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KC bishop delegates away diocesan legal authority

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NCR Today

KANSAS CITY, Mo. -- In what seems to be a sign that the first bishop criminally charged in the decades-long clergy sex abuse crisis is acknowledging his legal defense may create a conflict of interest with his role as leader of his diocese, Bishop Robert Finn announced Friday creation of a new episcopal vicar with "decision-making" power over the diocese's own legal options.

Both Finn and his Kansas City-St. Joseph, Mo., diocese face trial this September in Jackson County, Mo., over separate criminal charges of failure to report suspect child abuse concerning their actions regarding a priest arrested last year for possession of child pornography.

The new role, quietly announced Friday afternoon on the website of the diocesan paper, seems to indicate that the diocese and bishop are for the first time publicly recognizing that legal decisions made by one could negatively impact the other.

According to the announcement, diocesan priest Fr. Patrick Rush, a local pastor who had previously served as vicar general of the diocese, is now serving as "Episcopal Vicar with Special Mandate." In that role, the announcement says, Rush "will provide 'independent representation, deliberation, and decision-making with executive power' concerning the criminal charge against the Diocese."

"Bishop Finn's letter of appointment stated that the decision to create an Episcopal Vicar with Special Mandate will 'avoid even the appearance of conflict concerning the juridical affairs of the diocese,'" the announcement continues. "The appointment carries the authority to make decisions independently of the bishop and will expire upon resolution of the case involving the Diocese."

The case against Finn and the diocese stems from their actions regarding diocesan priest Fr. Shawn Ratigan, a local pastor who was arrested on child pornography charges in May 2011. Prosecutors say both

Finn and the diocese should have reported Ratigan to police as early as December 2010, when they acknowledge becoming aware of lewd images of children on his laptop.

Friday's announcement follows efforts by lawyers representing Finn to dismiss the charges against the bishop on the grounds that they say he cannot be considered a "mandated reporter" for cases of suspected abuse, as there are people in the diocese specifically tasked with that responsibility.

While Jackson County, Mo., Judge John Torrence dismissed such motions in March, Finn's lawyers filed a new set of similar motions last Monday. According to a report in *The Kansas City Star*, Torrence announced Wednesday there would be a hearing regarding the new motions June 15.

Finn also announced two other new leadership roles in the diocese Friday. According to the announcement, Jude Huntz, a lay person who has been serving as the diocesan chief of staff since October, will serve as the diocesan chancellor effective June 12.

Also according to the announcement, Msgr. Bradley Offutt, the current chancellor, will serve as diocesan vicar general, also effective June 12. Offutt replaces Msgr. Robert Murphy in that role.

Murphy, who will return to parish ministry full-time, has been particularly criticized in the diocese's handling of Ratigan. As *NCR* reported last year, Murphy was first alerted to concerns about Ratigan's behavior in May 2010, when he was hand-delivered a letter from the principal serving at the elementary school connected to Ratigan's parish.

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That letter, which outlined a series of incidents reported to the principal by members of the school's faculty and students' parents said that "parents, staff members, and parishioners are discussing [Ratigan's] actions and whether or not he may be a child molester.?"

Addressing concerns about Murphy's role in the Ratigan case, Finn announced last June that Murphy, who had previously overseen the diocese's response to sexual abuse allegations against priests, would no longer do so. At that time, Finn also announced appointment of a new vicar of clergy, tasked with that role.

According to Friday's announcement, Offutt will also assume the role of vicar of clergy.

Ratigan, who is being held in custody, faces both local and federal charges relating to the possession and production of child pornography. Finn and the diocese also faced scrutiny regarding their actions in the case from prosecutors in Clay County, Mo., where Ratigan's parish is located.

In November, prosecutors there announced that in lieu of criminal charges against Finn they had made an agreement with the bishop giving them wide-ranging authority over the diocese's handling of sex abuse cases in their county for the next five years.

Among other things, that agreement requires Finn to report monthly to the prosecutor to "apprise [the prosecutor] of any and all reported suspicions or alleged abuse activities involving minors" in the diocese's facilities in the county.

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