

(Dispensed Friar)
LEGAL (abuse) FILE

CONFIDENTIAL

2

OFM VANH I
0491

Bates Numbers 492-500 were removed by the Plaintiffs at the request of the Franciscans.

TO: [REDACTED]
FROM: TOM WEST

Dear [REDACTED]

Here is a draft of the letter you requested this afternoon. I hope it is sufficient to meet your needs in this matter.

Peace



June 4, 1992

Dear

I am concerned for Fr. ---- and wish to support him in his treatment at St. Luke's and in his aftercare plan when he is discharged. I am also concerned for the present and future welfare of his victims and their emotional and psychological needs.

After discussions with the Definitorium of the Province and in consultation with Tom Tobin Ph.D. and Fr. Tom West OFM M.A., I would like the following recommendations to be part of his discharge planning. In addition to the other components of his aftercare program, Fr. ---- will also make efforts to contact those victims he has sexually violated and to make amends to them, either through a letter or in person.

Because such contact has the potential to be intrusive and reoffending in itself, I would like his treatment program to include planning with Fr. ---- for the most sensitive way he might approach this matter. Upon returning to the province he will be supported by myself and other Friars in these efforts as well as in all other areas of his discharge plan.

Sincerely

OFM VANH 1
0501

sometimes unavoidable necessity of failed marriages, the rediscovery of love and the search for a place in the Church; the prevalence of violence and sickness; the ^{unresolvable} conflicts which arise over the obligations of child bearing and rearing and the care for the elderly. Lamentably, we experience our Church as sometimes publicly ridiculed or dismissed as irrelevant. Within it seems sharply divided on issues of ^{the place of} women, married clergy, and social policy.

What kind of faith can correspond to this experience of life? What does it mean to believe?

The readings this morning speak to this experience - they come to us in the time between Ascension and Pentecost, the time, if you like, when we experience our Lord as absent and the gifts of the Spirit - peace, joy, love - are not yet fully evident. The readings today, I think, throw small points about the faith of a community in these present circumstances.

① The Gospel presents the beautiful passage of Jesus in our intercession: that we may be one, that we would may believe, that eventually we may be in his company; he appeals to a 'Fath' Father to recognize us

with the prayer, Jesus as universal harbinger of faith.

② The first reading shows Stephen: 'Look, I see the heaven opening and Jesus standing at the right hand of God.'

John, from a vision: 'I am coming soon'

Make the promise of a better future & overcome

demonstration of faith

OFM VANH 1
0503

③ The purpose of Jesus' mission when he gathered the disciples around himself and offered his body and blood. He was his presence to those who were sorrowful and struggling - he refused to let the bonds be broken.

Let our faith be active...

8.VH:

What is appropriate action needed?

Is this in violation?

X

Am I bound? Consultation to Bureau.

- Date cannot be involved; - if request to reporting -

- Wagon of the broken

Bates Numbers 506-507 were removed by the Plaintiffs at the request of the Franciscans.

27 August 1992
Feast of St. Monica

Dear [REDACTED]

Thank you very much for the letter which arrived today. I know full well how little time you have for anything, so I am doubly grateful for the letter. I was just thinking today that I should set up a time every week to call or else I will lose touch with you and [REDACTED]. I felt I made up for some years of distance last year, but now I am drifting away again. I think I will ask [REDACTED] if I can call him at his apartment. I don't want to speak with just anyone so I am reluctant to call FST or the Provincial Office.

Thank you for voicing your personal support for me. I think you are wonderful and have been very good to me. I never doubted your support, but I do feel quite badly for the trouble I have caused. You have told me that you are glad to do whatever you can, but I still know that I have betrayed you, the province, and the Order, and that is both true and difficult. On the other hand, I cannot undo the past. As my therapist says, the only thing I can do now is give myself and you the gift of a solid recovery, and an ongoing recovery.

As you know, Srs. Monica and Ann came for a weekend. I am so blessed with good friends that it is overwhelming. We met twice with my therapist, and were able to say some difficult things to each other. We also had a great time visiting and traveling about Washington. Their love and care for me seems boundless. I know that Monica spoke with you, as I was hoping she would, and was able to describe the visit and here feelings. Everyone here was quite stunned that the two of them would fly here to visit for the weekend. Their visit was very good for me. I have you to thank for introducing us eight years ago when I went on sabbatical. I was a mess that time also.

The program here goes fairly well. I have had my second patient-staff conference, and they seem to be pleased with my progress. It is a difficult matter to quantify, and at times I feel as though I am standing still, but my therapist tells me to have more trust in him. I meet in a small group of eight with two therapists three times a week. I started the group a couple of weeks ago with great fear. You will remember I am not fond of small group work. Yesterday I realized that I am no longer at all frightened in the group and speak up quite easily. Everyone else may wish I would shut up, but I feel good about it. I have also spoken several times at large group meetings, but that is more difficult. On Wednesday afternoons we have "intercom", a meeting of all the patients and all the therapists. There is no agenda, just discussion about life, conflicts, addictions, etc. Last session several people got into quite a fight, but I just sat there and enjoyed it. A short time before I would have bolted for the door. This time I found it interesting and was sorry when we ran out of time.

OFM VANH 1

0509

This week and next we are having a workshop on sexuality. I will enclose the horarium. I'm quite interested in seeing what the psychodrama groups are like. They are an integral part of the program here, and people always come out of the sessions looking stunned, but I do not have a regular group yet. During this workshop will be my first time.

My sister Christine was just here in Virginia for a week, and I met her in D.C. on Saturday. She is arranging Redskins tickets for me to go to about five home games. As always I have to have someone from SLI with me -- called a prudent companion -- but I have just about cleared the bureaucracy here so that we can go. I hope San Diego does well this year or my brother-in-law's ass will be on the line.


How was the Denver Conference? I suppose you were as brilliant as usual. Did Scott's decorating job work well? You are just about to leave for the San Antonio Retreat that I was supposed to go to. Please give them my regrets, I don't think I will be able to make it. Maybe next year.

Well, I want to get this into the morning mail, so I'll close for now. Give my best to [REDACTED] (I guess he is on vacation) and [REDACTED] I pray for all of you often and I know that I receive the same. Once again I am sorry for all the trouble I have caused.

Love,

Robert

OFM VANH 1
0510



Dear Boys' Choir Parents:

Although it saddens us to do so, it is our duty to inform you of an incident about which we have recently learned. The situation concerns Fr. Robert Van Handel, a founder of the Boys' Choir who was involved with the organization from 1976 until 1991. A boy who was in the choir approximately twelve years ago has told us that he was touched by Fr. Robert in an inappropriately sexual way. This behavior consisted of back rubs, tummy rubs, and stroking of the lower abdomen and inner thighs that felt embarrassing to him. On some occasions the child was asked to engage in games that involved this kind of touching. Fr. Robert has entered a psychiatric facility for treatment. He is very contrite and shares our concern that we want to act in the most considerate and pastoral way possible. From discussions with Fr. Robert, we believe another boy may also have been touched inappropriately, and we have contacted him to offer our assistance.

Fr. Robert enriched the lives of many, and news of this event is sure to generate a variety of emotions in all of us. In order to best deal with these emotions, and to protect the interests of the boys and parents who have been associated with the choir over the years the Franciscan Province of Santa Barbara along with the board of directors of the Boys' Choir has taken the following steps:

- 1) By way of this letter, we are informing the parents of boys who were involved with the choir during Fr. Robert's tenure about this incident.
- 2) The Franciscan Province and the directors of the choir are in ongoing communication about this matter. The Franciscans pledge their full cooperation, including financial reimbursement for counseling.
- 3) The choir has retained the services of an independent psychologist, Dr. Scott Bersuch, to assist individuals and families of the Boys' Choir in dealing with this matter. He is available to persons on by phone, in person, or in writing. He can answer questions, offer suggestions, or provide individual or family counseling. This is provided without cost to you and is completely confidential.

christine beathard

Third Party Privacy Rights

August 2, 1992

Dear [REDACTED],

Isn't this great stationery? It was a gift from a friend of mine; she sent me a box of at least 2000 sheets. Only one problem: my address is 1008 Neptune [REDACTED]

Please don't worry about sending back a note about this check. What I'll do is, every time I send a check, I'll reread the kind letter you sent last time...well, wait. Send me back a note only if you have good news. Really, though, don't worry to write back. It hardly makes a dent, but I do like to do it. My husband likes to as well, except he doesn't know he's doing it.

Thank you again so much for your friendship and your support of Robert, and please thank [REDACTED] and Mike for me. I don't need to tell you that it means everything to him, and to me too. I read a book entitled The Light Beyond. It says that in the next life (my eraser tape just went out) the only two things from here that count are the amount of knowledge we've gained, and the amount of love we've given to others. If that's true (and I want to think it is), you don't have much to worry about.

Hope we'll all be together again sometime soon.

*Your friend,
Christine*

108 neptune • leucadia, california 92024

OFM VANH 1
0512

17 Nov 92

Dear [REDACTED]

Thank you for your letter regarding the regrets you feel regarding the actions of Father Robert against our children. In my heart they are still those ages, but reality places them in manhood, and I respect that portion of their lives.

However, we and all the other parents and friars (as I understand the friars were the "parents") did not expect this "antagonism" of our sacred trust. I really believe from the core of my being that there is no more sacred and urgent task than that of responsibly raising and educating and nurturing our children. All the more so for diligent parents. A sad betrayal indeed.

At this time I imagine you are busy meeting with the Definitorium. Since my Latin from Mercy High School, Burlington, still lives, that title means "of the definite" - a deciding body is the way I figure it. For your collective benefit I suggest humbly that the multitalented and charismatic Friars should bend their efforts towards making a real difference in this mission. With the resources and education you share, you could and should set about creating a moral program for rock-against-front dealing with clerical/abused persons and the abusers. Have that meeting. Then set to work. As a challenge. Blessings.

To trust. You are stupid. You are not.

Rather it's a time to be smart and bold on behalf of everyone. It seems clear to me. My expertise is Nuclear Medicine, not psychology, but your group is full of (or fraught with, depending on one's interpretation) experts.

Pretty simple. Just look & tell my kids every time they procrastinate or ignore. "Put your shoulder to that boulder and push." It will move if you work. Smarter and harder. Can a little push now or not?

This is an intentionally informal letter from a person who gives a damn for everybody in their situation. There is no copy sent to anyone, but I cannot have the letter closed without my putting my own shoulder to the boulder with all pushing.

Good luck. This is a saying. Shame.

P.S. I suggested to Jim West that the Trans find a person (a male) that former students trust & deal with whom they are familiar. I think you'll help. I hope some facilitator, who says otherwise. I hope the S.B. Unitarian Minister, Mr. Weon is an expert regarding clerical abuse. Perhaps you might contact her for some

Third Party Privacy Rights

H. [REDACTED]

I would appreciate if you would send this letter to Fr Robert. I just wanted to let him know how Mary & I feel about what is happening. It has been said that the man upstairs knows the truth. Well I know it beside him. It is a very sick family trying to make business for the media. Mary with Phil Wolf with his alcohol problem but that is where it stops period. I am writing this because of Gus but because all that Fr Robert has accomplished in his life and can't stand to see him torn apart. I would do anything to help him. He has Mary and my prayers and will always love him.

Love as always

Bob Krumm

P.S. Thank You over

Dear [REDACTED]

11/22

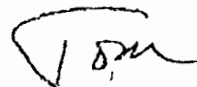
I spoke with Eugene Merlin. He looks forward to being on the board. However he asks that if there are any meeting times that are proposed that he be informed well in advance to clear his calendar. He also did not want to be included in the letter. He wants to begin fresh so to speak.

I am still reluctant to be on it myself. I do see this letter as part of the investigation and thus as part of the board's mandate. [REDACTED] doesn't feel much happier about being on it than I do. However there we are. I added the option to write to the board directly. I think this is an important option. There well may be someone who doesn't wish to contact a friar about these matters. I can't see how the time is going to be very significant. They will be receiving the letter just before Christmas. I can't imagine many will want to respond until after the holidays. That will be about the time the board begins.

Because this is a letter from you, I left the draft very unpolished. I know you'd want to rewrite it. I believe its got the major points we want to cover.

Good luck on the fourth!

Peace,



OFM VANH 1
0517



4-16-93

Dear [REDACTED]

Psychotherapist/Patient Privilege

could. I know from your letter that you respect my feelings on this point. I hope that's the best of it.

I have had some very good support from the friars. Recently Doug Hamill wrote me a beautiful letter about shame and how we all participate in it, whether or not our secrets have become public. That meant a lot to me. Tom Thiry wrote about life in Mormon country, and remembered fondly our lives together at STS. Barnabas and Tom Messner sent cards. William Brand has been very caring and we exchange letters regularly. Albie phoned recently with no alarming news for a change. Jim Hurley and the Helmans have written



REDACTED

4-16-93

Dear

REDACTED

I just sent you a rather curt letter about the Board of Inquiry's request for a release of confidential information. I didn't know if you would have to show it to Dr. Martin and I did not want to appear "chatty." Dr. Valcom and I discussed it and he is going to help as he can. Actually it makes me angry that the Board would request such information. Certainly Dr. Martin knows better from his own practice. At first I was a bit upset, but now I am trying to face this like an adult with rights and needs instead of like a whipped child. I worked in the SHI program with the clear understanding that all of this would be strictly confidential. I do not want to cast off that protection which allowed me to be as honest as I could. I know from your letter that you respect my feelings on this point. I hope that's the best of it.

I have had some very good support from the friars. Recently Doug Hamill wrote me a beautiful letter about shame and how we all participate in it, whether or not our secrets have become public. That meant a lot to me. Tom Thing wrote about life in Mormon country, and remembered fondly our lives together at SPS. Barnabas and Tom Messner sent cards. William Brand has been very caring and we exchange letters regularly. Albie phoned recently with no alarming news for a change. Jim Hunley and the Helmses have written

VANH 1
0518

and Mary Humphreys sent cookies. Yum, yum!

Our community here has been recently upset by one of the patients who may become famous soon in N.Y. He was in 3/4 way program but the staff found out that he had withheld some important secrets. NY is starting a criminal investigation. The staff here moved him back into the main program, raked him over the coals publicly, and is using him as an example of not following the program. He is a good friend of mine and I was alarmed at his misfortune. Psychotherapist/Patient Privilege asked me how I was feeling. I said that it was amazing to me that Ed (my friend) was even in it at all.

Psychotherapist/Patient Privilege

I so much want everything to be right in my own life. I want all the loose ends done up and for everything to be perfect and presentable. From many directions staff and friends, my family, and friends comes acceptance of me along with all my garbage. It is still very difficult for me to stop trying to clean up the stage and the "perfect facade." Psychotherapist/Patient Privilege

Psychotherapist/Patient Privilege

Psychotherapist/Patient Privilege

That helped. I have to stop considering myself "terminally unique." I seem to need to hear the same message over and over again.

OEM VANH 1
0519

and Mary Humphreys sent cookies. Yum, yum!

Our community here has been recently upset by one of the patients who may become famous soon in N.Y. He was in 3/4 way program but the staff found out that he had withheld some important secrets. NY is starting a criminal investigation. The staff here moved him back into the main program, raked him over the coals publicly, and is using him as an example of not following the program. He is a good friend of mine and I was alarmed at his misfortune. Dr. Valcour asked me how I was feeling. I said that it was amazing to me that Ed (my friend) was coping so well with this disaster. Dr. Valcour said that the program is about progress, not perfection, and that by following it almost any difficulty can be handled. That is good for me to try to remember. I so much want everything to be right in my own life. I want all the loose ends done up and for everything to be perfect and presentable. From many directive staff and friends, my family, and friends comes acceptance of me along with all my garbage. It is still very difficult for me to stop trying to clean up the stage and present a "perfect facade." Several days ago I had an appointment with Dr. Valcour and I was lamenting that because of my pedophilia I had brought so much destruction to people's lives. He said that people with perfectly "normal" sex lives have caused just as much damage and hurt. That helped. I have to stop considering myself "terminally unique." I seem to need to hear the same message over and over again.

OFM VANH 1
0519

Psychotherapist/Patient Privilege

Christine still phones daily. What a wonderful support she has been! No one could do or be more. My mom phones weekly and we have had several good long talks. She is really looking forward to the family being together for their anniversary. (I will be in Portland area June 16-22.) Of course Monica calls every Thursday evening. I feel that many of the wounds I caused have healed in our relationship. She continues to be a phenomenal support and blessing. I very much realize your support, that of Mike D., [redacted] Warren and the Definitorium. I have seen many men here abandoned by their bishops. Often they say they wish for a superior like mine. Should I offer to take them in? *Refugio peccatorum*. [redacted] take care of yourself. Know that I appreciate all you do on my behalf - much of which I will never know. I thank God for you often.

OFM VANH 1

0520

Love, [redacted] st/Pe

REDACTED

I am still doing good work in therapy. I'm trying to get over my reluctance to look at my own "family of origin" as they say. Last Thursday, April 8, I had a very stormy session which involved some very strong feelings about my father. I was ~~am~~ unprepared for that and felt greatly distressed. At the same session my therapist, Sharon, said that she would be away this week. I felt terribly abandoned and desperate. I don't think I like getting "in touch" with my feelings. The life of the store is much nearer.

Christine still phones daily. What a wonderful support she has been! No one could do or be more.

My mom phones weekly and we have had several good long talks. She is really looking forward to the family being together for their anniversary. (I will be in Portland area June 16-22.) Of course Monica calls every Thursday evening. I feel that many of the wounds I caused have healed in our relationship. She continues to be a phenomenal support and blessing. I very much realize your support, that of Mike D., [REDACTED] Warren and the Definitorium. I have seen many men here abandoned by their bishops. Often they say they wish for a superior like mine. Should I offer to take them in? *Refugio peccatorum*.

Take care of yourself. Know that I appreciate all you do on my behalf - much of which I will never know. I thank God for you often.

Love,
Robert

OFM VANH 1

0520



CONFIDENTIAL

Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (415)536-3722 Fax (415)536-3970

FACSIMILE TRANSMISSION
FAX: (510) 536-3970

To: _____
Number: _____
From: Mel Jurisich, OFM
Date: November 24, 1992
Total No. of Pages: _____
(Including this page)

Dear _____

Raymond and I have reviewed Tom's draft letter. We both feel that it lacks warmth and is too objective. Not very pastoral and there is no flow. Either the Boys Choir letter or even Albie's letter is much better than this. Perhaps those two letters should be used as models and some elements of Tom's be added. Tom's first paragraph jumps right into it and it is too cold, too objective.

OFM VANH 1
0521

Tom West:

- (1) Nick & Jack Conrad are veterans
- (2) Spokane: Tom will ask boys not to contact.
- (3) ✓ if Joyce has not contacted ~~Tom~~ Tom
- (4) Program for S.B. 1
 - ✓ Tom will ask Spangville -
 - ✓ Costs
 - retreat for women & families (see notes)
 - Spokane has people who do ad. workshops
 - Father's Family Service -
 - Topic/educational notes -
 - ✓ Set up by Jack of Blumery -

Meet 1/2 year community after first recommendations are presented jointly.

- Tom willing to give retreat -
- - Alluvium
 - John Harkin

PROVINCIAL OFFICE LOG

October 8 - 23, 1992

Attorney Client Privileged

October 9, 1992

Tom West called. He has read the Berard file and has many questions. He thinks that there are many more victims out there. He also asked (and I could not tell him) if the contents of the file was shared with Berard's therapist. If not, perhaps that is why Berard is doing so well. For example, Tom asked [REDACTED] if he had told the therapist about [REDACTED] and [REDACTED] did not know about the [REDACTED] situation. As soon as you return, you will have to contact the therapist and give him all the info or else Berard's therapy will not be profitable.

OFM VANH 1

0523

Attorney Client Privileged

I also called Berard today. He is doing quite well and feels that his life has really been changed with this therapy. I called him because he sent Pat Groves a letter addressed to the Editor of Westfriars. I knew he would think he was being replaced. I made it clear to him that he was still Editor. He mumbled a bit and then thanked me because that is what he had thought. He is not thinking of suicide anymore and he is convinced that he will be out very soon—he says the therapists are also saying this. This would all be fine if he knew everything that was going on.

October 23, 1992

Not much has gone on during the past week. The regional council was Monday-Wednesday. According to Mike Doherty, it was not well attended—maybe 40 at the most. Since a number of friars heard about your talk in the other regions, they asked Ray about the abuse cases; he made a general statement—nothing specific and told them you would be holding meetings in the Bay Area to go into detail. I am sure Ray will go over this with you.

Kenny Scott has been in the hospital for several days. Same problem as last year: he blacked out at Mass and collapsed. Kaiser can't seem to find out what is wrong so they sent him home today. He seems confused and still not well. Joe Schwab is trying to get the doctor to give some response as to cause.

Kelly Cullen, from the newly elected Steering committee, has asked if a date could be set for the first meeting since dates will be hard to find as we get closer to the holidays. I said that I would pass the information onto you.

OFM VANH 1

0524

Attorney Client Privileged

Warren just called. Emerito Gomez has been accused to the Chancery of inappropriate behavior (dancing), excessive drinking, and bad language. Gregory Sotello as Hispanic Vicar has been sent by the Bishop to investigate. Warren will call Sotello tomorrow to get a report.

A/C Privilege - Attorney Work Product

Attorney Client Privileged

October 15, 1992

Bob Pementell called to tell me that Paul Warren's mother is not well at all. She is not in the hospital but she is not eating and can't breathe. It is just a matter of time. Paul is still in denial. Bob also wanted you to know that he is very concerned about John MacDonell's health; he is deteriorating rapidly and finding it more and more difficult to walk. Next time you see John, take note.

October 16, 1992

Warren informed me that he had spoken with Sotello re Emerito. The situation seems to be OK; much like what happened at San Luis Rey with Nestor. No truth to the accusations except the bad language and Warren had a long talk with Emerito. Warren feels that he has painfully learned his lesson. Alfred is in the hospital with gas; they feel that it might be a partial blockage of the bowel.

Got word that Msgr. John Tracy Ellis passed away Friday. I called your mother so that in case you called home she could tell you. I also faxed the Prov. Office in Dublin with the information.

October 17, 1992

Paul Warren's mother died last night. There will be a small service in Santa Rose this coming Wednesday, but there will be a memorial service at St. Cecilia's in SF on Tuesday, October 27. Time is still not determined.

October 19, 1992

The funeral for Tracy Ellis will be Monday night wake at the National Shrine and Tuesday funeral at the Shrine; burial will be in Seneca, ILL. It was Ray's idea to send flowers on your behalf to the Tracy Ellis funeral as a way of you being present. I put on the card: In loving memory of my friend and mentor, [REDACTED] charged it to our PO Financial Community account.

Attorney Client Privileged

Attorney Client Privileged

October 10, 1992

I talked with Tom again today. He read me the letter which he has prepared to be read by [REDACTED] to the SAS greater community. It is basically parts of the first draft of the Boys' Choir letter. He said that he talked it over with you. It will be read on Sunday, October 25.

Tom got a call from [REDACTED] who continues to be upset. Apparently some mother and son have come to her and said that they know of a boy who was molested by Robert while he was a student at SAS. But they can't get the boy to come forward. Tom told her that there was too much of this hearsay going on and people need to be direct themselves—too many intermediaries. Since this boy won't come forward, [REDACTED] says that it is time for [REDACTED] to come forward since he was supposed to know about this other boy, too. Tom called [REDACTED] once again says that no one ever told him that they were being molested. Tom feels that [REDACTED] are getting desperate because they feel alone in the sense that they are standing alone—there aren't any other victims who are willing to come forward and stand with them; that is where the isolation is coming from. Are we the only ones? We can't be.

October 12, 1992

[REDACTED] wants to be prepared if any of this goes public. Floyd is on vacation until the end of October and therefore will not be able to make a statement. [REDACTED] is asking Tom W. to draw something up for Santa Barbara since he has been

A/C Privilege - Attorney Work Product

[REDACTED] called re Malibu lumber. He has agreed to send them a check today.

October 13, 1992

Attorney Client Privileged

3RD PARTY PRIVACY



February 11, 1993

Father Robert Van Handel
St. Luke Institute
2420 Brooks Drive
Suitland, MD 20746

Dear Father Robert,

We, Bob Niemack and Ann Hassett, are documentary filmmakers. We have been asked to make a documentary film about sexual abuse and the clergy for broadcast on HOME BOX OFFICE. Enclosed is a one page treatment for the film we plan to make. We've also enclosed some information about us and a list of the other films we have made.

If you are interested in seeing our work, we will be happy to send you a VHS tape. We have been making social issue films for almost 20 years, and have produced a body of work we are very proud of. Most of our films are about real people facing real crisis in their lives. The films have little or no narration, no hidden faces, and the stories are told in the words of the people involved.

We have researched the issue of sexual compulsion in the clergy for the last 6 months. We've also seen several news and documentary broadcasts on the issue, and have concluded that the "voice" that has not been heard is that of the priests involved. We believe telling that story will be an important step in the healing process for a church torn apart by mistrust and misinformation.

We hope to find a priest (or several) who has experienced sexual addiction, treatment and recovery, and who is willing to talk about it honestly. Our goal is to tell that priest's story frankly, with sympathy and understanding. We believe that seeing a film about someone's personal crisis is a powerful way to help others find freedom from their own isolation.

In the course of our research, we attended the VOCAL conference in Chicago. One of the participants of the conference was [REDACTED] who told us about [REDACTED] abuse at St. Anthony's School. Recently we visited the [REDACTED] in Santa Barbara. They told us about you and suggested that you might be the priest who could tell his story and begin the healing process. They are a family in pain, wounded by a sense of betrayal both by the church, by priests they adored, and by the church community who they feel abandoned them. They are typical of the hundreds of participants at the VOCAL conference: wounded, confused, and feeling abandoned.

4629 VAN NUYS BOULEVARD - SUITE A
SHERMAN OAKS - CALIFORNIA 91403
TELEPHONE 818-784-8477

OFM VANH 1
0528

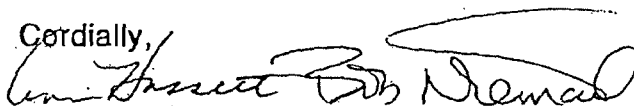
As journalists at the conference, we couldn't help feeling frustration at the inability of these victims to get what they need to heal. It seemed that what they needed was some support and an apology. But a recent conversation with a priest suggested another need: they need to be able to forgive. Without that, they will remain in agony, consumed with their own anger. It is our belief that a film that reveals the truth about the human tragedy of sexual abuse - about the roots of sexual addiction as well as about treatment and the possibility of recovery - would be a catalyst for understanding and healing.

Our research into the treatment program at St. Luke has convinced us that the most likely participants for this film would come from their former patients. We have had many conversations with Father Canice Connors, who has expressed a need for this type of film. We are very aware that we are asking you to become one of the rare individuals who is willing to speak out. We cannot offer money. This film is a documentary, not a dramatic version of a priest's story. Our only offer is a guarantee of sensitive cooperation and a mutual goal of honest enlightenment. Our hope is to make a compassionate film that will open the mind of the viewer and begin the process necessary to implement healing and understanding. To this end we solicit your help.

Our first request is for an anonymous telephone conversation with you. We don't expect you to give us a commitment to participate based on this letter. We can be reached at our office, and you are welcome to call collect.

We hope we are not being too bold, and that you will have the time and interest to help us with this film. Perhaps you could call us after you review this material.

Cordially,



Ann Hassett and Bob Niemack

OFM VANH 1

0529

2025 RELEASE UNDER E.O. 14176



CONFESSIONS OF A PRIEST

Sexual abuse by a Priest is a shocking accusation but since 1985, more than 200 American priests and brothers have been reported for molesting minors, in most cases boys -- an average of one case every ten days.

Jeffrey Anderson, a lawyer who represents the victims in such cases estimates that the actual number is closer to 1,000.

It has been reported that damages, legal and medical fees have cost the Church \$400 million. In 1986 the insurance company representing over half the nation's dioceses adopted an exclusion of coverage clause for claims against priests for sexual abuse.

Approximately 6 percent of the 50,000 Roman Catholic priests in the U.S. have had sexual contact with children according to author Richard Sipe, who counseled or interviewed over 1,000 priests and 500 other sources for his book A Secret World: Sexuality and the Search for Celibacy.

Sexual abuse of children by priests is one of the most serious scandals that the church has ever had to face because it destroys the one element that is essential for ministry: trust. Slayer of the Soul, Stephen J. Rossetti.

Of the 600 abusing priests treated at a New Mexico facility, 98% returned to clerical life immediately after treatment. It is widely believed that the priests behavior was not altered by treatment, and there is little contradictory proof. The public remains terrified of these men and angry with the church officials who re assign them seemingly unconcerned with public pessimism about "cure".

Very little, if anything, has been written or reported on these cases telling the offending priest's side of the story. Pressured by the Church not to tell their stories, and shamed by the social stigma attached to these crimes, the accused remain silent.

AMERICA UNDERCOVER: CONFESSIONS OF A PRIEST

reveals the tortured struggle of the men who have committed these crimes. It is an attempt to understand the obsession these men suffer, it's cause and the treatment that will allow them to live productive, abuse free lives.

4629 VAN NUYS BOULEVARD - SUITE A
SHERMAN OAKS CALIFORNIA 91403
TELEPHONE 818-754-8477

OFM VANH 1
0530

RICH CSARNY'S TALK AT DEPARTURE MASS: January 5, 1993

Robert's journey has been a most excruciating encounter with honesty: honesty with oneself, honesty with God, honesty with others. And as Robert knows even today, this work of honesty is never finished, but it calls forth the healthy lifestyle of the Twelve Step Program.

In the famous chapter five of the Big Book, it is said: Rarely have we seen a person fail who has thoroughly followed our path. Those who do not recover are people who cannot or will not completely give themselves to this simple program, usually men and women who are constitutionally incapable of being honest with themselves.

This has not come easily to Robert -- his own admission of illness and unmanageability continues to take hard work and endurance of pain. To see himself honestly -- without illusion -- remains a never ending challenge.

But the second part is to see God clearly and be honest with God. If it were not for this step, Robert could easily despair and be depressed. Rather, for the first time in his life, Robert is being honest with God and seeing God more clearly. It is wise to remember here the teaching of one spiritual master that when we miss the mark and sin and falter, that God seeks to draw us only closer to Godself. It's as though God connects to us with a string, and when we miss the mark the string is broken, but God desires to pick up the loose ends and tie them together once again and thus pulls us all the closer. God's love, not our goodness, keeps us from despair, and honesty with God connects us over and over with the truth of God's love.

Thirdly -- with others. How many of us have had to work so hard to regain the capacity for a simple, humble honesty with others. To be honest is to risk a real relationship instead of a facade of one; it is to know that love endures and wins out over evil and tragedy -- but what a risk it is to trust others and simply be who we are. In fact, this honesty with others is often the source of grace -- our connection with God is mediated through imperfect others and imperfect self.

Not easy was all this for Robert. Private and unique in his former path, and very unhappy and tormented by his duplicity and his addiction. But Robert, the Lord, your Franciscan community, and the fellowship have given you a new song -- a new harmony, and another concert -- but not as one who stands apart from the choir, but one who stands in the midst of it and who receives direction in pursuit of a life-giving harmony.



16 April 1993

Dear [REDACTED]

Thank you very much for your letter of April 12, and Easter greeting. We had services here on Thursday, Friday, and Easter Sunday which were well celebrated. I played the flute on Sunday - that should raise the dead! I hope you enjoyed Cambria and had some respite from the slings and arrows.

I received the "release of information" form which you enclosed. At this point I do not feel that I can release confidential information to Dr. Merlin and the Board of Inquiry. On the other hand I would like them to have information about the program which I participated in and continue to work in.

Dr. Frank Valcom is sending Dr. Merlin a letter inviting him to phone and discuss the quality of the St. Luke's program. Dr. Valcom will not give out confidential information about me. I would like to cooperate with the Board as well as I am able without doing harm to myself.

Thank you very much for your great help and support.

OFM VANH 1

0532

Fraternally,

Robert

CHRISTOPHER G. BAUER, Ph.D.

CLINICAL PSYCHOLOGIST LIC. #PG 7936

1428 TULANE DR.

DAVIS, CA 95616

TEL. (916) 753-2681

Third Party Privacy Rights

DATE 2-17-93

TO [REDACTED]

SUBJECT services for [REDACTED]

FOLD

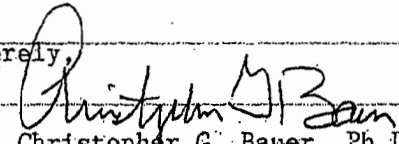
Dear [REDACTED]

I have been working in psychotherapy with [REDACTED]. He was referred to me to work on issues stemming from his sexual molestation while in seminary. He has stated that billing for my services is to be made to or through you. Hence, I have enclosed a bill for my services to date (\$900.00). I am sorry for the delay in getting this statement to you. However, I had not gotten your name and address from [REDACTED] until last week.

Should you have questions about my services or require additional information to process my bills please let me know.

Thank you for your assistance in this matter.

Sincerely,


Christopher G. Bauer, Ph.D.
Licensed Psychologist
Calif. License # PG7936

FOLD

OFM VANH 1
0533

29-01-1993 22:43

FROM 0235 535829

TO 01015105363970

P.

**FACSIMILE TRANSMISSION FROM
OUR LADY'S CONVENT SENIOR SCHOOL**

Radley Road ABINGDON Oxfordshire OX14 3PS
Tel No 0235 - 524658 Fax No 0235 - 535829

To

[REDACTED]

of Provincial Office, Oakland

Fax No 510 536 3970

Date 29. I. '93

From Monica & Anne

Number of Pages 1

If you do not receive all the pages please telephone 0235 - 524658

Message

[REDACTED] After speaking with our mutual friend, RVH, on the telephone last night, Thursday, January 28th, I feel you ought to call him at this crucial transitional stage. I believe he needs your reassurance. Sorry to add to your burdens.
Thanks for letters & we await details of your next sojourns.

Monica

OFM VANH 1
0534



3RD PARTY PRIVACY

Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (415)536-3722 Fax (415)536-3970

Facsimile Transmission

FAX: (510) 536-3970

To: Sr. Monica Sheehy, SM, Headmistress

Number 011-44-235-535829

From: [REDACTED]

Date: June 18, 1993

Total No. of Pages: 2
(including this page)

Monica

Attached please find a letter which I would like you to deliver to [REDACTED]. It is self-explanatory. Thanks very much. I would appreciate it if they not talk to GH about this.

[REDACTED]

OFM VANH 1
0535



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Third Party Privacy Rights

c/o Sr. Monica Sheehy, SM
Our Lady's Convent School
3 Oxford Rd.
Abingdon, Oxfordshire
England OX14-2EB

fax: 011-44-235-535829

June 18, 1993

Dear [REDACTED]

Peace,

I am sorry to disturb your planning trip in this way, but something important has arisen which I think it best I communicate to you right away.

It has come to my attention that you are in England at the moment in order to plan for a choir trip in the summer of 1994. Great; I hope it goes well.

I do feel, however, that I need to caution you about dealings with GH. Planning is fine, but I would not advise that he become in any way associated with your and the choir's daily program, monitoring, or associated with the members of the choir. There is some initial indication, still very spotty, that he may have been partially associated with some of the difficulties we have been dealing with in the past year with respect to SBBC. Prudence would dictate caution. I will be happy to explain this in more detail when I see you in Santa Barbara after your return. At any rate, he should not be involved in the program.

I hope this is sufficient for the time being; I will be in the provincial office Wednesday, June 23rd, should you wish to talk. Monica has the number.

I wish you all the best, and hope this is of some help.

Sincerely

OFM VANH 1

0536

LETTERS TO THE EDITOR

State legislators moving to tighten 'predator' laws

Several hundred members of the New Zealand House of Representatives have signed a petition asking the Government to consider legislation to tighten the predator laws.

The petition, which is being presented to the House of Representatives, asks the Government to consider legislation to tighten the predator laws.

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Night Assaults at the Seminary

76-85 ,

Would come to boys at night. Rubbed their backs and bodies would masturbate them. One student believes there may have been oral copulation. One students described the "massages" as going on for hours. Another said when he feigned sleep he would go over to his roommate. One student attempted to make himself undesirable by stopping his showering etc. They would both feign sleep. One student resorted to having a walkman on during the assaults. One Student. said he saw a visit to another students room, the moderators and friars were the only ones with flashlights.

Assaults in Hot Tub

1976

RVH grabbed his genitals in hot tub

Robert Van Handal Profile

1975-1987

of Victims interviewed as of 8/19/93=7

of Suspected Victims not interviewed= 2-10

Nude Photography/ Choir Members

1975-87 A. . 6-10 years old at beginning of photo sessions. BOI has seen a sampling of the pictures.

Nude Photography. Pictures taken in Choir room at Seminary, his office and at the creek on Seminary grounds. X mentioned seeing a row of slide photo albums labeled with kids names in his room. Their reward was ice cream. "Don't tell, or the other boys will be jealous."

Prior to nude photography with X. , RVH told him "It's only Natural" for him to have an erection during massage. X. remembers being fondled while sitting nude in RVH lap while X. was listening to music on a walkman. One Choir Boy mentioned he would eat dinner at seminary with RVH. Mel Jursich mentioned he would get mad at RVH for having him there.

Naked Swimming

75-80

naked swimming with Choir Boy in pool behind mission

Road Games

1976-

During trip in car, RVH suggested and played I-Spy where the loser would have to take off a piece of clothing, RVH would tickle the boys and "accidently" touch genitals. On trip to Europe, boys father said his son said he played a dart/ undress game with RVH.

Suspicious

More than several people we have interviewed, mentioned the trips to Europe. The boys were isolated, in new environments, and Gerald Heather who was in charge of setting up the stages, attempted to keep the adult "sponsors" away from the kids. One mother said her son told her that G.H. was rubbing their backs at night. On several trips there was a two week period of time where RVH would stay alone with a boys choir member after the rest of the choir left for home. We have an extended list of possible "special " boys RVH supposedly spent alone time with.



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Copy



Third Party Privacy Rights

October 28, 1996

Dear 

Peace and good. Thank you for your letter of October 10th. I am sorry for the delay in responding. Enclosed please find a check for the requested amount.

Please receive with this letter my best wishes and prayers for you and for your family. After the second week in January, I will no longer be in the office of provincial minister. I would like to take this opportunity to assure you of my continued support and prayers and particularly of my admiration for your courage and perseverance. Our lives have touched in a painful way, in a way we certainly would never have wished. I recognize the terrible suffering inflicted on you by the friars, and even at times probably by myself, and for all of this I am profoundly sorry. Still, I am grateful for the way in which you have both witnessed to the Holy Spirit of truth and compassion and have challenged me to grow in this Christian life.

I am confident that our good God will bless you for this and for so much more. May the Lord bless all of you.

Sincerely



Provincial Minister

OFM VANH 1

0539

CONFIDENTIAL

Robert Van Handel

September 1995

██████████ reported to the Definitorium that he had visited Robert at the San Luis Obispo Men's Colony. During his visit, ██████ raised a number of issues with Robert. One such issue was Robert's future once he is released from prison. Robert and the Definitorium will need to look at a number of options.

It was also reported that individuals are coming forward at this time who say that they were abused by Robert from the years 1984 - 1989 when Robert left Santa Barbara.

It was agreed that there would be a thorough evaluation of Robert's situation at the November meeting of the Definitorium.

OFM VANH 1
0540

Sept 22 - under contract
- Buy down letter

May 5, 1992 - letter to Paul, Mary, Bonnie informing incident
- received May 10th - letter to brother

① contract to take. incident - immediate solution

② Long 4144

May 17 - Bill for looking -

22 one week I went back

May 20 - Mr. L. Letter - consulting

met of solution - 5/22

June 8 - Bill to take. incident

- Board met of his specialists

① pre-solution position -

② regard of. report was found -

regard pre-solution is separate process for
thing - report report

Reports: met of Holmes & Harby - would not change situation

issue of public decision process -

Tom met with of them

Set 10th - met of department

Buy down of letter - went for by down work

Decided by: ① letter for written - information

② for flexible policy

OEM VANH 1

0541

Bry. Chini

1983-87

Bernie + Paul Smith

Steve Youngs

Michael Higgins

Bernie Smith

Jason, Charles, Loren

Loren King (Charles)

Doug Lindahl

Other cases:

A. 1981-82

B. 1972-74

C. 1966-68

Third Party Privacy Rights

2100 Las Tunas Rd.
Santa Barbara, Ca. 93103

May 5, 1992

Dear Robert,

To begin, let me remind you that while I was recovering from my illness, I told you that I needed to talk to you. The time for the talk never came because I was still weak and you had the demands of a hectic schedule and move facing you.

Had that talk occurred, I would have told you that we had learned that a member of your Franciscan community, in addition to Phil Wolfe, had engaged in sexually inappropriate behavior with one of our boys when he was quite small that was upsetting to him at the time it was occurring. The memory remains with him.

I would have told you and I wished to tell [REDACTED] and the others of your organization that it is clear that many of the activities you men undertake are too dangerous to young people and yourselves to be continued. The risks are too great. The potential for damage to even one young person outweighs any good these may accomplish. The price of the life of even one child is too high.

I would have told you that the Boys Choir, as it is presently structured, should not be continued and you should not be involved in similar organizations in the future. There is too much opportunity for unsupervised time between one child and one greatly trusted adult. Tragically, we have all lived the danger inherent in the all male seminary high school boarding school, where authority, trust and love can and did become destructively mixed with drives for sexual power, satisfaction and institutional authority. Gender-segregated and therefore gender-imbalanced activities are simply too dangerous to continue. They are imbalanced and too easily lead to aberration.

I would have told you that solo visits to your residence and "overnights" by youngsters must be stopped. They are too dangerous to you and the children.

This is what we learned at Christmas time. When one of our boys was a little boy, on various occasions when you put him to bed you gave "back rubs." The "back rubs" involved stroking the back, chest, stomach, lower abdomen and thighs in the groin area. He recalls that the stroking occurred very close to and around the genitals. He recalls his discomfort and embarrassment on one occasion that his lightweight knit pajamas would reveal the erection that your "back rub" had stimulated. He remembers the color and style of the pajamas. I do, too. He was probably around ten years old when he wore them.

We also learned at Christmas that when he visited your office on certain occasions you and he played darts. The stakes were that if he won he would get money. If you won, you could give him a "back rub" as described above. He recalls you offered him a pair of "thin shorts" to change into during the back rub. He said he was not comfortable with that and refused to change into them.

There should be no need for further comment on the obvious inappropriate use of the child or the sexual seductiveness of this type of physical touching and game playing. It should be enough simply to say we have all suffered too much because of matters such as this to make frivolous charges of this nature.

Robert, you know how we have loved you and trusted you with our lives. We gave our lives and our love to support what you believed in and wanted. Everything we owned was yours. That couldn't extend to that which we as parents don't even own--that is the right to touch our children's bodies in a sexually seductive or using manner.

Our concern extends beyond our family to the wide opportunity you have for individual one-on-one time with many little boys. When I spoke to you about Phil Wolfe's terrible molestation of our sons, you must remember I told you your order must talk of these matters openly so that those with such inclinations can obtain psychological help before they destroy themselves and others. Robert, have you received such help? Adequate help? Are you refraining from these dangerous times alone with children? I should tell you I have lost confidence in the expertise and impartiality in this special area of concern of a mental health professional in Santa Barbara known to both of us. While he is good

in many ways, I don't believe his professional help in this particularly demanding area is adequate help.

Because we have shared our lives (and had hoped to continue this sharing) you know how much we have loved you. You must be able to guess the pain that surrounds this letter. We can only guess your pain in receiving it. We hope it will reinforce the desperate imperative you have to obtain help and remove yourself from potentially dangerous contacts with young boys.

Our purpose in writing this letter is to protect other children. A copy is being sent to [REDACTED] to help you and him as Provincial Minister to keep the seriousness of this matter and the obligation for appropriate follow up in treatment and assignment clearly defined for you both. We also carbon Bishop Ziemann. He must know the full scope of the problems in this area of concern. None of us can afford to live in a fool's paradise any longer in so far as these matters are concerned.

Sincerely,

Third Party Privacy Rights

[REDACTED]

CONCUR

[REDACTED]

cc: [REDACTED]
Bishop Patrick Ziemann
Rev. Alberic Smith

Rev. Melvin Jurisich



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970



Third Party Privacy Rights

May 20, 1992

Dear [REDACTED]

Peace.

I wish for you that it were that easy, simply to give peace, but we both know that it is not. I am so sorry for this latest turn of events, the further abuse of [REDACTED] and the family. As we both just mentioned on the phone: words are hardly adequate. My heart is grieved.

I have taken the liberty of mentioning this to Father Virgil, whom, I am sure, will prove as always to be a good pastor.

I will be coming down to Santa Barbara, arriving the morning of May 29th and leaving sometime on June 1st. If it is possible for you, I will be glad to meet with you during the weekend sometime. Friday afternoon or evening, Sunday or Monday would be best for me.

I would like formally to offer to you to pay for any counselling for the family or members of the family. Also, if you want, I will be glad to ask members of a counselling team, friars and other professionals, to work with you. Perhaps we can talk about this when I see you.

You are in my prayers and thoughts, for certain.

Sincerely



OFM VANH 1

0547

Bates Number 548 was ordered removed by the trial court.



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Fr. Robert Van Handel, OFM
St. Luke Institute
2420 Brooks Dr.
Suitland, Maryland 20746-5294

*to be printed when
possible*

June 5, 1992

REDACTED

Dear Robert

Peace. Well, now you have arrived at this place and are probably getting settled. I just want you to know that you have my love and full support. Together, we can address the issues and get through them. I just look forward to your return, and cannot emphasize enough how you are a valued and loved member of the fraternity and a good priest. I know it is difficult; I know also, there is much more good, an infinitely greater amount, than bad here. Let's move always towards the good.

I know you are aware of and somewhat concerned about what will happen in Santa Barbara, especially with those who might have been offended. Yesterday, the definitorium met with two specialists (Thomas Tobin, PhD, and Tom West) and our attorney to see what needs to be done. Everyone wants to do what is best for you and for everyone involved.

I would like to ask if, during the therapeutic process the issue of how best to deal with people who have been offended might not be addressed; perhaps action in this area can be made part of the aftercare program; at the moment, we are suggesting that it may be best if you contact those who have been offended most and make some personal amends. I have written to Dr. Valcour along these lines and ask you to discuss the situation, when appropriate, with him. I know it is difficult; certainly, everything will become clearer for all of us as the process unfolds.

I am asking Fr. Tom West to work with you and with the staff at St Luke's as to how best to approach the situation with respect to Santa Barbara. It seems better to ask him, given our own friendship, and the need for objectivity in the pastoral situation.

Robert, again, let me assure you of my support. It is our journey together. I do not mind making it with you; in fact, I am grateful for our friendship. Thank you for the courage.

Love

REDACTED

OFM VANH 1

0549

Third Party Privacy Rights

September 22, 1992

Dear [REDACTED]

Recently we were made aware that during the time period when you were a member of the Santa Barbara Boy's Choir, some of the choir boys were touched in an inappropriately sexual way by Fr. Robert Van Handel. Since Fr. Robert is a Franciscan Friar, I am writing you on behalf of the Provincial Minister to express our concern for those who might have been emotionally hurt by such conduct. We want to offer psychological and emotional support to anyone who feels they are in need of it. Please contact me at the address and phone number below if you wish to talk with me about anything in regards to these matters.

In the Peace of Christ,

Fr. Tom West OFM

Fr. Tom West OFM
133 Golden Gate Ave.
San Francisco, Ca. 94102
415-863-0111 ext. 35



Dear Boys' Choir Parent:

Although it saddens us to do so, it is our duty to inform you of an incident about which we have recently learned. The situation concerns Fr. Robert Van Handel, a founder of the Boys' Choir who was involved with the organization from 1976 until 1991. A boy who was in the choir approximately twelve years ago has told us that he was touched by Fr. Robert in an inappropriately sexual way. This behavior consisted of back rubs, tummy rubs, and stroking of the lower abdomen and inner thighs that felt embarrassing to the boy. On some occasions the child was asked to engage in games that involved this kind of touching. Fr. Robert has entered a psychiatric facility for treatment. He is very contrite and shares our concern that we want to act in the most considerate and pastoral way possible. From discussions with Fr. Robert, we believe another boy may also have been touched inappropriately, and we have contacted him to offer our assistance.

Fr. Robert enriched the lives of many, and news of this event is sure to generate a variety of emotions in all of us. In order to best deal with these emotions, and to protect the interests of the boys and parents who have been associated with the choir over the years, the Franciscan Province of Santa Barbara along with the board of directors of the Boys' Choir have taken the following steps:

1. By way of this letter, we are informing the parents of boys who were involved with the choir during Fr. Robert's tenure about this incident.
2. The Franciscan Province and the directors of the choir are in ongoing communications about this matter. The Franciscans pledge their full cooperation, including financial reimbursement for counseling.
3. The choir has retained the services of an independent psychologist, Dr. Scott Gorsuch, to assist individuals and families of the Boys' Choir in dealing with this matter. He is available in person or by phone, at 687-3128, to answer questions. This is provided without cost to you and is completely confidential.
4. The Franciscan Province has asked Fr. Tom West, M.A. (Counseling Psychology) to also be available to all parties concerned for spiritual or counseling assistance. He can be at (415) 863-0111.

OFM VANH 1

0551

A few parents have expressed questions about how to best handle this subject with their sons. For individuals who are now age 14 and over, it is Dr. Gorsuch's recommendation that they be given a copy of this letter to read for themselves.

Parents of younger children may wish to refer to the enclosed suggestions, or to consult Dr. Gorsuch or Fr. Tom West for assistance. You should be aware that we have no evidence that any inappropriate activity occurred between Fr. Robert and any other boys in the choir at any time during the past eight years.

It is important that we learn if other individuals were interfered with in any way. If any young men received unwanted attention from Fr. Robert, they are asked to notify their parents, or if they prefer, they can notify Dr. Gorsuch confidentially by phone at (805) 687-3128 or in writing at 1335 State Street, Santa Barbara, CA 93101. They may also contact Fr. Tom West confidentially at (415) 863-0111 or write him at 133 Golden Gate Avenue, San Francisco, CA 94102.

Whenever a trusted and admired figure betrays our confidence, feelings of hurt, anger, and dismay are inevitable. We may initially deal with such feelings through the use of denial (disbelieving the truth) or projection (blaming the Church or other individuals or institutions). Conversely, our anger may be aimed directly at the individual in question. Any or all of these feelings are normal. In any event, most individuals and families will benefit from an open discussion of their reactions. They may wish to share their feelings and concerns with other families and individuals from the Boys' Choir, or they may wish to do so privately or with a professional.

For anyone who wishes to take advantage of it, a group meeting is being scheduled for Wednesday, October 28th, at 7:00 PM. The purpose of the meeting will be to answer questions, share common concerns, and express the many feelings that inevitably emerge in this type of situation. Please RSVP to 682-5641 if you wish to attend. [REDACTED] the Franciscan Minister Provincial, Director, Robert Helman, Fr. Tom West, and Dr. Gorsuch will be present.

Sincerely

[REDACTED]
Provincial Minister

Santa Barbara Boys Choir
Board of Directors

The Friars want to make an announcement to the greater community about Fr. Robert. A boy who was in the Santa Barbara Boy's Choir approximately 12 years ago recently revealed that he was touched in an inappropriately sexual way by Fr. Robert. Fr. Robert acknowledges that the incidents took place and has entered a psychiatric facility for treatment. He is very contrite and shares our concerns that we act in the most considerate and pastoral way possible. A letter describing Fr. Robert's inappropriate behavior has gone out to all the parents of boys in the Choir during Fr. Robert's tenure. The Friars are offering psychological and spiritual assistance to all who have been involved.

Whenever a trusted and admired figure betrays our confidence, feelings of hurt, anger and dismay are inevitable. We may initially deal with such feelings through the use of denial, that is disbelieving the truth. Or we may use projection and focus blame on an institution or at other individuals. Conversely, our anger may be directed at the individual in question. Any or all of these feelings are normal. In any event, we hope families and individuals will benefit from an open discussion of their reactions. They may wish to share their feelings and concerns with other families and individuals from the Boy's Choir, or they may wish to do so privately or with a professional.

A group meeting, primarily for those from the Boy's Choir, has been scheduled for Wednesday evening, October 28 at 7 pm. Anyone from the greater community who wishes to attend is also invited. The purpose of the meeting will be to answer questions, share common concerns, and express many feelings that emerge in this type of situation. Please RSVP to 682-5641 if you are going to attend. Fr. [REDACTED] the Franciscan Minister Provincial, Boy's Choir Director Robert Helman, Fr. Tom West and psychologist Dr. Scott Gorsuch will be present.

*Announcement to
SAS Greater Community
Oct. 25, 1992*

FRANCISCAN FRIARS PROVINCE OF SAINT BARBARA

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[Redacted]

November 3, 1992

Third Party Privacy Rights

Dear Mr. and Mrs. [Redacted]

Peace.

On behalf of all the friars and myself I would like to express our concern and sorrow at the great suffering endured by you, [Redacted], and your family. As difficult as it was, I am appreciative that you could express yourself at our joint meeting last Wednesday.

I know that Father Tom West has contacted you and I hope you will continue to feel free to contact him. We want to do all that we can to help.

As provincial minister I am determined to do all that I can to find out everything and to prevent any future occurrences. It seems rather lame, but I do assure you of my continued concern and prayers.

Sincerely in Christ

[Redacted]

FRANCISCAN FRIARS
PROVINCE OF SAINT BARBARA

OFM VAN H 1
0554

FRANCISCAN FRIARS PROVINCE OF SAINT BARBARA

November 3, 1992

Third Party Privacy Rights

Dear [REDACTED]

Peace.

Thank you very much for your letter to me of October 26th. I will consult, as I am bound, with the definitorium which meets the week of November 15th and will get back to you as soon as I am able.

I was very concerned about some of the issues which came up at the meeting we had last Wednesday and will be following them up with all haste and decisiveness. As I mentioned at the meeting, we continue to learn, and I try always to respond with the best lights available. We know that our responsibilities are different, but I am grateful for your continued desire and expression that the best things be done for all and also I am grateful for your personal patience and respect.

This is not easy, and once again I express to you my heartfelt concern. I am glad that Father Tom West has been able to meet to you with some satisfaction.

Sincerely

1500 Chicago-Fourth Avenue
Oakland, CA 94601

Provincial Minister (415) 536-3722
Provincial Office (415) 536-1266

FRIARS
PROVINCE OF SAINT BARBARA

OFM VANH 1
0555

FRANCISCAN FRIARS PROVINCE OF SAINT BARBARA

November 3, 1992

Third Party Privacy Rights

Dear Mr. and Mrs. [REDACTED]

Peace.

On behalf of all the friars and myself I would like to express to you our deepest sorrow for the pain which you and your family have suffered, and continue to suffer. I am appalled by what you described in your eloquent and moving letters.

I would like very much to offer you the support of the friars, and especially any help which we can give towards counselling costs. Since last Wednesday was the first time which I had heard of the events you describe, I would appreciate it if one of the friars could contact you and [REDACTED] to get the relevant details and see how best we might help. I have asked Father Thomas West, our specialist in these matters, to contact you. You may have met him at the meeting on Wednesday.

As provincial minister, I certainly want to act in the most sensitive way to yourselves and [REDACTED] and in the most decisive way to see that this type of behavior and abuse does not happen again. Once again, I ask you please to accept my own expressions of sorrow and outrage.

Sincerely

1500 Chicago Avenue
Oakland CA 94601

Provincial Minister (415) 536-3722
Provincial Office (415) 536-1266

OFM VANH 1
0556

MCIVERS & LINDENAUER

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Post Office Box 91901
Santa Barbara, CA 93190-1901
(805) 897-3838
Fax (805) 897-3842

April 20, 1993

Dear [REDACTED]

This will confirm our telephone discussion on April 13, 1993, regarding my clients. I represent two men in their early twenties who were the victims of inappropriate touching and other behavior by Father Robert and others affiliated with the choir. One of my clients lives in the Washington DC area, and the other lives locally. Both have asked for me to make arrangements for counselling. They do not want to use a counsellor who has been designated or approved by representatives of the Franciscans, but would like to select their own counsellor.

You have assured me that the Franciscans will finance counselling for the young men, and that they may choose their own counselor. Per your direction, I will either have the counsellors bill you directly at the address indicated above, or will have the bills sent to my office and I will bill you on my letterhead for each visit (if my clients prefer to keep the identity of the counsellors confidential).

I will ask each counsellor to provide a projection, perhaps after the first month of treatment, of the future course of therapy, so that you may gauge the anticipated costs. At that point, we should contact one another to make sure that the counselling that is proposed for the future can be financed by the Franciscans. Neither of my clients are in a position to pay for their own counselling.

I greatly appreciate your sympathetic and constructive attitude about this problem. If my clients are comfortable with it, I will ask them at some point in the future to provide the factual details of what occurred to them to you, to assist with the investigation which is underway through the Franciscans.

You have also indicated that the Board of Inquiry, headed by Geoff Sterns, is not currently authorized to extend its investigation to the boys' choir, and that I should deal through you unless I receive further notice to the contrary.

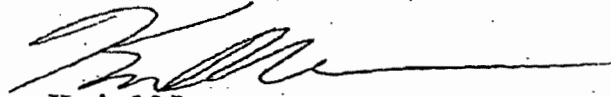
OFM VANH 1
0557

[REDACTED]
April 20, 1993

Page 2

Thank you again for your help.

Very truly yours,



Kevin McIvers

KMcI:sw

OFM VANH 1
0558

McIvers & LindenaueR

**POLICIES AND PROCEDURES IN THE
ST. BARBARA PROVINCE ON
REPORTING KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE**

BACKGROUND INFORMATION

California's statute with respect to reporting suspected child abuse is strict and detailed. The goal of this statute requires that such reporting be made quickly. The statutory guidelines are clear. This statute mandates that employers inform employees hired after January 1, 1985, of the child-abuse reporting statute.

In the State of California, child abuse is the abuse of anyone, male or female, under the age of eighteen (18).

In the following pages, the term "employee" means both those who receive compensation and those who volunteer their services at one of our Franciscan institutions.

The lawyers of the Province have recommended that we, as a Province:

- A. Adopt a policy on reporting such instances;
- B. Develop a procedure for such reporting;
- C. Recommend that Friars in ministerial leadership roles inform all employees of the current law.

Province policy on this matter, then, is (as far as California is concerned), no more than a restatement of California law.

WHO ARE AFFECTED BY THIS STATUTE?

Friars and those working in our parishes, retreat centers, and other apostolic works, who observe or learn from a child that he or she has been a victim of child abuse are affected by this statute. The law envisions primarily those who are child-care custodians, medical practitioners; but also non-medical practitioners are included.

"Non-medical practitioners means...a marriage, family, or child counselor; or a religious practitioner who diagnoses, examines or treats children." (Cal. Penal Code, 11165)

Many friars and employees of our Franciscan apostolates might be considered "non-medical practitioners". Moreover, in the case of *People vs. Younghez* it was stated: "The statute imposes a duty to report on a very large group of people." The law, then, embraces a wide group of people.

Since our Friars and those whom we hire in our parishes, retreat centers and other apostolates do have contact with children (minors), we could easily be held by this law to report cases of suspected or known child abuse. One need not have a license for counseling; one would be under the definition of the law by the de facto act of counseling.

Moreover, if any of our Friars or those in our employ are licensed to practice as social workers, psychologists, psychiatrists, marriage, family, or child counselors or any other position which requires a license from the State, they are also within the scope of the reporting requirements.

Friars and other employees of a Franciscan apostolate who serve as teachers in private Catholic schools, or as school principals, or as counselors are within the definition of "child care custodians." The statute covers both the teacher and the care taker, as well as the administrative officer and supervisor. Friars who are pastors or directors of a retreat center or administrators of some other Franciscan apostolate might, therefore, be included under this aspect of the law.

Friars and others who are in a supervisory position and who learn of suspected child abuse not directly from the minor would also be held to make a report if they have reasonable suspicion of child abuse as defined by California State Law as described below.

We also have the obligation to inform all professional staff who are in our employ since January 1, 1985. These people must sign a statement indicating that he or she has knowledge of the reporting provisions, the standard for reasonable suspicion, and will comply with the requirements. The signed statements are to be retained by the employer (i.e., at the local level).

Employees who are "support staff or maintenance staff and who do not work with, observe, or have knowledge of children as part of their official duties" are not included in this statute [Cal. Penal Code 11166.5 (a)]. For the most part, then, cooks, maintenance people, gardeners, etc., are not affected.

In our parishes, retreat centers and other apostolates, friars, too, should sign such a statement, which should also be kept on file by the employer (pastor, retreat director, etc.).

We would recommend that even those who may have been hired prior to January 1, 1985, sign such statements. This would apply to friar and non-friar alike.

WHAT IS A REASONABLE SUSPICION OF CHILD ABUSE?

The reporting duty is triggered when a friar or other employee of the friars "knows or reasonably suspects" a case of child abuse. The legal standard of "reasonable suspicion" reads as follows:

"that it is objectively reasonable for a person to entertain such a suspicion, based on facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse." [Cal. Penal Code, 11166 (a)]

Child abuse can be known or suspected by the behavior of the child through signs of emotional distress, or through direct communication. Child abuse can be known through other channels as well.

The law focuses on "reasonable suspicion." The law also favors the child. As a result, even though there might not be certainty as to child abuse, if there is a reasonable suspicion, child abuse must be reported. Failure to report can result in a possible legal suit against the Province and/or against the person involved.

It should be noted that:

- (a) if a suspected child abuse situation is reported, the one suspected of such child abuse will indeed suffer as also perhaps the institution to which he or she belongs.
The law favors the child. Concern for the reputation of an individual or an institution is, in the eyes of this law, completely secondary. The position of the child must be favored over the reputation of the suspected person involved or the institution (parish, retreat center, etc.).
- (b) if a suspected child abuse situation is not reported, the individual failing to report is liable to possible legal suit, and, in certain cases, the institution (parish, retreat center, even province) would most probably be included in the legal suit.

If several people in our employ notice the same instance of suspected or known child abuse and are aware that the others have reached a similar conclusion, only one such person needs to make the report.

Even with the above description of "reasonable suspicion" of child abuse, some doubts might remain. Advice should be sought in such matters from people who have experience in this regard. In determining whether to report a situation or not, it should be recalled that the law will always favor the child and negligence in reporting might be construed as a criminal act. However, witch-hunting is also not the intent of the law.

WHEN MUST THE REPORT BE MADE?

If the accusation has met the legal standard defined above, a friar or other employee has the duty to report immediately to the child protective agency. The child protective agency will then pursue its own investigation procedures and determine the accuracy of such an accusation. To delay reporting under these circumstances would be a violation of California State law, which could then be punished as a misdemeanor.

The province, parish, retreat center, etc. is not allowed to make an internal, preliminary investigation first before the individual contacts the local child protective agency. Rather, the reporting to the child protection agency must be made first.

"However, internal procedures to facilitate reporting and appraise supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this article." [Cal. Penal Code, 11166 (f)]

The individual is required to report known or suspected instances of child abuse "immediately or as soon as possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident." [Cal. Penal Code, 11166; emphasis added by the Province lawyer].

Such reporting is to be made to the Child Protective Agency. If the telephone of this agency is not known, one can simply call the local police department.

The reporting requirements are individual and cannot be fulfilled by reporting to one's superior.

Indeed, the statute expressly prohibits a supervisor from impeding or interfering with an employee's reporting duties.

"The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanctions for making the report."
[Cal Penal Code, 11166 (f)]

INTERNAL REPORTS CONCERNING ALLEGATIONS OF CHILD ABUSE

If the province itself, or the parish, or the retreat center, or other Franciscan apostolate arranges for an internal investigation, such internal reports may be subject to court subpoenas or other discovery in a subsequent criminal or civil proceeding. This possibility should be made clear to all those who take part in any internal review and reporting.

LIABILITY

Not only is the person alleged to have committed child abuse subject to investigation, and if the suspicion seems verified, subject to possible criminal charges, but the institution itself might also come under "vicarious liability". This means that the parish, the retreat center, another Franciscan apostolate and even the Province as such might be liable to suit, if the administrators of any of these institutions: (a) have deliberately delayed or prevented such reporting, or (b) have not

adequately advised all employees of this California statute, or (c) have negatively sanctioned any employee who has made such a reporting.

This policy is in no way meant to be construed as either supplanting California State Law or as impeding and inhibiting the obligation of individuals to report child abuse cases.

This Province Policy serves as the statement required by the California Penal Code 1116.5 (a)

(April 1988)

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[The following would be typed on a separate page and serve as the document set by the California Penal Code on this matter of child abuse and notification of employees.]

AFFIDAVIT

I have read the St. Barbara Province policy statement on child abuse, and I understand the reporting provisions, the standard for reasonable suspicion as described, and hereby state that I will comply with the requirements.

Signed

Date

IF5

OFM VANH 1
0563

**SUPPLEMENT TO THE
ST. BARBARA PROVINCE'S POLICY
ON REPORTING KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE
THE STATE OF ARIZONA**

BACKGROUND INFORMATION

Province policy is no more than a restatement of Arizona state law (Criminal Code 13-3620).

WHO MUST REPORT?

Any physician, hospital intern or resident, surgeon, dentist, osteopath, chiropractor, podiatrist, county medical examiner, nurse, psychologist, school personnel, social worker, peace officer, parent or counselor or any other person having responsibility for the care or treatment of children whose observation or examination of any minor discloses grounds to believe that a minor is or has been the victim of injury, sexual molestation, death, abuse, or physical neglect which appears to have been inflicted upon such minor by other than accidental means or which is not explained by the available medical history as being accidental in nature or who has reasonable grounds to believe there has been a denial or deprivation of necessary medical treatment or nourishment with the intent to cause or allow the death shall immediately report or cause reports to be made of such information to a peace officer or to the protective services of the department of economic security.

Any person other than one required to report or cause reports to be made who has reasonable grounds to believe that a minor is or has been a victim of abuse or neglect may report the information to a peace officer or to the child protective services.

In any civil or criminal litigation in which a child's neglect, dependency, abuse or abandonment is an issue, a clergyman or priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a clergyman or a priest in the course of the discipline enjoined by the church to which he belongs. However, nothing in the law discharges the clergyman or priest from the duty to report.

HOW TO REPORT?

The reports shall be made immediately by telephone or in person and shall be followed by a written report within seventy-two (72) hours. This report is made to a peace officer or to the child protective services. IN ADDITION THE PROVINCIAL OFFICE MUST BE INFORMED IMMEDIATELY THAT SUCH A REPORT HAS BEEN MADE.

WHAT TO REPORT?

Such reports shall contain:

- The names and addresses of the minor and his parents or person or persons having custody of such minor, if known;
- The minor's age and the nature and extent of his injuries or physical neglect, including any evidence of previous injuries or physical neglect;
- Any other information that such person believes might be helpful in establishing the cause of the injury or physical neglect.

LIABILITY

A person furnishing a report, information, or records required or authorized under this law, or a person participating in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this law, shall be immune from any civil or criminal liability by reason of such action unless such person acted with malice or unless such person has been charged with or is suspected of abusing or neglecting the child or children in question.

VIOLATION/PENALTY

A person who violates any provision of this law is guilty of a class 1 misdemeanor.

(7-19-89)

**SUPPLEMENT TO THE
ST. BARBARA PROVINCE'S POLICY
ON REPORTING KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE**

THE STATE OF NEVADA

BACKGROUND INFORMATION

Province policy is no more than a restatement of Nevada state law (432B.010 to 432B.400).

WHO MUST REPORT?

A report must be made immediately to an agency which provides protective services or to a law enforcement agency when there is reason to believe that a child has been abused or neglected.

Reports must be made by the following persons who, in their professional or occupational capacities, know or have reason to believe that a child has been abused or neglected: those in the medical field or as well as psychologists, marriage and family therapists, alcohol or drug abuse counselors; any personnel of a hospital or similar institution engaged in the administration, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital; a clergyman, practitioner of Christian science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession; a social worker and an administrator, teacher, librarian or counselor of school; any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

A report may be made by any other person.

HOW TO REPORT?

A report must be made to an agency which provides protective services or to a law enforcement agency immediately, but in no event later than 24 hours after there is reason to believe that a child has been abused or neglected. IN ADDITION THE PROVINCIAL OFFICE MUST BE INFORMED IMMEDIATELY THAT SUCH A REPORT HAS BEEN MADE.

WHAT MUST BE REPORTED?

The report must contain the following information, if obtainable:

- The name, address, age and sex of the child;
- The name and address of the child's parents or other person responsible for his care;
- The nature and extent of the abuse or neglect of the child;
- Any evidence of previously known or suspected abuse or neglect of the child or the child's siblings;
- The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child; and
- Any other information known to the person making the report that the agency which provides protective services considers necessary.

LIABILITY

Immunity from civil or criminal liability extends to every person who in good faith:

- Makes a report pursuant to the provisions of this law;
- Conducts an interview or allows an interview to be taken pursuant to this law;
- Participates in a judicial proceeding resulting from a referral or recommendation.

PENALTY/VIOLATION

Any person who knowingly and willfully violates the provisions of this law is guilty of a misdemeanor.
(7-19-89)

**SUPPLEMENT TO THE
ST. BARBARA PROVINCE'S POLICY
ON REPORTING KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE**

THE STATE OF NEW MEXICO

BACKGROUND INFORMATION

The Province's policy is no more than a restatement of the New Mexico state law (Children's Code 32-1-15).

WHO MUST REPORT?

Any licensed physician, resident or intern examining, attending or treating a child, any law enforcement officer, registered nurse, visiting nurse, schoolteacher or social worker acting in his official capacity or **any other person knowing or suspecting** that a child is an abused or a neglected child shall report the matter immediately.

HOW TO REPORT?

The report shall be made immediately to:

- 1) the criminal prosecution division of the office of the district attorney; or
- 2) the county social services office of the human services department in the county where the child resides; or
- 3) the probation services office of the judicial district in which the child resides:

IN ADDITION THE PROVINCIAL OFFICE MUST BE INFORMED IMMEDIATELY THAT SUCH A REPORT HAS BEEN MADE.

WHAT MUST BE REPORTED?

The report shall contain the names and addresses of the child and his parents, guardians or custodians, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the person or persons responsible for the injuries.

LIABILITY

Anyone reporting an instance of alleged child neglect or abuse or participating in a judicial proceeding brought as a result of a report required by the law is presumed to be acting in good faith and shall be immune from liability, civil or criminal, that might otherwise be incurred or imposed by the law, unless the person acted in bad faith or with malicious purpose.

VIOLATION/PENALTY

Any person failing, neglecting or refusing to report is guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 nor more than \$100.00

(7-19-89)

**SUPPLEMENT TO THE
ST. BARBARA PROVINCE'S POLICY
ON REPORTING KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE
THE STATE OF OREGON**

BACKGROUND INFORMATION

Province policy is no more than a restatement of Oregon state law (ORS 418.740 to 418.775).

WHO MUST REPORT?

Any public or private official (physician, dentist, school employee, licensed practical nurse or registered nurse, peace officer, psychologist, clergyman, social worker, optometrist, chiropractor, certified employer of day care, etc) having reasonable cause to believe that any child with whom the official comes in contact in an official capacity has suffered abuse, or that any person with whom the official comes in contact in an official capacity has abused a child shall report or cause a report to be made in the manner required.

Nothing contained in Oregon law 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 Oregon law.

Oregon law (ORS 40.260 Rule 506) defines privileged communication for clergy-penitent to be:

- "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.
- A member of the clergy shall not, without consent of the person making the communication, be examined as to any confidential communication made to the member of the clergy in the member's professional character.

If a clergyman receives information concerning a child abuse instance outside of this privileged communication definition, he is required to make a report according to the law.

HOW TO REPORT?

An oral report shall be made immediately by telephone or otherwise to the local office of the Children's Services Division or to a law enforcement agency within the county where the person making the report is at the time of the contact. IN ADDITION THE PROVINCIAL OFFICE MUST BE INFORMED IMMEDIATELY THAT SUCH A REPORT HAS BEEN MADE.

WHAT MUST BE REPORTED?

If known, such reports shall contain the names and addresses of the child and 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.

LIABILITY

Anyone participating in good faith in the making of a report pursuant to Oregon law 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.

(7-19-89)

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**SUPPLEMENT TO THE
ST. BARBARA PROVINCE'S POLICY
ON REPORTING KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE
THE STATE OF UTAH**

BACKGROUND INFORMATION

Province policy is no more than a restatement of the Utah state law (Social Services Code 62-A-4-501 to 504).

WHO MUST REPORT?

Whenever any person including, but not limited to, persons licensed under the Medical Practices Act or the Nurse Practice Act, has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or who observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he shall immediately make a report.

Reporting requirements of this law do not apply to a clergyman or priest, without the consent of the person making the confession, with regard to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs, if:

- a) the confession was made directly to the clergyman or priest by the perpetrator; and
- b) the clergyman or priest is, under canon law or church doctrine bound to maintain the confidentiality of that confession.

If a clergyman or priest receives information about abuse or neglect from any source other than confession of the perpetrator, he is required to give notification on the basis of that information even though he may have also received a report of abuse or neglect from the confession of the perpetrator. Exemption of notification requirements for a clergyman or priest does not exempt a clergyman or priest from any other efforts required by law to prevent further abuse or neglect by the perpetrator. (62A-4-503)

HOW TO REPORT?

The report is made immediately to the nearest police officer, law enforcement agency, or office of the division. Oral reports shall be followed by a written report within 48 hours, if so requested by the division. IN ADDITION THE PROVINCIAL OFFICE MUST BE INFORMED IMMEDIATELY THAT SUCH A REPORT HAS BEEN MADE.

LIABILITY

Any person or official participating in good faith in making a report is immune from any liability, civil or criminal, that otherwise might result by reason of those actions.

VIOLATION/PENALTY

Any person or official required to report a case of suspected child abuse, neglect, fetal alcohol syndrome, or fetal drug dependency, who willfully fails to do so is guilty of a class B misdemeanor.

(7-19-89)

**SUPPLEMENT TO THE
ST. BARBARA PROVINCE'S POLICY
ON REPORTING KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE
THE STATE OF WASHINGTON**

BACKGROUND INFORMATION

In the State of Washington a child is legally defined as any person under 18 years of age; developmentally disabled persons of any age are also protected under the law.

Province policy is no more than a restatement of Washington state law (Chapter 26.44).

WHO MUST REPORT?

The Washington State law (RCW 26.44) requires the following persons to report suspected child abuse: licensed providers of health care (physicians, nurses, dentists, pharmacists, psychologists, physician assistants, etc) and religious healing practitioners, professional school personnel, social workers, employees of the Department of Social and Health Services.

Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services.

Since clergy are not specifically mentioned in the statute naming those classifications of persons who are obliged by law to report instances of child abuse, clergy then fall automatically into the category of those who may report.

In Washington state law, there is a specific statute recognizing the priest-penitent privilege but the state legislature has deliberately qualified that privilege to exclude child abuse. Therefore, clergy are not required by law to report child abuse, but clergy are obliged by the law to testify if they are subpoenaed. There is evidence to indicate that this particular statute will be tested in the courts.

HOW TO REPORT?

Reports are made by phone, in writing (if requested) or in person to the local law enforcement agency or Department of Social and Health Services Community Service Office, Child Protective Services. To find out which local CPS office should be contacted call: 1-800-562-5624. THIS TOLL FREE, 24 HOUR NUMBER WILL GIVE YOU THE LOCAL PROTECTIVE SERVICES' PHONE NUMBER IN YOUR AREA.

The report shall be made at the first opportunity, but in no case longer than forty-eight (48) hours after the reasonable cause to believe that the child or adult has suffered abuse or neglect. IN ADDITION THE PROVINCIAL OFFICE MUST BE INFORMED THAT SUCH A REPORT HAS BEEN MADE.

WHAT MUST BE REPORTED?

- Name, address, age, height, weight, and head circumference (when appropriate) of the child;
- Name and address of the adult having custody of the child;
- Description of current physical and/or emotional condition, abuse, and/or neglect;
- Any evidence of previous injuries or negligence and their nature and extent;
- Any information which would help establish the cause of the child's death, injuries, or neglect, and the possible identity of the perpetrator. Include pertinent notes by paramedical, nursing, or social work staff in addition to physician's record.

LIABILITY

Any person who in good faith makes a report and gives testimony in regard to suspected child abuse is immune from civil or criminal liability.

VIOLATION/PENALTY

Every person who is required to make, or to cause to be made, a report and who knowingly fails to make, or fails to cause to be made, such a report, shall be guilty of a gross misdemeanor.

(7-19-89)

Diary, autobiography help convict molester

VAN HANDEL

Continued from Page A1

del wrote. "I did whatever I could to resist the inevitable arrival of puberty."

But puberty came and so did his education at the now closed St. Anthony's in Santa Barbara, where he said he, too, was molested by a priest.

Van Handel wrote that the incident occurred in 1962, during his sophomore or junior year, as he slept alone in the school's infirmary.

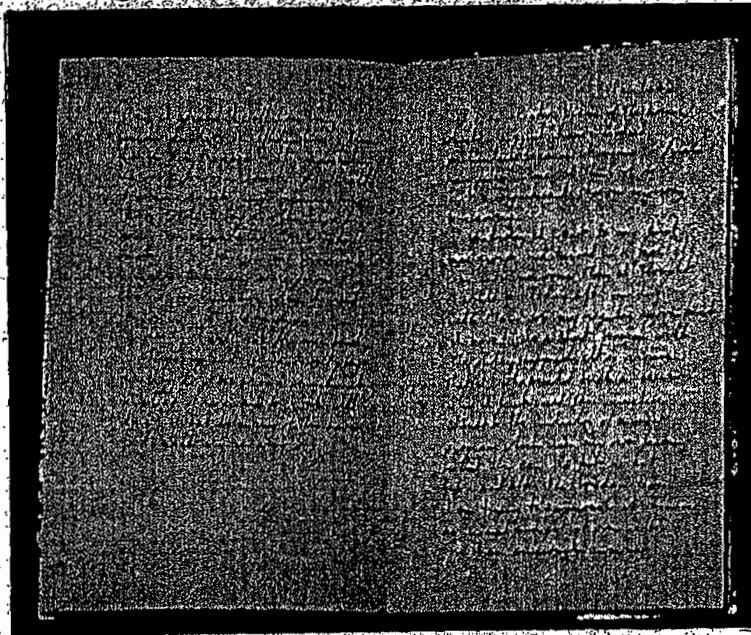
"He went on to abuse the way he had been abused. It was almost a carbon copy," said Annette Goodheart, a Santa Barbara psychologist who has treated some of Van Handel's victims.

The Franciscan father's abuse of boys began in the early 1970s while he attended graduate school in Berkeley. He wrote that his first victim was either a 5-year-old relative in Oregon or a young choir boy he met in 1972.

He took nude photographs of some victims and kept the snapshots until fear of discovery drove him to destroy the evidence.

"There is something about me that is happier when accompanied by a small boy," Van Handel wrote. "I think it is probably a combination of sexual feelings, emotional attachment and perhaps the child in me wants a playmate."

The need to be near boys led him to form the Santa Barbara Boys



RAFAEL MALDONADO/NEWS-PRESS

Police say the Rev. Robert Van Handel provided a self-portrait of a pedophile through writings in his diary.

the "kinky" games he played with a 9-year-old choir member, dressing the boy up in rags so the youngster would have an "impoverished child" appearance.

Van Handel, as with other successful molesters, used his friendship with the boys' families to gain their trust so he could be near the children.

"He was able to exploit this position of power," said Santa Barbara psychotherapist and child abuse

investigative board of inquiry that determined 34 former St. Anthony's students had been molested by 11 faculty members as long ago as the 1960s.

Only Van Handel and another priest were prosecuted because the other molestations were revealed after the statute of limitations had expired.

"Everyone held the priests in high regard, so who could the boys turn to for help?" Mar asked. "The successful molester is someone

who will be very skilled at being able to endear himself to others."

Van Handel proved quite adept. "He was very likable on the face of it," said Santa Barbara police Officer [redacted] whose two younger brothers were victimized by Van Handel. "The families trusted him to care for their little ones."

Van Handel presided at [redacted] 1985 wedding. She only learned of the molestations years later.

The night after Van Handel's sentencing, [redacted] dreamed the priest had stolen her 20-month son.

"My parents don't go to church anymore," [redacted] said. "Everyone in my family is bitter. There is a deep ache inside."

The St. Anthony's nightmare came to light when police arrested Van Handel's associate, the Rev. Philip Wolfe, who was convicted of molesting a child in 1989.

Attention then focused on Van Handel, who confessed to church officials in the spring of 1992. He received months of therapy at a church-run institution in Suitland, Md., before being moved to another center in Santa Cruz County.

On March 1 of this year, one of Van Handel's victims told officers Van Handel had abused him from 1983 to 1989.

Despite his long and self-documented history as an abuser, the arrest that followed took him by surprise.

"Oh, my God!" Van Handel said when McGrew arrived.

"He was shocked, but he instantly clammed up," McGrew said.

Priest's writings describe descent into degradation

By **BARRY BORTNICK**
NEWS-PRESS STAFF WRITER

By the Rev. Robert Van Handel's account, his journey from piety to prison began with a view of sex twisted by a stern, religious upbringing and his molestation at the hands of a deviant cleric.

The 47-year-old former St. Anthony's Seminary rector provided a self-portrait of a pedophile through writings in a diary and typed autobiography.

The recently released materials were key evidence in the case against Van Handel, who was sentenced by Santa Barbara Superior Court Judge Patrick McMahon on Aug. 12 to an eight-year prison term for child molestation.

Santa Barbara police Detectives Mike McGrew and Brian Abbott seized the writings March 22 after arresting Van Handel at a San Juan Bautista religious retreat. The documents gave investigators what they needed to put him away.

"When I got this (diary), I knew I had hit the jackpot,"

McGrew said.

The autobiography also proved useful.

"It is sad and disgusting," McGrew said. "But from a cop's point of view it is very interesting. It reveals the mind of a pedophile. I read it, I thought, 'This is like reading the thoughts of serial killer.'"

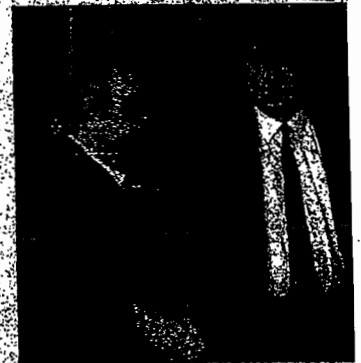
The autobiography starts with Van Handel's birth in British Guyana, where his father, an officer with the Army Air Corps, was stationed during World War II. Van Handel's father was a strict Catholic.

After many different postings, the family settled in California. Van Handel's sexual education began at age 13, when his father explained the facts of life with the help of a church book.

"They could not have chosen a worse source," Van Handel wrote. "It was very anti-sex and I believed every word."

It taught him that wet dreams were "like poison candy, it tasted sweet, but would kill the immortal soul," he wrote.

Van Handel prayed that sexu-



STEVE MATONE/NEWS-PRESS PH

Police Detective Mike McGrew escorts the Rev. Robert Van Handel to court on Aug. 12.

al fantasies would not invade his sleep, the diary shows. Afraid that he would succumb to temptation, he wanted to remain a child.

"When I began to grow pubic hair, I secretly used an electric shaver to remove it," Van Han-

SEE **VAN HANDEL ON A10**

St. Anthony's Seminary Priest Gets Maximum Prison Time

Q Santa Barbara—Superior Court Judge Patrick McMahon sentenced former Santa Barbara Boys Choir leader and St. Anthony's Seminary Rector Robert Van Handel to eight years in state prison, the maximum possible sentence, for sexually molesting a former choirboy in the late 1980s.

Van Handel, 47, had been accused by several former choirboys and seminary students of molestation, but in all of those cases, the statute of limitations had already expired. It was only early this year that an 18-year-old former choirboy, approached police and told them that he too had been molested by Van Handel, recently enough that the six-year statute of limitations had not expired. Police arrested Van Handel at a retreat house in San Juan Bautista, where he was living while receiving psychiatric treatment at an outpatient clinic in Santa Cruz. Among his possessions, police seized a diary Van Handel had written as part of his therapy which chronicled his sexual history with boys. Shortly after his arrest, Van Handel pleaded guilty to one charge of lewd behavior with a minor.

The revealing diary, together with the written evaluations of Van Handel's court-appointed psychiatrists and probation officer, convinced the judge he should deny a defense request for

parole and sentence Van Handel to the harshest possible sentence. "That the defendant on one day could give communion to the same child he had fondled or photographed the day before is evidence of a criminal pathology so severe it shocks even the most hardened members of the criminal justice system," wrote Van Handel's probation officer in his recommendation for stiff sentencing.

Among the diary's revelations was a confession that the priest molested his five-year-old nephew, and a narrative of his "relationship" with a boy whom he tied up and photographed posed as a prisoner in the seminary tower. In addition to the boys he abused, Van Handel also wrote about his experiences with three adult female parishioners with whom he had sex. While the diary was often filled with passages about self-loathing, suicide, and failure, it also showed a side of the priest's tortured psyche that McMahon characterized as "evil." Prior to making up his mind, said McMahon, "I read, and I read, and I read, and it was not easy reading."

Van Handel himself was a victim of sexual abuse at St. Anthony's when he was fifteen, and the way he chose to molest boys by giving them "massages" and fondling their genitals eerily paralleled his own experience at the

hands of another priest.

In an interview with a court-appointed psychiatrist prior to the sentencing, Van Handel said he had been threatened several times in the San Barbara County Jail and was afraid being stabbed to death in prison. He said the priest he expected to do time for his crime, writing in his diary, took advantage of innocence, "I am disgrace and a scoundrel and have harmed people to such a degree that can't be a priest." (AR)

Independent
8/18/94

Ex-student is fourth to sue seminary

By RHONDA PARKS
NEWS-PALISSE STAFF WRITER

A fourth ex-student of St. Anthony's Seminary in Santa Barbara is suing a priest and church hierarchy for an alleged sexual molestation that occurred 30 years ago.

Last November, the Franciscan Order consented to an inquiry into allegations that boys had been molested by priests at the school. Investigators revealed that at least 34 boys had been molested by 11 faculty members over 20 years. The school closed in 1987.

In a lawsuit filed in Superior Court in Santa Barbara last week, former student Michael J. Donnelly alleges he was molested by Mario Cimmarusti in 1964. Other former students have publicly said Cimmarusti molested them, but they have not filed suit.

The court filing does not say how old Donnelly was at the time the alleged molestation occurred, or where he lives now. He attended the school until 1968.

Donnelly's court papers say he was molested by Cimmarusti when he visited the friar for treatment of a poison oak rash in his groin area. Cimmarusti administered first aid at the school.

The lawsuit alleges that Cimmarusti fondled the boy's genitals and attempted to orally copulate him. Donnelly's suit says he repressed his memory of the incident until he was reminded of it during the inquiry last year by a panel made up of priests, abuse counselors and a representative of students' families.

Two seminary priests have been adjudicated for criminal child molestations.

The Rev. Robert Van Handel, the seminary's last rector and the leader of the unaffiliated Santa Barbara Boys Choir, pleaded guilty to charges of molestation and is due for sentencing Aug. 12.

The Rev. Philip Wolfe, a former seminary teacher and a boys choir director, was jailed for a year in 1991 for sexually molesting a boy and has since been defrocked.

25 April 1994

Dear [REDACTED]

This is just a note to thank you for all you have done for me, and to wish you a restful, happy sabbatical. Never has me been so well deserved. I think you are a wonderful person who has had to make too many difficult decisions and face an endless number of unsolvable problems. You need a break!

I want to thank you for the good care you have taken of me. Again there have been difficult decisions, but I have felt confident to place myself in your hands. I'm sorry I have developed into such a problem, but never out of ill will. I have been trying to turn my present difficulties over to God, and pray that he works through me and my lawyer to come up with the best result possible. Sometimes I like to see myself as a martyr, but if I don't also pay attention to my needs, I think I would only end up resentful. I want to do the right thing for the right reason. The side show is not in my hands. I do want you to know that I am okay, that I am trying to live one day at a time, and let God work on the result. I am that

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Whatever happens I can learn to control my fears and trust in God's presence.

I'm glad you are going to England, although that won't be all joy either. I have been deluged by postcards from Spain, bringing messages of love, support, and prayers. Who could have more loyal friends? Good luck over there. Don't let my situation dominate the conversations or put a damper on your fun. Some day I'll be back over there to celebrate. Give my love to Monica, Ann, and the community. They have been wonderful.

So I wish you "bon voyage", many blessings, and a good rest.
Vaya con Dios.

Love,

Robert

PS - Don't try to answer this letter, just go have a good time!

R.

cl, Robert Van Handel, hereby give Michael Eremia
permission to send a copy of his letter to the

Probation Dept. to: The Provincial*-

1500-34th Ave.

Oakland, CA 94601

Robert Van Handel

5-24-94

x

OEM VANH 1

0578

LICENSED MARRIA
FAMILY AND CHILD
COUNSELOR #577

LICENSED CLINICAL
SOCIAL WORKER
#3591

SUITE E
GOLETA PROFESSIONAL BLDG.
GOLETA, CALIF. 93117
TEL. (805) 967-8513

6228 CATHEDRAL OAKS RD.
GOLETA, CALIFORNIA 93117
TEL. (805) 967-8513



michael john eremia, m.s.w.

Copy

June 1, 1994

Robert Van Handel
c/o Robert Sanger
Attorney-At-Law
233 East Carrillo St.
Suite C
Santa Barbara, CA 93101

STATEMENT OF FEES

Previous Balance	540.00
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5-16-94 Payment - Check 24479	540.00	-0-
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Psychotherapist/Patient Privilege

5-15-94 and 5-16-94
Review of Case Record, Composition
and Revision of 12 Page Report To
Probation Department (Enclosed)
9 Hours
Typist's Fee

360.00
55.00

Balance Due	\$1,045.00
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memberships:

AMERICAN ASSOCIATION
OF MARRIAGE AND
FAMILY THERAPISTS

AMERICAN ORTHOPSYCHIATRIC
ASSOCIATION, INCORPORATED

AMERICAN ASSOCIATION OF
SEX EDUCATORS, COUNSELORS
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5-16-94 Payment - Check 24479	540.00	-0-
May 3, 6, 11, 13, 17, 20, 24. Seven Psychotherapy Sessions At county IRC Facility 1:30pm - 3:15pm Each Day Portal-To-Portal @ 90.00	630.00	
5-15-94 and 5-16-94 Review of Case Record, Composition and Revision of 12 Page Report To Probation Department (Enclosed) 9 Hours	360.00	
Typist's Fee	55.00	
Balance Due		\$1,045.00

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0579

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AMERICAN ORTHOPSYCHIATRIC
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AMERICAN ASSOCIATION OF
SEX EDUCATORS, COUNSELORS
AND THERAPISTS

THE PROCESSED WORD

422 Coronado Drive
Goleta, CA 93117

968-2807

May 18, 1994

Michael John Eremia, M.S.W.
5730 Hollister Ave., Suite E
Goleta, CA 93117 (967-8513)

One 11-page letter (two copies)

5 1/2 hours @ \$10.00/hr.

TOTAL DUE \$ 55.00

Thank you,
Phyllis Elliott

COPY

OFM VANH 1
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OEM VANH 1
0581

Joe from Virginia

March 23, 94

03-23-94 03:19PM



MAGIC'S BACK

FORMER ALL-STAR
MAGIC JOHNSON
WILL REPLACE RANDY
PFUND AS COACH OF
THE LAKERS C1



FAMILY NOTES

NURTURING MUSIC
APPRECIATION IN
INFANTS AND
TODDLERS STRIKES
A CHORD D1

FED MOVES

THE FED VOTES TO
RAISE SHORT-TERM
INTEREST-RATES FOR
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WEEKS B6

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The voice of Santa Barbara County since 1855

SOUTH COAST EDITION

Ex-St. Anthony's priest held on molest charges

by MORGAN GREEN
NEWS-PRESS STAFF WRITER

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Van Handel is the second priest to face

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Santa Barbara police detectives arrested Van Handel at 3:45 p.m. at St. Francis Retreat Center, a Franciscan Order facility just north of Salinas.

Police expected to book him into the Santa Barbara County Jail by late Tues-

day. His bail was set at \$250,000. He is charged with lewd and lascivious acts with a child, based on accusations of a former seminary student, an unnamed Santa Barbara resident who is now 18.

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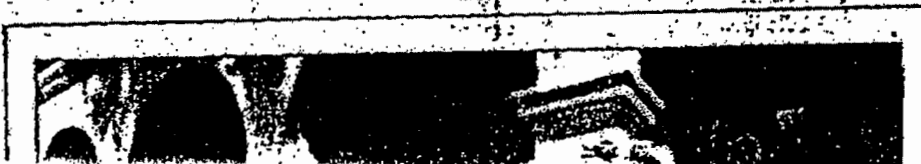
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SEE ARREST ON A5

75 killed as Ducian jet



Supervisors vote down

Former rector faces sexual charges

ARREST

Continued from Page A1

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Before Van Handel's arrest Tuesday, "It looked like all of these guys were going to get away with molestation," _____ said.

The latest accuser stepped forward March 2. He told police Van Handel had sexually abused him many times from March 1983 to September 1989. The man reported that the sexual molestations started when he was 8 years old and continued until he was 14, said Lt. John Thayer, a Police Department spokesman.

The former student told police he frequently spent the night on a couch in Van Handel's apartment

at the seminary at 2420 Garden St. During those visits, Van Handel would massage him and fondle his genitals, he reported. The visits continued once weekly from December 1987 to December 1989, after the victim left the seminary to attend Santa Barbara High School, Thayer said.

Neither Cardinal Roger Mahony of the Archdiocese of Los Angeles nor the _____ head of the Franciscan Order in the Western United States, was available for comment Tuesday.

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Van Handel was at St. Luke's treatment center in Suitland, Md., from May 1992 to June 1993. Thayer said police received information that he had returned to California recently.

Complaints rise over failed deliveries

MAIL

Continued from Page A1

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This story includes reports from The New York Times.

No pay raise this year

SUPERVISORS

Continued from Page A1

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Schuler and _____

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0583

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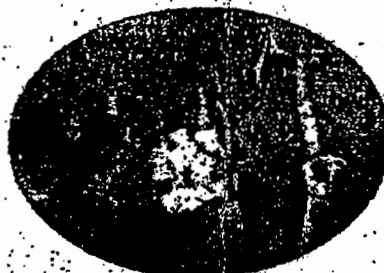
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