

ARCHDIOCESE
OF PORTLAND
IN OREGON

April 18, 2002

Chuck Sparks
Room 225-MDT
2115 SE Morrison Street
Portland, Oregon 97214

Re: Archdiocese of Portland

Dear Chuck,

I appreciated speaking with you this afternoon. Enclosed is a copy of the *Child Abuse Policy* of the Archdiocese of Portland in Oregon. This policy was distributed to Archdiocesan personnel. Enclosed also are the summary brochures in English and Spanish that are widely available in our churches.

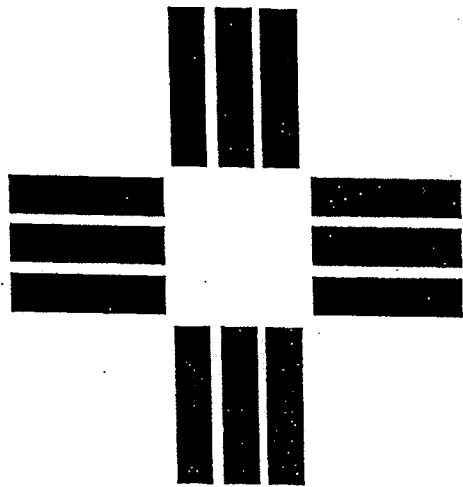
We look forward to meeting with you and staff from the Department of Human Services on important mutual concerns relating to child abuse.

Sincerely,

Paulette Furness
Director of Business Affairs

Enclosures

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ARCHDIOCESE OF PORTLAND IN OREGON

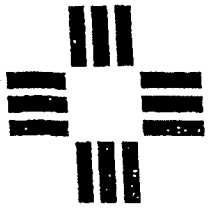
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2. PUTS LAYERS (3) BET MAND
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CHILD ABUSE POLICY

2838 E Burnside Street, Portland, Oregon 97214-1895

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ARCHDIOCESE
OF PORTLAND
IN OREGON

Office of the Archbishop

January 2002

Dear brothers and sisters in Christ,

The painful experience of dealing with allegations of abuse by priests of the Archdiocese of Portland in Oregon has strengthened my determination to take every necessary step to protect the children entrusted to our care. Again, I express my deep regret and ask the pardon and forgiveness of any person who has suffered from abuse by any personnel of the Archdiocese of Portland. These allegations have prompted a re-examination and strengthening of our policies and procedures. Child abuse of any kind by Church personnel is distressing. Child sexual abuse is a matter of gravest concern.

The safety of children is not a new priority for the Church in Western Oregon. Since 1992, the Archdiocese has followed the *Five Principles* for responding to sexual abuse issued by the United States Conference of Catholic Bishops. Even before this, various screening, reporting and other administrative policies were in place in the Archdiocese to prevent child abuse and respond to it.

Provisions of the Grammond abuse cases settlement required the Archdiocese to appoint a task force to review its policies, procedures and practices relevant to child abuse. I am grateful to those who assisted with this review and I am pleased to promulgate these written policies at this time.

The safety of children entrusted to our care and the healing of abuse survivors continue to be important Church priorities. They are concerns I share with all Archdiocesan personnel. As we approach the Lenten season, pray that we may be worthy of the continued trust of those we serve.

Sincerely yours in Christ,

+ John G. Vlazny

Most Reverend John G. Vlazny
Archbishop of Portland in Oregon

Child Abuse Policy Statement of the Archdiocese of Portland in Oregon

The following document reflects the policies and procedures of the Archdiocese of Portland in Oregon with regard to child abuse. This document is based upon the teachings of the Catholic Church and its Code of Canon Law in addition to concepts of civil and criminal law. Nothing in this document is intended to create or confer any additional legal or civil rights.

INTRODUCTION

Child abuse is absolutely contrary to the Gospel values of care and concern that Jesus commands us to have for one another. Child abuse is contrary to all that the Catholic Church believes and professes about the dignity of human persons. Thus, it is the policy of the Archdiocese of Portland in Oregon ("Archdiocese") that child abuse of any kind is never to be tolerated.

With respect to allegations of child sexual abuse involving Archdiocesan personnel, the Archdiocese has been following *The Five Principles* established by the United States Conference of Catholic Bishops in 1992. These are:

- Personnel
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1. Respond promptly to all allegations of abuse where there is reasonable belief that abuse has occurred;
 2. If such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of ministerial duties and make a referral for appropriate medical evaluation and intervention;
 3. Comply with obligations of civil law to report the incident and cooperate with any investigation by civil authorities;
 4. Reach out to victims and their families and communicate sincere commitment to their spiritual and emotional well-being; and
 5. Within the confines of respect for privacy of the individuals involved, deal as openly as possible with the members of the community.

The Five Principles remain the foundation and an essential part of this policy. In stating the Archdiocese's policy on child abuse, it is recognized that no policy of itself prevents abuse or harm. It is vigilance that prevents abuse and sees that no child, no one at all, is victimized by such sinful and hurtful behavior. The Archdiocese is promulgating this policy to focus and aid that vigilance.

Any protocols in this policy that are not already in place will be implemented with all due speed.

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The Archdiocese has established a Child Abuse Contact Line. Any member of the public who becomes aware that child abuse involving Archdiocesan personnel is occurring may call this Child Abuse Contact Line for assistance.



WHY?
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Child Abuse Contact Line
503-416-8810

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The Archdiocese also seeks to promote healing and reconciliation for those who have suffered abuse by Archdiocesan personnel in the past. Such persons are encouraged to use the Child Abuse Contact Line. The Archdiocese will provide pastoral or other assistance when appropriate on a case-by-case basis.

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POLICY ON CHILD ABUSE

It is the policy of the Archdiocese that all Archdiocesan personnel maintain the integrity of the ministerial relationship at all times. Abusive conduct of any kind, including sexual conduct, between one who is performing duties on behalf of the Archdiocese and a minor, not only is criminal, but also violates that relationship and Catholic moral teaching. Such conduct is gravely sinful. It is never permissible.

The response of the Archdiocese in cases of child abuse by any of its personnel must address the pastoral needs of the victim, the well being of the community, and the assessment and treatment of the offender. PUNISHMENT?

Care is to be taken that all involved will be treated in a manner that is consistent with the Gospel values of dignity, compassion, understanding, and justice, as well as those standards that are normative in the wider professional community. When an accusation is made, the rights of all persons involved must be protected. Prompt and incisive action is essential and non-negotiable.

EDUCATION AND PREVENTION OF CHILD ABUSE

The Archdiocese is committed to preventing and fully addressing child abuse by any Archdiocesan personnel, and to recognizing and responding to signs of child abuse in the children it serves. The following will be implemented to evidence this commitment:

- A. **Screening.** Any cleric or religious applying for or proposed for assignment to ministerial services in a church, school or other entity operated by the Archdiocese must complete an application process which conforms with the guidelines of the United States Conference of Catholic Bishops for such clerics and religious. All Archdiocesan personnel as defined in this policy must complete the Archdiocesan Authorization form and undergo a criminal background check.

Background checks are conducted through the State of Oregon (for various daycare and pre-kindergarten positions, teachers and administrators) and through the Archdiocese's Human Resources Office (for other parish, school or Archdiocesan positions.)

Ordinarily, this screening will be initiated on or before the beginning date of conditional employment or volunteer service.

- B. **Education.** All Archdiocesan personnel whose ministerial duties regularly involve minors will be required to attend presentations or have other training dealing with the recognition of and reporting requirements for child abuse.
- C. **School curriculum.** Beginning with the 2002-2003 school year, the Archdiocese will include in the curriculum of the elementary schools it operates, a component teaching children about safe touch, appropriate boundaries with adults, and other issues related to child physical and sexual abuse.
- D. **Distribution of policy statement.** This policy statement will be distributed to all Archdiocesan personnel. It will also be available to all interested parties. A basic summary will be widely available.

REPORTING CHILD ABUSE

The term "child abuse" may refer to the physical or mental injury, sexual abuse or exploitation, negligent treatment or maltreatment of a minor. Child abuse of any kind is a violation of state law. Some Church personnel (e.g., school personnel and clergy) are mandatory reporters under Oregon law and must report suspected abuse to civil authorities. (See Appendix A, ORS 419B.005 and ORS 419B.010.)

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Reporting by Archdiocesan personnel. Archdiocesan personnel should follow the *Procedures for Reporting Suspected Child Abuse* attached to this policy. (See Appendix B.) Clergy, school employees, registered or certified child care providers and other mandatory reporters are required by law to report (or cause to be reported) suspected child abuse to the Oregon State Office for Services to Children and Families or to a law enforcement agency. Other personnel may do so voluntarily.

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If the individual suspected of child abuse is Archdiocesan personnel, in every instance in which such reporting is required, the Case Manager will see that the reporting has been accomplished.

There is a special situation with the clergy - penitent privilege. A priest is not required to report information he acquires in a privileged conversation. Further, the sacramental seal of confession is inviolable. A priest is absolutely prohibited from revealing, in words or in any manner for any reason, information acquired from a sacramental confession. This

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confidentiality is recognized under Oregon law. (See Appendix A, ORS 419B.010(1); ORS 40.260(3).)

Reporting by members of the public. A report of suspected child abuse may always be made directly to governmental authorities. If the suspected child abuser is Archdiocesan personnel a report may also be made through the Child Abuse Contact Line. The Case Manager, who is responsible for handling the intake and coordinating the internal investigation and disposition of all complaints of child abuse, will follow up on the report, as appropriate. In every instance in which reporting is required by Oregon law as a result of suspected abuse by any Archdiocesan personnel, the Case Manager will see that the reporting has been accomplished.

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RESPONSE TO CHILD ABUSE REPORT

The Case Manager will respond promptly to reports of abuse received on the Child Abuse Contact Line. Ordinarily, the Case Manager will arrange for a meeting with the caller. Whenever possible, the allegation should be put in writing and contain the signature of the alleged victim. In cases involving minors, the parent or guardian should sign the allegation.

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As soon as possible after this meeting, the Case Manager will contact designated Archdiocesan officials to review the information provided by the caller and determine an appropriate response. If the allegation is subject to reporting under ORS 419B.010, the Archdiocese will make a report to an appropriate authority under that statute. The Archdiocese will cooperate fully with civil authorities in their investigation of the charges. To ensure that there will be no interference or perceived interference in the investigation of civil authorities, no further internal investigation will take place while that investigation is pending, except what may be required for compliance with canon law.

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If this has not already occurred, the accused individual also will be informed of the allegation by the Archbishop or his delegate after the signed allegation is received by the Case Manager and will be given every opportunity to respond to the charges.

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In the case of a cleric, member of a religious institute or holder of ecclesiastical office, ordinarily the Archbishop will place the person accused on administrative leave and will encourage an outside professional assessment of the person accused. Should this be a cleric, canon law will be followed. (These three categories of persons are singled out because of their unique relationship to the bishop or superior and because they are subject in a particular way to canon law. Decisions regarding such individuals will be guided by procedures of canon law.)

An accused employee or volunteer who is not a cleric, member of a religious institute or holder of ecclesiastical office ordinarily will either be placed on administrative leave pending the outcome of the internal and/or civil investigation or terminated.

Archdiocesan officials will coordinate with the accused individual's supervisor on this decision.

Whenever allegations of child abuse are made, the Case Manager will keep in contact with the alleged victim (or the parent or guardian of a minor), and his or her family, if appropriate. Psychological counseling and pastoral care may be offered in the spirit of Christian justice and charity. Counseling may be paid for by the Archdiocese during the course of the internal and/or civil investigation, consisting of up to twelve sessions with a therapist authorized by the Archdiocese. Whenever possible, the therapist will be one who specializes in the treatment of victims of child abuse. NO

Since the need to protect children who may be at risk and the safety of the community is always paramount, the Archbishop, at his discretion and according to the norms of civil and canon law, may take further action when there has been an allegation of child abuse to ensure that safety, considering also the rights and reputation of the person accused.

POSSIBLE OUTCOMES OF CHILD ABUSE REPORT

There are three possible outcomes of the civil and/or internal investigation and assessment process:

1. The allegation may be substantiated or found credible either through the admission or lack of denial of the perpetrator or through the investigation or the assessment process.
2. The allegation may be unsubstantiated, disproved or found not credible.
3. The evidence supporting the allegation may be inconclusive to support a finding either way.

1. **Allegation substantiated.** If an allegation of child abuse is substantiated or found credible, the person accused will have been reported to a governmental authority and is subject to the sanctions of criminal and/or civil law. When any cleric, member of religious institute or holder of ecclesiastical office is found guilty under secular law of child abuse (or when it appears that an allegation of child abuse against such a person is true), the Archbishop shall proceed according to the norm of canon law. When any employee or volunteer of the Archdiocese who is not a cleric, member of a religious institute or holder of ecclesiastical office is found guilty of child abuse (or when it appears that an allegation of child abuse against such a person is true), the individual will be terminated from employment, volunteer service, or any other position of responsibility within the Archdiocese, if termination has not earlier occurred.

Additionally, when an allegation of child abuse is substantiated or appears to be true, the following applies. In all possible cases, the offender should be responsible for paying the

costs of the victim's therapy. In some instances, the Archdiocese may pay for the therapy, and the offender will reimburse the Archdiocese.

The Case Manager will inform the parties regarding the outcome of the investigation. Arrangements for the ongoing psychological and pastoral care of the victim may be made:

2. **Allegation unsubstantiated.** If an allegation of child abuse is unsubstantiated, disproved, or found not credible, the Case Manager will inform the parties of the outcome of the investigation. If necessary, continued efforts will be made to maintain the good name of the accused and provide for his or her well-being. Further, the Case Manager may make arrangements for the pastoral care of the complainant, if appropriate. If there are any future steps that can be taken to assure a return to normal relationships in the parish, school, or entity involved, the Case Manager will consider these steps.

3. **Evidence inconclusive.** If the evidence is inconclusive as to the validity of an allegation of child abuse, or it is determined that the conduct complained of does not constitute child abuse, two factors must be balanced. First, the safety and well being of the alleged victim and the community must be protected. Second, the rights of the accused must be considered. Based on the charge and the nature of the evidence, lay employees or volunteers may be placed on corrective action or terminated under the personnel policies of the Archdiocese in effect at that time. Clerics may be issued a warning as understood in canon law. It lies with the prudential judgment of the Archbishop or his delegate to require psychological evaluation and treatment of the person accused. The Case Manager will also inform the parties of the outcome of the investigation and may make efforts to minimize the impact on the alleged victim and the community. In these cases, the Case Manager may refer the alleged victim for follow-up pastoral care and psychological counseling, as appropriate.

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DEFINITIONS

For purposes of this policy statement, the following terms have the meaning indicated:

Archbishop means the Archbishop of Portland in Oregon. For purposes of this document, references to the Archbishop assume that in his absence the Vicar General (or in his absence the Vicar for Clergy) has the necessary authority.

Archdiocese means the Archdiocese of Portland in Oregon, including the churches, schools, cemeteries and other entities it owns and operates. The term Archdiocese does not include entities operated by religious orders or other Catholic organizations, corporations, associations or persons.

Archdiocesan personnel means all seminarians, clerics (priests and deacons), members of religious orders, lay employees and volunteers with unsupervised access to

minors, insofar as they are performing ministerial or other duties at a parish, school or other entity of the Archdiocese.

Child means an unmarried person who is under 18 years of age. (See Appendix B, ORS 419B.005(2).)

Child abuse includes all conduct involving a child which constitutes "abuse" under Oregon law. (See Appendix B, ORS 419B.005(1).)

Case Manager means an individual designated by the Archbishop to receive and coordinate the handling of allegations of child abuse by Archdiocesan personnel.

The Archbishop retains the right at all times to modify this protocol on a case-by-case basis in order to respond to specific situations and issues which may require an alternate response, with due respect for the requirements of civil and canon law.

APPENDIX A

CHILD ABUSE REPORTING Selected Oregon Statutes

CHILD ABUSE REPORTING

Selected Oregon Statutes

40.260 Member of clergy-penitent privilege. (1) As used in this section, unless the context requires otherwise:

(a) "**Confidential communication**" means a communication made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.

(b) "**Member of the clergy**" means a minister of any church, religious denomination or organization or accredited Christian Science practitioner who 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 that church, denomination or organization, has a duty to keep such communications secret.

(2) A member of the clergy may not be examined as to any confidential communication made to the member of the clergy in the member's professional character unless consent to the disclosure of the confidential communication is given by the person who made the communication.

(3) Even though the person who made the communication has given consent to the disclosure, a member of the clergy may not be examined as to any confidential communication made to the member in the member's professional character if, under the discipline or tenets of the member's church, denomination or organization, the member has an absolute duty to keep the communication confidential. [1981 c.892 s.35; 1999 c.7 s.1]

Note: Section 2, chapter 7, Oregon Laws 1999, provides:

Sec. 2. The amendments to ORS 40.260 by section 1 of this 1999 Act apply to all confidential communications made to a member of the clergy, whether made before, on or after the effective date of this 1999 Act [October 23, 1999]. [1999 c.7 s.2]

419B.007 Policy. The Legislative Assembly finds that for the purpose of facilitating the use of protective social services to prevent further abuse, safeguard and enhance the welfare of abused children, and preserve family life when consistent with the protection of the child by stabilizing the family and improving parental capacity, it is necessary and in the public interest to require mandatory reports and investigations of abuse of children and to encourage voluntary reports.

419B.005 Definitions. As used in ORS 418.747, 418.748, 418.749 and 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "**Abuse**" means:

(A) Any physical injury to a child that has been caused by other than accidental means, including any injury that appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are defined in ORS chapter 163, or an attempt to commit one of those acts against a child.

(D) Sexual abuse, as defined in ORS chapter 163, or an attempt to commit sexual abuse.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in ORS chapter 167.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care. However, any child who is under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or the child's parent or guardian shall not, for this reason alone, be considered a neglected or maltreated child under this section.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537, or attempting to buy or sell a person under 18 years of age.

(b) "Abuse" does not include:

(A) Reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection; or

(B) Injury caused by reasonable physical contact between children occurring during sports activities or play.

(2) "**Child**" means an unmarried person who is under 18 years of age.

(3) "**Law enforcement agency**" means:

(a) A city or municipal police department.

(b) A county sheriff's office.

(c) The Oregon State Police

(d) A county juvenile department.

(4) "**Public or private official**" means:

(a) Physician, including any intern or resident.

(b) Dentist.

(c) School employee.

(d) Licensed practical nurse or registered nurse.

(e) Employee of the Department of Human Resources, State Commission on Children and Families, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health and developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

(f) A police officer or a reserve officer, as those terms are defined in ORS 181.610, who is employed on a full-time or part-time basis and who is not a volunteer.

(g) Psychologist.

(h) Clergyman.

(i) Licensed clinical social worker.

(j) Optometrist.

(k) Chiropractor.

(L) Certified provider of foster care, or an employee thereof.

(m) Attorney.

(n) Naturopathic physician.

(o) Licensed professional counselor.

(p) Licensed marriage and family therapist.

(q) Firefighter, as defined in ORS 237.610, or emergency medical technician.

(r) A court appointed special advocate, as defined in ORS 419A.004.

(s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

(5) "State agency" has the meaning given that term in ORS 192.005.

419B.010 Duty of officials to report child abuse; exceptions; penalty. (1) Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made in the manner required in ORS 419B.015. Nothing contained in ORS 40.225 to 40.295 shall affect the duty to report imposed by this section, except that a psychiatrist, psychologist, clergyman or attorney shall not be required to report such information communicated by a person if the communication is privileged under ORS 40.225 to 40.295. An attorney is not required to make a report under this section by reason of information communicated to the attorney in the course of representing a client, if disclosure of the information would be detrimental to the client.

(2) Notwithstanding subsection (1) of this section, a report need not be made under this section if the public or private official acquires information relating to abuse by reason of a report made under this section, or by reason of a proceeding arising out of a report made under this section, and the public or private official reasonably believes that the information is already known by a law enforcement agency or the State Offices for Services to Children and Families.

(3) A person who violates subsection (1) of this section commits a violation punishable by a fine not exceeding \$1,000. Prosecution under this subsection shall be commenced at any time within 18 months after commission of the offense.

419B.015 Report form and content; notice to law enforcement agencies and local office of State Office for Services to Children and Families. A person making a report of child abuse, whether voluntarily or pursuant to ORS 419B.010, shall make an oral report by telephone or otherwise to the local office of the State Office for Services to Children and Families, to the designee of the State Office for Services to Children and Families or to a law enforcement agency within the county where the person making the report is located at the time of the contact. Such reports shall contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for care of the child, the child's age, the nature and extent of the abuse, including any evidence of previous abuse, the explanation given for the abuse and any other information which the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator. When a report is received by the State Office for Services to Children and Families, the State Office for Services to Children and Families shall immediately notify a law enforcement agency within the county where the report was made. When a report is received by a designee of the State Office for Services to Children and Families, the designee shall notify, according to the contract, either the State Office for Services to Children and Families or a law enforcement agency within the county where the report was made. When a report is received by a law enforcement agency, the agency shall immediately notify the local office of the State Office for Services to Children and Families within the county where the report was made. [1993 c.546 s.15; 1993 c.734 s.1a]

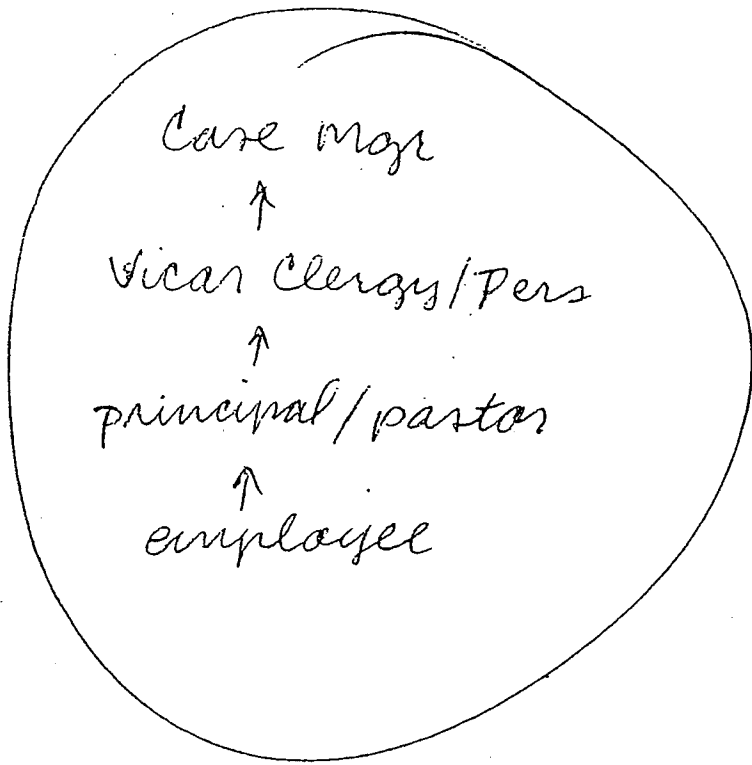
419B.025 Immunity of person making report in good faith. Anyone participating in good faith in the making of a report of child abuse and who has reasonable grounds for the making thereof shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.

419B.040 Certain privileges not grounds for excluding evidence in court proceedings on child abuse. (1) In the case of abuse of a child, the privileges created in ORS 40.230 to 40.255, including the psychotherapist-patient privilege, the physician-patient privilege, the privileges extended to nurses, to staff members of schools and to registered clinical social workers and the husband-wife privilege, shall not be a ground for excluding evidence regarding a child's abuse, or the cause thereof, in any judicial proceeding resulting from a report made pursuant to ORS 419B.010 to 419B.050.

(2) In any judicial proceedings resulting from a report made pursuant to ORS 419B.010 to 419B.050, either spouse shall be a competent and compellable witness against the other.

APPENDIX B

PROCEDURES FOR REPORTING SUSPECTED CHILD ABUSE: Archdiocesan Personnel



PROCEDURES FOR REPORTING SUSPECTED CHILD ABUSE: Archdiocesan Personnel

PARISH, SCHOOL AND OTHER ARCHDIOCESAN PERSONNEL should report suspected child abuse in accordance with these procedures.

QUESTIONS CONCERNING THE REPORTING OF CHILD ABUSE ?

Principals (or, in the absence of the principal, other school staff members) should contact the Department of Catholic Schools.

Pastors (or, in the absence of the pastor, other parish staff members) should contact:

- The Vicar for Clergy/Personnel -- for questions concerning clergy privilege; or
- The related Pastoral Center office (Director of Youth/Young Adult Ministry, Director of Religious Education, etc.).

I. Suspected Child Abuse Involving Archdiocesan Personnel

Any cleric, religious, lay employee or volunteer who has reasonable cause to suspect child abuse by any Archdiocesan personnel should report the facts to the pastor (parish personnel), principal (school personnel) or other Archdiocesan supervisor* who will inform the Vicar for Clergy/Personnel (or in his absence, the Vicar General).

- The Vicar for Clergy/Personnel (or Vicar General) will contact the Case Manager and designated Pastoral Center officials for response to the report.
- If the facts are subject to child abuse reporting, the Archdiocese will make the report from the Pastoral Center.

*In circumstances where it is not feasible to first inform the pastor, principal or other supervisor, the report may be made directly to the Vicar for Clergy/Personnel (or in his absence, the Vicar General).

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II. Suspected Child Abuse Not Involving Archdiocesan Personnel

1. School Personnel.

School employees are mandatory reporters of suspected child abuse. (See ORS 419B.005(4)(c).) Other school personnel may voluntarily report child abuse.

- A teacher, other staff member, or volunteer who suspects or observes signs of child abuse should report the facts to the principal. (A school employee who suspects child abuse has a legal responsibility to make sure that it is reported. If the principal is unavailable, the facts should be reported to the pastor. If the pastor also is unavailable, the employee should report directly to the State Office of Services to Children and Families ("SCF") and subsequently inform the principal of the report.)

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SHALL
REPORT
DIRECTLY TO
DHS!!

NO. If the facts are subject to child abuse reporting, the principal (or individual suspecting child abuse) will report the suspected abuse to SCF.

NO!

- A principal who suspects or observes signs of child abuse, will report directly to SCF.
- The principal will notify the Department of Catholic Schools that a child abuse report has been made.

2. Parish Personnel.

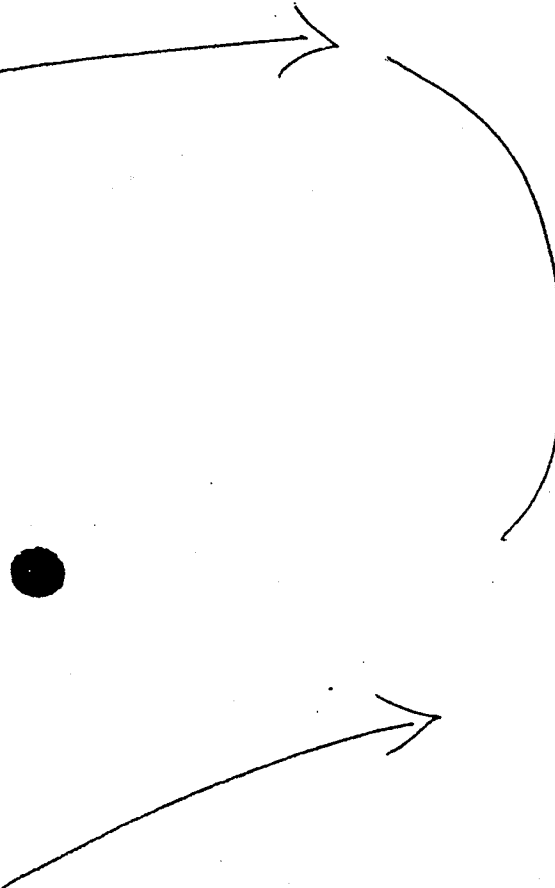
In most parishes, only clergy have mandatory child abuse reporting responsibilities. (See ORS 419B.005 (4).) Other parish personnel may voluntarily report suspected child abuse.

- A parish staff member or volunteer who suspects child abuse should report the facts to the pastor.

NO NO NO

- If the facts are subject to reporting, the pastor or staff member will report the suspected abuse to SCF. (An assistant pastor or other clergymen who suspects child abuse may have a legal responsibility to ensure that it is reported. In such cases, if the pastor is unavailable, the assistant pastor or other clergymen should make the report directly to SCF and subsequently notify the pastor of the report. Likewise, in the absence of the pastor, other staff members may voluntarily report suspected child abuse to SCF.)

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CPA JD

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MICHAEL D. SCHRUNK, District Attorney for Multnomah County

600 County Courthouse • Portland, Oregon 97204 • 503 988-3162 • FAX 503 988-3643
www.co.multnomah.or.us/da/

June 26, 2002

The Rev. Dennis O'Donovan
Vicar General
Archdiocese of Portland in Oregon
2838 East Burnside
Portland, Oregon 97214-1895

Paulette Furness, Esq.
Director of Business Affairs
Archdiocese of Portland in Oregon
2838 East Burnside
Portland, Oregon 97214-1895

Thomas Dulcich, Esq.
Schwabe, Williamson & Wyatt, P.C.
1211 Southwest Fifth Avenue, Suites 1600-1900
Portland, Oregon 97204-3795

Re: Archdiocesan policy on reporting child abuse

Dear Father O'Donovan, Ms. Furness, and Mr. Dulcich:

Thank you for meeting on May 31st with representatives of the Multnomah County Multi-Disciplinary Child Abuse Team (the MDT), including a representative of my office.

While we welcome your decision to review and formalize procedures for reporting abuse, we have concerns about parts of the new Archdiocesan policy. These include the Archdiocese conducting its own investigations of some child abuse allegations before reporting them, screening-out some allegations and not reporting them, notifying suspects of the complaint when it is received, obtaining signed statements from victims or guardians, requiring reporting personnel to consult with one or more superiors within school, parish or Archdiocese before reporting concerns of abuse to the Oregon Department of Human Services (DHS) or law enforcement, and having personnel other than the person with firsthand information actually make the abuse report.

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Mike Schrunk to The Archdiocese of Portland in Oregon, page 2

The most serious problem is the Archdiocesan plan to conduct its own investigation in some situations. We believe this is inappropriate for several reasons. First, ORS 418.747(3) requires that all investigations of child abuse be conducted by members of a statutorily-defined interagency team, with members of the team having certain training. The law was passed at a time when cases at both the state and national level had been mishandled by private agencies. This mandate is reinforced by the requirement found at ORS 419B.020 that the DHS or law enforcement investigate reports of alleged abuse. Second, as part of its investigation, the Archdiocese proposes, before an allegation is reported, to obtain a signed statement from the victim or, if the victim is a child, their guardian, describing the alleged abuse. The interview and statement process will impede the child protection and law enforcement investigations, create unacceptable delays in reporting the allegation of abuse to civil authorities, and risk further harm to the victim by the process of taking the statement. Finally, the policy proposes to inform the accused person of the accusation "after the signed allegation is received". This can lead to significant problems in law enforcement investigations, including the suspect harming or threatening the victim, harming police officers who come to question or arrest the suspect, suicide by a suspect, the suspect fleeing the jurisdiction, and destruction of evidence.

As expressed in the meeting, the members of the MDT and this office strongly urge the Archdiocese to adopt a policy of immediately reporting all allegations of child abuse for review and possible investigation by the Oregon Department of Human Services, or law enforcement.

My office is willing to help should you desire assistance modifying your policy. I hope in the next several weeks we can meet again to further discuss these issues.

I know we share a commitment to the protection of children, the healing of victims and families, and accountability for offenders, all of which flow from the investigation of child abuse reports. We look forward to working with you to further these values.

Very truly yours,

MICHAEL D. SCHRUNK
District Attorney
Multnomah County, Oregon

cc: Leila Keltner, MD, PhD, CARES Northwest
John Richmond, Supervisor, DHS Child Abuse Hotline
Carol Munson, Assistant Attorney General
Pat Melius, Manager, DHS Child Protective Services