainty that the allegation is true.

15. In preparation for his defense, the accused priest and his canonical representative have the right to review the Appendices of the *Votum* and to prepare the defense in a timely manner, to be sent with the Archbishop's *Votum* to the CDF. Once the defense is completed, the Archbishop may prepare a response. If any new information is included in the response, the priest and his canonical representative have a right to be informed and offer their response.
16. If the Archbishop is authorized by the CDF to impose a penal administrative precept for permanent prayer and penance, the priest has the right to recourse to the *Feria IV*⁵ of the CDF within 15 days. He is informed of this right in the precept.
17. If the Holy Father imposes a penalty, including laicization, there is no recourse.

⁵ The *Feria IV* consists of the Cardinal and bishop members of the Apostolic Signatura in ordinary session of the CDF. For more information see http://www.vatican.va/resources/resources_mons-sci-luna-graviora-delicta_en.html