



PROCEDURES FOR INVESTIGATION AND RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF A MINOR BY CLERGY

1. SITUATIONS IN WHICH INFORMATION REGARDING SEXUAL ABUSE IS PROVIDED BY THE PRIEST OR DEACON

If a priest or deacon admits that he currently is or has been involved in a situation of sexual abuse of a minor, he is strongly encouraged to bring this to the attention of the Bishop or the Vicar of Clergy. The Diocese will immediately contact any known victims or appropriate family members and offer appropriate counseling. Appropriate reporting laws will be followed. When even a single act of sexual abuse of a minor by a priest or deacon is admitted, the provisions of “Essential Norms,” numbers 6 and 8 will be applied. ^[1] In an instance where a priest or deacon comes forward, the Diocese will assist him in seeking the help he needs.

2. SITUATIONS IN WHICH CLERGY ARE ACCUSED OF SEXUAL ABUSE OF A MINOR

Unless clearly corroborated by other information, the Diocese normally does not investigate anonymous allegations. Such allegations may be communicated to the priest or deacon. However, for the protection of minors and the protection of the good name of the cleric, it may become necessary to investigate anonymous allegations involving minors. With respect to an allegation of sexual abuse of a minor by a priest or deacon, the Director of the Office for Child and Youth Protection will notify the appropriate civil authorities within twenty-four hours of receiving the allegation. The contact with the civil authorities will usually be done through the Diocesan Attorney. He will also notify the Diocesan Bishop of the allegation. The Bishop will consider the information from the allegation and determine if it is appropriate or necessary to remove the accused priest or deacon from public ministry according to the norms of canon law.

The provisions of “Essential Norms,” number 6 will be followed and applied. If the public authorities have taken legal action against the priest or deacon, canonical action is suspended until the civil action is completed so as to avoid the appearance of interfering with the civil action.

When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The diocesan Bishop shall then apply the precautionary measures mentioned in canon 1722, i.e., he may remove the accused from the

sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process. ^[2] (Cf. “Essential Norms,” number 6.) Complaints made in person or in written form will be treated according to the Diocesan Policy on Sexual Abuse of Minors.

The Diocesan Bishop or the Vicar General will advise the priest or deacon that if he wishes to bring a friend or advisor to the meeting in which he will be informed of the allegation, he may do so. At the meeting, the priest or deacon will be given the full report of the alleged abuse, as well as the name(s) of those making the complaint(s). He will be invited to ask questions, offer his response to the allegation(s), and present his version of the events in question. The cleric will be informed at this time of his right to civil and canonical counsel.

If there is a previous or unrelated allegation against a priest or deacon concerning sexual abuse, or where other behavior on his part lends substance to the allegations, he will ordinarily be asked to undertake a professional evaluation voluntarily. If he refuses to undertake such an evaluation and the evidence is such that the Bishop must act as envisioned by canon 1718, the appropriate canonical process will be initiated. ^[3] If a professional evaluation is undertaken, such an evaluation is not considered therapy, but rather, an assessment to identify problematic areas that may be present in the priest or deacon’s life and to make recommendations on how to proceed. The Diocese will determine what professional person or institution will be entrusted with the task of conducting the evaluation. Should a priest or deacon disagree with the results of the evaluation, he has the right to consult another agreed-upon professional for a second opinion.

3. OUTREACH TO VICTIMS

The Diocese offers pastoral, psychological, and spiritual support to victims, their families, and the faith community. Such assistance is pastoral in nature and is based in Christian concern and care for the victim by the Church.

The Diocese will direct the Victim’s Assistance Coordinator and/or the Director of Child and Youth Protection, to organize and direct outreach to victims and the delivery of victim assistance and support services to persons who claim to have been sexually abused when they were minors by a priest or deacon.

The Diocese will:

- A. Be respectful of all persons bringing a complaint.
- B. Provide an advocate/advisor upon request, usually the Victim's Assistance Coordinator.
- C. Help victims obtain counseling support.
- D. Provide information about support groups as appropriate.
- E. Help victims and families obtain spiritual direction should that be desired.
- F. Provide printed material that outlines the services available, procedures for making a complaint, and civil reporting requirements.
- G. Make periodic public announcements about the services available and the procedures for filing a complaint.

While reconciliation remains desirable as a part of the healing process for victims, the Diocese recognizes this healing takes patience, prayer, and time.

Families and significant others require the same consideration, compassion, and sensitivity as that for the victim in the healing process.

Parishes and religious communities/institutions are also victims of child sexual abuse by clergy or other Church personnel. The Church is aware that faith communities, organizations, and institutions undergo a complex process of grieving when they learn about accusations of child sexual abuse by a trusted and respected leader.

4. INFORMATION TO THE PARISH COMMUNITY WHEN ALLEGATION BECOMES PUBLIC

It is the position of the Diocese that accurate information provided in a timely fashion about what has happened in a particular case of alleged sexual abuse is a most important element in healing within a parish community. The following process will be followed:

- H. Appropriate diocesan representatives may meet with the parish staff to inform them of the allegation and to advise them of the action that will be taken. If the priest or deacon has resigned from the parish, appropriate diocesan representatives may inform the parishioners why the priest or deacon is not present and ministering in the parish. The information will always be prepared in the method described below.
- I. The advisory notice to the parish staff and parishioners will be written out in advance, reviewed by the priest or deacon and by legal counsel of both the Diocese and the priest

or deacon (if he has retained counsel), and the agreed-upon text will be read to those to whom it is directed.

- J. Every effort will be made to ensure the content of the notice accurately reflects the circumstances in the case in a sensitive manner which is respectful of the rights of all parties. The notice will be composed so as to observe the Fifth Amendment right of the priests or deacon not to incriminate himself.
 - K. The priest or deacon will be given the opportunity in accordance with canon 220 to assist in determining what information should or should not be reasonably disclosed.
 - L. In cases of conflict between the priest or deacon and the judgment of the Diocesan representatives as to what should be disclosed, every reasonable effort will be made to resolve the conflict in a mutually satisfactory way. If the conflict is not resolved, the final decision concerning disclosure remains that of the Bishop. In this situation, the priest or deacon will be informed in advance of the exact nature of that disclosure.
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NOTES

[1] “Essential Norms,” 6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1172, or CCEO, canon 1473 – i.e., withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.

[8] When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (CIC, c. 1395 §2; CCEO, c. 1453 §1).

[22] Canon 1722 – To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice, the ordinary, after having heard the promoter of justice and cited the accused, at any stage of the process can exclude the accused from the sacred ministry or from some office and ecclesiastical function, can impose or forbid residence in some place or territory, or even can prohibit public participation in the Most Holy Eucharist. Once the cause ceases, all these measures must be revoked; they also end by the law itself when the penal process ceases.

[3] Canon 1718 §1. When it seems that sufficient evidence has been collected, the ordinary is to decide: (1) whether a process to inflict or declare a penalty can be initiate; (2) whether, attentive to can. 1341, this is expedient; (3) whether a judicial process must be used or, unless the law forbids it, whether the matter must proceed by way of extrajudicial decree.

§2. The ordinary is to revoke or change the decree mentioned in §1 whenever new evidence indicates to him that another decision is necessary.

§3. In issuing the decrees mentioned in §§1 and 2, the ordinary is to hear two judges or other experts of the law if he considers it prudent.

§4. Before he makes a decision according to the norm of §1 and in order to avoid useless trials, the ordinary is to examine carefully whether it is expedient for him or the investigator, with the consent of the parties, to resolve equitably the question of damages.