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612.698.0985

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Jeffrey R. Anderson
Attorney at law
Reinhardt and Anderson
E-1400 First National Bank Building
Saint Paul, MN 55101

Dear Mr. Anderson;

Thank you for the opportunity to review the materials provided in reference to [REDACTED] a/k/a John Doe vs. Archdiocese, et. al.

As you are aware, I have reviewed the deposition of Fr. Thurner in detail. As requested, I have examined the actions of Fr. Thurner and each individual mentioned in the deposition in order to determine whether any individual had a duty to make a child abuse report under Minnesota Law at any time, and whether that duty was in any way breached.

It is my opinion that several individuals involved with Fr. Thurner were mandated by law to make a child abuse report beginning in 1982, when, according to Father Thurner, information about his sexual contact and relationship with your client, [REDACTED], became known. It also is my opinion that individuals failed to meet legal requirements in this respect. I have identified the individuals whom I believe to have fallen within the rubric of the reporting statute in order of their chronological requirement to report the child abuse to authorities.

Father Robert Carlson was responsible for overseeing many of the functions of the Archdiocese, including the provision of social services and education. As a key administrator for the Archdiocese, then-Chancellor Carlson was involved in overseeing the provision of a variety of services which included social services and education, and was responsible for the activities of the Archdiocese. In this context, Father (then Chancellor) Carlson was a mandated reporter under the provisions of Minnesota law at the time that he was first informed of Fr. Thurner's possible sexual contact with your client, a juvenile, on November 1 of 1982. The law at that time would have compelled a report to a local child protective or law enforcement agency based upon just such a suspicion. Fr. Thurner also admitted child abuse directly to Father Carlson on November 3, 1982. This too, should have been reported. It appears that this did not occur. While applicable Minnesota law clearly states that certain individuals deemed to be "mandated reporters" were required to report suspected child abuse

or neglect to a local child protective or law enforcement agency, Chancellor Carlson only suggested that Fr. Thurner meet with the Archbishop.

In April of 1983, Father Carlson received a second report from [redacted] [redacted]'s mother alleging ongoing contact, possibly sexual, with her son. In light of the information provided by Fr. Thurner to Father Carlson in November of 1982, this telephone call should have triggered an immediate report based upon a reasonable suspicion that child abuse by Fr. Thurner was occurring. Instead, Father Carlson recontacted Fr. Thurner, and did not make a report to a local child protective or law enforcement agency.

Based upon this information, it is my opinion that Father Carlson had, and breached, a duty to report suspected child abuse under Minnesota Law.

Monsignor Boxleitner was, according to the deposition of Fr. Thurner, the individual who first received information regarding possible child abuse committed by Fr. Thurner.

According to applicable Minnesota law individuals engaged in the professional provision of social services were mandated to report suspected child abuse. As the individual responsible for the management of Catholic Charities, an agency providing a broad array of social services, Monsignor Boxleitner was clearly a mandated reporter.

According to the deposition of Fr. Thurner, the initial report of suspected abuse had come to Monsignor Boxleitner. While I find it curious that this information was purported to have come to him through Hennepin County somehow, it nevertheless was incumbent upon the Monsignor, as a provider of social services, to report the suspected abuse to the local child protective or law enforcement agency. As a provider of social services, Monsignor Boxleitner was the direct recipient of a report which clearly met the standard which should have triggered a report to the local child protective or law enforcement agency. Instead, the information was made available to Father Carlson.

When Fr. Thurner was called to a meeting with Father Carlson, Monsignor Boxleitner and Monsignor Hayden on November 3, 1982, he was questioned specifically regarding allegations of sexual contact with [redacted], who had been in his care on many occasions. Fr. Thurner admitted to the abuse. At that time, Monsignor Boxleitner was required by law to make a report of child abuse report. He did not do so.

Based upon this information, it is my opinion that Monsignor Boxleitner had, and breached, a duty to report suspected child abuse under Minnesota Law.

Archbishop John Roach is responsible for overseeing all of the activities in the Archdiocese, including education and social

service, and is a professional engaged in those practices. In a corporate sense, Archbishop Roach represents the "CEO" of a multi-service entity, and is accountable for all of it's activities. As such, he 'engages' through delegates in many of the practices which trigger a mandated reporting situation. He also is a teacher himself. He therefore falls within the mandate of Minnesota laws which require certain professionals to report suspected child abuse.

As early as November 1, but certainly by November 11, 1982, Archbishop Roach was given specific information regarding suspected and or confirmed sexual abuse of [redacted] by Fr. Thurner. Upon receipt of the information, he was, under Minnesota law, obliged to make a report to a local child protective or law enforcement agency. He did not do so.

Based upon the information I have reviewed, it is my opinion that Archbishop Roach had, and breached a duty to report suspected child abuse under Minnesota Law.

As we discussed, I am limiting my appraisal to those incidents which were specifically enumerated in the deposition reviewed. Obviously, there may have been additional, earlier, or later times where obligations to report existed and were or were not met.

I hope this analysis is helpful to you. I am available to clarify or add to this information at your request.

Sincerely,


Fran A. Sepler, M.A.