

# **Child Protection Policy**

## **Additional Notes for Brothers**

**6 June, 2013**

## 1. Restricted Brothers

- a. Brothers with credible complaints against them related to child abuse are to be subject to certain restrictions. The Provincial, working with the Province Professional Standards Officer and the Province Professional Standards Advisory Committee, makes the determination of issues of credibility, risk and restriction.
- b. If a Brother either admits to having abused a minor or an independent investigation indicates that he has done so, he must not be permitted in the future to engage in any ministry or activity involving children or young people.
- c. Upon learning of an allegation of abuse, the Province Professional Standards Officer will immediately conduct a risk assessment based on available facts. Normally, the Provincial must stand the Brother aside from active external ministry until an independent investigation has been concluded, unless it is clearly evident that the allegation has no substance.
- d. Restricted Brothers are not to reside in communities adjacent to schools.
- e. The only exception to this is when the Brother is assessed as being high care and is appointed to a care facility that happens to be within a school precinct. In such a case, the school Principal will be informed and asked for his assent, having been satisfied that there is no risk to students.
- f. The Community Leader will be informed if any of the Brothers of his community are restricted.
- g. A restricted Brother is not to be appointed Community Leader.
- h. A Safety Plan will be prepared for each restricted Brother. This Plan includes a brief background of the individual, the offence, treatment and outcome, risk assessment, statement of restrictions, consequences for any non-compliance. It is signed by the Brother and the Provincial. Compliance with the Safety Plan is supervised by the Province Professional Standards Officer.

## 2. Legal Support of Brothers

- a. The Province covers the cost of reasonable legal representation of an accused Brother in a criminal case, as determined on a case by case basis.
- b. The Provincial and Provincial Council may place a limit on finance made available for this purpose.
- c. When a fine for a criminal act is imposed by a court on a Brother, he is personally liable. He uses his personal assets or, where he has none, may have to undertake paid work for a time to meet such a sanction.

## 3. Legal Costs of Former Brothers

1. The Marist Brothers will not fund the legal costs of any former Brother in respect of alleged criminal conduct committed whilst a Brother.
2. In exceptional circumstances\* the Provincial of the Marist Brothers may exercise his discretion to contribute to the legal costs of any former Brother in respect of alleged criminal conduct committed whilst a Brother .

\* *Exceptional circumstances* are circumstances where the former Brother is able to demonstrate the Marist Brothers owes a moral responsibility to the former Brother. Such cases would seem to be extremely rare, e.g. where the former Brother's formation was compromised because of the conduct of the Marist Brothers or a Marist Brother.

#### 4. Child Pornography on a Brother's Computer (From Institute Guidelines)

The issue of the Internet and sex is a study in itself. As well as the problems associated with viewing material that is illegal in most countries, there can be the associated problem of Internet sex addiction. It is important to bear in mind that not everyone who uses the Internet for sexual purposes does so compulsively or is addicted. As regards Internet child pornography it is important to be clear that this is not a victimless offense. Even where people manipulate images to create child pornography it is an offense against children as a group, as well as a contravention of our morals and values. A person who views child pornography is tacitly supporting the sexual exploitation of children.

Where internet access is through a school or Ministry centre, such behaviour can be discovered effective search filters. In this situation it may be necessary to inform the Ministry Child Protection Officer, and it may then be necessary to inform the police and Civil Authorities. If another person has seen illegal images on a Brother's computer, then he should be confronted and his computer searched. If the Brother refuses to allow this when asked by the Province Professional Standards Officer or the Provincial, his computer should be disconnected from the server and he should be stood aside from active public ministry as we cannot allow the possibility of a Brother hiding behind the important value of personal privacy to protect an illegal and criminal activity.

It should not be assumed that a person who accesses child pornography on the Internet would automatically graduate to contact offenses. There is not sufficient research to make such conclusions at this stage. There are some people who allow their curiosity to take them to places that lead to the crossing of personal boundaries, and possible illegality as well. There are some who download huge "stashes" of images, but who never go on to make contact with individual children. Nevertheless, this is a serious issue and must be treated in the same way as other offenses.

If it is suspected that the Brother is viewing adult pornography, then however much we may disapprove of this behaviour, we do not have a legal right to demand a search of his computer.

## 5. Supervision and care of members who have abused minors (From Institute Guidelines)

The following procedures describe the elements of a pastoral care framework, which will be developed for each Brother of the Province about whom a credible accusation of sexual abuse has been made. Most of these procedures address cases where the accusation is that of abuse of a minor or vulnerable person.

The purpose of this framework is to:

- Inform the Church and the public, especially children and minors, that all reasonable measures to prevent any future occurrence; this includes issues of personal relationships with friends and families to ensure that the supervised member does not have unsupervised access to minors;
- provide a structure within which the Brother can continue his life in the congregation as a vowed Member of the Marist Brothers;
- provide appropriate care for the Brother and the opportunity for such personal conversion and rehabilitation as may be needed;
- guide the provincial, the local superior, the Brother, and others in determining work, place of residence, and other activities;
- encourage the Brothers of the Province to support the Brother in his desire to continue his life as a Marist Brother within this framework;
- inform the local communities of both proper care and appropriate limits with respect to their Brothers in the congregation.

It is intended that all of the elements below be adapted in a Safety Plan for each Brother, depending on such factors as severity of the accusation(s), notoriety, age and health of the Brother, and the recommendations of the Province's Advisory Board.

The framework, however, sets out the elements to be developed in writing for each Brother, reviewed by the Advisory Board, and shared with the Brother, his superiors, and, as appropriate, members of his local Marist community. The Safety Plan shall be signed by the Brother and the Provincial.

### A. Evaluation and Therapy

1. A Brother about whom a credible accusation has been made may be asked to submit to a professional evaluation as to his psychological condition and risk of harmful behaviour in the future.
2. The Brother may choose not to undergo an evaluation. If the Brother agrees to undergo an evaluation, the Provincial or his delegate will arrange for the evaluation. In the event that he declines to undergo an evaluation he will be immediately placed under the provisions of a Safety Plan.
3. Subsequent to that evaluation, the Brother may be asked to participate in such in-patient and/or out-patient treatment as recommended by the evaluating professionals, as well as such other physical, psychological, and spiritual rehabilitation as may be recommended by such professionals or the Advisory Board, as well as the terms of his Safety Plan.
4. The Brother may be required to report to the Provincial in writing or in an personal interview periodically (e.g., monthly, quarterly or annually, as appropriate to the situation), describing his progress in terms of work, therapy, spiritual direction, community life, and such other matters as may be appropriate.

5. Information resulting from such evaluation, treatment and correspondence is the property of the Province Authority. The Provincial should make it available to the Brother.
6. The Provincial should share relevant aspects of the evaluation with the Advisory Board.
7. Any information about a Brother who has been accused of abuse shall be kept confidential by those receiving it, except as required by law to be revealed.

#### **B. Public Ministry as a Member**

1. A Brother would not be allowed to function in ministry serving children and young people. (e.g., school teaching, Camp Staff, coaching, parish staff work).

#### **C. Appropriate Work**

1. If physically and mentally able, the Brother who has been removed from public ministry should engage in appropriate work in support of the ministries of the Province or in other service to people in need.

Such employment might include the following:

- internal work in a community of the Province, such as a place of retirement;
  - administrative work for the Province;
  - remunerative non-ministerial work to support the ministries of the Province;
  - service to people in need such as taping books for the sight-impaired, etc.;
  - telephone reassurance programs for people who are “house-bound,” working in a food bank or soup kitchen, or some other form of supervised social service;
  - a paid position that does not impinge upon his restrictions;
  - research and writing about the Province patrimony.
2. Where appropriate, Brothers restricted or removed from public ministry may need vocational assessment and/or occupational counselling to assist in determining meaningful and useful work. The Provincial should consult with the Brother involved to determine his interests and capacities and to promote his initiative in developing work opportunities, where appropriate.
  3. In all cases, the service of prayer for the Congregation and the Church would be a valuable contribution to the Congregation.

#### **D. Place of Residence**

1. Ordinarily, the Provincial should consult with the community superior prior to the assignment of a Brother on a Safety Plan to the community. If the fact that the Brother has been placed on restriction is public knowledge, then the members of the community should be consulted, as well.

2. Any restricted Brother would be allowed to live only in a Marist Brother community or other appropriate supervised place of residence, as determined by the Provincial.

#### **E. Community Support and Community Roles**

1. The local Marist community has an important role in helping a Brother who has been restricted and who wishes to continue his life as a Brother.
2. It may be appropriate for a mentor to be appointed for the Brother who would assist and support him in his efforts to maintain his program of care and treatment.
3. A restricted Brother would not be allowed to serve as superior. A restricted Brother must have the specific permission of the Provincial to serve on the “House Council” where that role exists.

4. The Provincial should, as appropriate, inform all or part of the community in which such a Brother shall live of the fact that a Brother is so restricted and the appropriate specific terms of his Safety Plan, so that the community can assist him in achieving its goals.
5. Communities may need the advice and consultation of appropriate professionals to assist the community in readying itself to receive the restricted Brother and to provide him the necessary care and support.

#### **F. Contact with Others**

1. Under no circumstances would a Brother credibly accused of abuse of a minor be allowed in contact with minors without the ongoing supervision of other adults present at the time.

#### **G. Information for Members and Others**

1. The Provincial, in consultation with the Advisory Board, will determine whether and/or how to inform the Province Membership—in general terms—of those Brothers who have been restricted.
2. The Provincial, in consultation with the Advisory Board, will determine whether and/or how to inform others who may have a need to know—in general terms—of those Brothers who have been restricted.

### **Preventive Strategies (From Towards Healing)**

45.4 Whenever a Church Authority is concerned about the behaviour of any person connected with that Church body that is inappropriate and which might lead to an allegation of abuse, this fact should be brought to the attention of the person and appropriate steps taken to determine whether the behaviour is the symptom of a deeper problem requiring attention.

45.5 Church personnel who feel that they might be in danger of committing sexual abuse shall be offered opportunities to seek both spiritual and psychological assistance, and advice about remaining in their position, before the problem becomes unmanageable and they offend. Names of suitable therapists and treatment programs should be made available.

45.7 In these same circumstances the Church Authority in the diocese or institute where the cleric or religious previously lived and worked, shall provide a statement in writing to the new diocese or institute indicating whether such authority knows of any complaints of abuse which have been substantiated, or is aware of circumstances that could lead to a complaint of abuse, or whether it considers that there would be an unacceptable risk to children, young people or vulnerable adults if the person were to be allowed to engage in particular kinds of ministry...

45.8 Each Church Authority shall have in place procedures for verifying the suitability of candidates for seminaries or religious institutes. In particular, candidates must be asked in writing whether they have a criminal record, or any complaints of abuse have been made against them, or whether there are any known circumstances that could lead to a complaint of abuse against them.

45.9 Any proven incident of sexual assault or other serious abuse must lead to the dismissal of a seminarian from a seminary or a candidate from an institute's program of formation.

45.10 Church Authorities shall be honest and frank in references and shall not act in a way which would allow an offender to obtain employment in circumstances where others might be at risk.

## **On Treatment (From Institute Guidelines)**

### ***What constitutes adequate evaluation of an abuser?***

The evaluation of any person who sexually abuses a child needs to be comprehensive and involve specialists from a number of different disciplines. An adequate assessment includes these elements: a physical examination with additional laboratory work to discover disorders that may be contributing to the behavior (e.g., kidney and liver function tests, routine chromosome analysis); detailed neurological examination, and neuropsychological testing to rule out seizure activity or other neurological pathology; comprehensive psychological testing; a complete sexual history; comprehensive addiction evaluation, including an assessment for sexual addiction; a thorough spiritual history to assess possible resources for treatment; clinical interviewing conducted by specialists familiar with the area of child sexual abuse.

The evaluation's results and recommendations need to be explained thoroughly to the person who has abused and, with his permission, to others involved in the treatment.

### ***What treatment exists for those who commit abuse?***

#### ***What is its outcome?***

The treatment of those who sexually molest children can be difficult. Many deny their predisposition and activity and minimize its effects.

Some, for example, rationalize their actions by insisting that they had an "educational value" for the child, or that the child felt sexual pleasure or was sexually provocative.

Treatment for sexual abuse has to be many-sided. Individual talking therapy is not sufficient, and this is especially true when it comes to pedophilia. Fred Berlin of Johns Hopkins University would go so far as to suggest that the application of individual talking therapy alone to pedophilia results in little more than a pedophile with insight.

Instead, today many mental health experts recommend that a type of treatment called cognitive therapy be given a central place in a comprehensive program set up to assist the person who commits abuse. Any comprehensive program would have, at least, the following additional elements: individual and group therapy; sex education; behavioral therapies; activities that would enhance interpersonal skills; tension-reduction training for the management of anger and anxiety; anti-anxiety, and antidepressant medication, and/or medications which suppress the sexual appetite in general; victim personalization groups; and self-help groups modeled after Alcoholics Anonymous.