

Investigating Allegations With Children and Vulnerable Adults

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Objectives

- Understand the structured process for handling allegations.
- Clarify civil and canonical reporting obligations.
- Identify differences between child, vulnerable adult, and boundary violation cases.
- Reinforce trauma-informed, transparent investigation practices.

Process for Addressing Allegations

- When an allegation arrives with a semblance of truth:
 - Engage survivor assistance coordinator (SAC).
 - Offer to meet with the victim/survivor.
 - Provide a written guide and advise of right to report.
 - Document every response and action.

Determining 'Semblance of Truth'

- Definition: 'Not manifestly false or frivolous.'
- Were both parties alive in the alleged timeframe?
- Were they in the same geographic area?
- Are there similar or corroborating allegations?
- **If yes to any, proceed as though credible.**

Notifications and Reporting Duties

- Civil Notifications:
- Mandatory reporting for minors and (often) vulnerable adults.
- Notify legal counsel and insurer immediately.
- Report to CPS or law enforcement first—never wait for canonical review.
- Document: date, name of agency/person contacted, confirmation number.

Notifications and Reporting Duties

- **DDF** — Delicta graviora involving clerics
Local Bishop — Pastoral or administrative cases
Internal Process — Boundary or disciplinary matters
- Major superiors must initiate a preliminary investigation (cc. 1717–1719) and notify the competent authority without delay when allegations have semblance of truth.

Canonical Decision Making

Allegation Type	Report To	Canonical Basis
Cleric – sexual act with minor or vulnerable adult	DDF + Bishop	<i>SST Art. 6; VELM Art. 3</i>
Cleric – possession/distribution of CSAM	DDF	<i>SST Art. 6 §1 2°</i>
Cleric – solicitation in confession	DDF	<i>SST Art. 4 §1</i>
Non-cleric religious – misconduct with vulnerable adult	Bishop + Internal Process	<i>VELM Art. 1, 8</i>
Boundary or grooming behavior (no delict)	Internal; Bishop if diocesan ministry	<i>VELM Art. 8</i>
Allegation against a major superior	DDF or Holy See delegate	<i>VELM Art. 8–10</i>

Key Takeaways

- Preliminary investigation → semblance of truth → report without delay.
- Preserve rights of all parties.
- Maintain records in confidential archives (canon 489).
- Coordinate with local Ordinaries for pastoral outreach.
- Transparency serves justice and healing.

Coordinating Civil and Canonical Processes

- Parallel but distinct:
- Civil: criminal accountability & protection.
- Canonical: discipline, suitability, ecclesial justice.

Coordinating Civil and Canonical Key Points

- Cooperate fully with civil investigations.
- Suspend canonical inquiry if civil authorities request.
- Maintain documentation of all notifications.

Investigation Process

- ***Must* be conducted by:**
 - trained 3rd-party investigator.
- ***Should* be conducted by:**
 - Trauma-informed, licensed, and insured.
 - Familiar with religious life and safeguarding protocols.

Investigation Interviews

- Trauma informed is best practice
- Do not lead witnesses
- Use the funnel method
- Never judge, lecture or patronize
- Be sure to consult with canonists to ensure the correct data is being gathered.

Investigating Children vs. Vulnerable Adults vs. Boundary Violations

Child (Minor): Always civilly reportable; canonical delictum gravior; DDF notification mandatory.

Focus: Credibility, risk to others, pattern.

Vulnerable Adult: Civil APS reporting varies; canonical threshold depends on consent capacity.

Focus: Power imbalance, coercion, autonomy.

Boundary Violation: Usually administrative or pastoral misconduct.

Focus: Pattern of behavior, correction, supervision.

Boundary Issues as Early Warning Signs

- Examples:
 - Excessive familiarity or private meetings.
 - Preferential treatment or 'special friendships.'
 - Inappropriate communication (texts, late-night calls).
 - Crossing emotional or spiritual intimacy lines.
 - Keep an eye on your complainers – those who minimize safeguarding etc...

Goal: Early detection and correction before escalation.

New trends

- Anecdotally half of new cases are adult boundaries or assaults.
- Most start with poor boundaries.
 - No one intends to fall in love.
- Many involve blurred boundaries in spiritual direction.
- Ensure those doing spiritual direction are properly trained, keep good documentation and practice firm boundaries.

Providing Ongoing Support

- Regular check-ins with both accused and survivor.
- Maintain pastoral relationship and transparency.
- Regular progress reports from investigator.

Review Board Process

- Findings presented to the Review Board.
- Ensure thorough, unbiased reporting.
- Document recommendations and any determinations.

Documentation & Confidentiality

- Separate civil, canonical, and pastoral files.
- Label all records 'Safeguarding Confidential.'
- Record every notification: to whom, by whom, and when.
- Maintain integrity of evidence and chain of custody.

Choosing an Investigator

Look for:

- Experience with abuse or safeguarding investigations.
- Understanding of religious life and pastoral context.
- Licensing, insurance, and trauma-informed training.

Summary & Takeaways

- Use a structured process.
- Document every action and communication.
- Support both complainant and accused.
- Coordinate civil and canonical obligations.
- Commit to safety, integrity, and prevention.

Closing Thought

Good safeguarding is 80% prevention and 20% response.

Questions & Discussion

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**Preparation creates clarity.
Clarity builds confidence.
Confidence allows us to respond with
integrity.**

**Thank you for your commitment to
safeguarding.**

Call anytime for free consultation.

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