



Policies & Procedures

Regarding
Sexual Abuse
of Minors
by Priests,
Deacons
and Other
Church Personnel



Diocese of
Winona-Rochester



My Brothers and Sisters in the Lord:

To provide for the pastoral care of the people of the Diocese of Winona-Rochester and in particular for the protection of children and young people, I am publishing this revised policy that addresses issues of sexual abuse of minors by priests, deacons and other church personnel. This policy is particular law for the Diocese of Winona-Rochester.

Building on our earlier formal policies, first issued in 1987, and revised in 1993, 2001 and 2003, this revised policy reflects our concern for children and young people. It has been revised in accord with the provisions in the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. Both of those documents are included herein, along with information on reporting suspected abuse to civil authorities. It is my hope that the faithful observance and the implementation of these policies and procedures will help to restore any trust that may have been lost in the church and in church leadership.

As a Diocese, we are committed to assisting in the care of victims, continuing to address all allegations of sexual abuse, and to being respectful of the rights of all. We are committed to creating a safe environment for children and young people as well as providing procedures to assist those who may tragically have been abused in the past. We will work cooperatively with civil officials in reporting allegations of abuse in accord with the norms of the law.

Please join with me in ensuring this commitment to our children and young people.

Sincerely yours in Christ,

+ John M. Quinn

Most Reverend John M. Quinn
Bishop of Winona

September 1, 2011

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Diocese of Winona-Rochester Safe Environment Program

Purpose:

The Diocese of Winona-Rochester is committed to providing safe environments and fostering continuous improvement in every organization that sponsors activities and/or provides services to children and youth. The Diocese intends to create communities of informed adults who model appropriate behavior, are vigilant to the warning signs of abuse and take action to prevent abuse and improve safety. Likewise, the Diocese is determined to ensure that facilities, grounds and procedures promote optimal safety.

General Policy:

All adults who are paid or volunteer personnel (clergy, religious and lay) shall:

1. Have a criminal history background check* and have been provided the Code of Conduct before starting work in any capacity, and
2. Participate in a Protecting God's Children workshop (VIRTUS®) within 3 months of a staff or volunteer assignment, if the potential exists for contact with children or youth.

This may include, but is not limited to, the following:

- Parish Staff (all)
- Choir Director
- Altar Server Coordinator
- Scout Leaders – Boys, Girls, Campfire
- Religious Education (catechists, assistants, hall monitors)
- Vacation Bible School Volunteers
- Youth Group Director and volunteers
- School Staff – faculty, administrative, custodial, substitute teachers
- School Volunteers - Room Parents, Office Volunteers
- Field Trip Chaperones & Drivers
- Retreat Chaperones & Drivers
- Camp Counselors, Chaperones & Drivers
- Part-time or Supply Clergy
- Seminarians of Immaculate Heart of Mary Seminary
- Athletic Directors, Coaches and Assistants
- Knights of Columbus
- Parish Festival Chairpersons
- St. Vincent de Paul Society
- Soup kitchen or domestic shelter staffs and volunteers in locations where children are present

* Incumbent Church personnel and volunteers must be screened every five years, on the anniversary date of their first day of service.

3. Numbers 1 and 2 above apply to incumbent staff and volunteers. However, their participation in a Protecting God's Children workshop shall be required within 6 months of the issuance of this policy.
4. While working with children and young adults, volunteers under the age of 18 should be paired with an adult or another teen and regularly supervised by an adult. Volunteers age 16 to 18 who wish to attend the Protecting God's Children workshop are required to have parental permission.
5. All parents/guardians are urged to attend a Protecting God's Children workshop.
6. Contractors or personnel provided by public school districts cannot be required to attend Protecting God's Children workshops. However, it is required that background checks are done and proof is submitted by the contractor of the employees working in facilities when children or youth are present.

Requirements:

Each organization shall maintain a database of all staff and volunteers with the dates of each person's criminal background check, when they accepted the terms of the Code of Conduct and Safe Environment Policies, and the date of participation in a Protecting God's Children workshop.

Each organization shall require a copy of the Protecting God's Children certificate from each participant. An organization shall accept proof of attendance at a Protecting God's Children workshop completed outside the Diocese.

Confirmed attendance at a Protecting God's Children Workshop is a condition for employment or volunteering. Non-compliance with this policy will result in the loss of employment or volunteer position, until requirements are met.

Sexual Abuse of Minors Policy

2011—Revision

Introduction

On June 14, 2002, the Catholic bishops of the United States approved the *Charter for the Protection of Children and Young People*. This Charter, along with *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, established the manner in which the Catholic Church in the United States will address matters related to the sexual abuse of minors, in accord with canon law and the approval of the Holy See. These Essential Norms have been granted *recognitio* by the Holy See. Having been legitimately promulgated in accordance with the practice of the United States Conference of Catholic Bishops on May 15, 2006, they constitute particular law for all the dioceses/eparchies of the United States of America. For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 § 2, and CCEO, canon 1453 § 1 (*Sacramentorum sanctitatis tutela*, article 4 § 1).¹

The Diocese of Winona-Rochester adopted a policy for addressing issues of sexual abuse of minors in 1987. This policy was revised in 1993, 2001 and 2003. The Diocese of Winona-Rochester is once again revising this policy to better serve the needs of the Church, as well as victims of sexual abuse by priests, deacons or other church personnel.

The Diocese created and revised this policy as a result of the pain, anger and confusion that has been caused to victims of sexual abuse by some priests, deacons or other church personnel. We want to restate once again, in union with the Bishops of the United States, our determination to

¹ Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p.6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, “imputability [moral responsibility] for a canonical offense is presumed upon external violation ... unless it is otherwise apparent” (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416. (Cf. *Essential Norms* - Preamble)

“If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p.6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.” (Cf. *Essential Norms*. footnote 2)

“provide safety and protection for children and young people in our church ministries and institutions” (*Charter Preamble*). Through this policy, we continue to seek to attain these goals:

- To alleviate the hurt and assist in the healing and reconciliation of victims of sexual abuse, and offer such care as we can.
- To ensure that justice is carried out in a timely way for all parties, including the accused.
- To assist a parish community in whatever way necessary as they experience the loss of a priest or deacon resulting from such an allegation.
- To provide a program of broad-based education to assure that clergy, administrators, staff and volunteers of the Diocese in its regions, vicariates, parishes, institutions, departments and other related entities will be familiar with the policy and its requirements.
- To educate clergy, administrators, staff, volunteers and parents about detection and prevention of sexual abuse of minors.
- To educate children and youth in proper and effective ways to protect themselves from sexual abuse.
- To define the proper actions when a complaint of sexual abuse of a minor is received and ensure a prompt response to each complaint.

Responding to Allegations of Abuse:

- A. To carry out this policy, the Bishop of Winona will appoint a Safe Environment Coordinator to coordinate and implement this policy. To assist the Safe Environment Coordinator, a Victim Assistance Coordinator working with professional counselors will receive initial calls, obtain necessary background information and coordinate assistance to victims.
- B. All allegations of sexual abuse of minors and criminal sexual conduct will be reported to (1) Department of Human Services (Minnesota); (2) to appropriate law enforcement agencies as required by law; and (3) the Safe Environment Coordinator. Any communications between the Diocese and civil officials will be made by the Safe Environment Coordinator through legal counsel. In addition, all provisions of civil law will be observed regarding the reporting of abuse or neglect of minors. Cooperation of Diocesan officials is assured with civil authorities in this regard.
- C. The Bishop of Winona will maintain a Review Board (the “Board”) to assist in the implementation of this policy. The Board will serve as a confidential consultative body to the Bishop of Winona. The Board will consist of seven to ten members. The majority will

be laity who are not employed by the Diocese. The Bishop of Winona shall appoint the chairperson of the Board.

1. Terms for Board members shall be five years and renewable.
2. Designated Diocesan staff members who are not members of the Board may serve in a consultative role.
3. One member of the Board will be a parish priest.
4. At least one member must have expertise in the treatment of the sexual abuse of minors.
5. One member must have knowledge of canon law.
6. The Promoter of Justice² may attend and participate in Board meetings.

D. Specific functions of the Board shall include:

1. To make initial assessment of allegations of sexual abuse of minors and subsequent recommendations to the Bishop of Winona regarding credibility of the allegations (Cf. cc. 1717-1719). Upon request, the alleged victim and/or the accused may meet with the Board according to rules established by the Board.

In the event civil authorities decide not to investigate a complaint, or in other special circumstances, the Diocese may engage the services of an independent investigator to provide a report to the Board.

2. To recommend to the Bishop of Winona possible restriction of ministry following Board assessment of an allegation of sexual abuse involving a minor.
3. To consult with the Bishop's Safe Environment Coordinator regarding any and all possible claims of inappropriate sexual behavior, including boundary issues, involving a minor and any priest or deacon and, at the Bishop's discretion, parish employee or volunteer of the Diocese of Winona-Rochester. The Board may offer advice regarding relevant diocesan policies or procedures.
4. Every two years, to review this policy and its procedures for dealing with allegations of sexual abuse of minors. The Board will make recommendations to the Bishop of Winona for any proposed change or modification.

² A diocesan judicial official appointed by the bishop to be the official guardian and custodian of the public good, i.e., the good of the Church, of its rights and laws, and the general good of the community. In canon law, the intervention of the promoter is required in all penal cases and in those contentious cases in which the public good may be at stake.

Actions to be taken:

- A. When an abuse allegation has been made, the Victim Assistance Coordinator will promptly contact the complainant to obtain information required for a report to civil authorities and to offer appropriate assistance to the alleged victim.
- B. The Diocese takes all allegations of sexual abuse seriously. Whether the Safe Environment Office becomes aware of the allegations of sexual abuse through a direct, formal complaint or by some other means, the Diocese will report allegations to the civil authorities. The Diocese will also conduct a timely investigation into the allegations.
- C. When an allegation of sexual abuse of a minor is determined to be substantive, the Bishop, upon recommendation of the Board, or by some other means, and following the procedures of cc. 1717-1719, will relieve the alleged offender of his ministry and functions. The Congregation for the Doctrine of the Faith (“CDF”) shall be notified by the Diocese and its instruction(s) followed.
- D. Any priest or deacon relieved of his ministry and functions will continue to receive remuneration pending resolution of the allegation and the outcome of the process. He will be prohibited from the exercise of any public ministry, he will also be prohibited from wearing clerical attire or publicly representing himself as a priest or deacon. In addition, a specific residence may be imposed or prohibited. During this time, the Bishop of Winona may grant permission for an accused priest or deacon to exercise limited public ministry for a specific occasion (e.g. death of a parent). The accused priest or deacon may be asked to undergo appropriate medical and psychological evaluation, and will be encouraged to retain civil and canonical counsel. When necessary, the Diocese will assist the accused in obtaining canonical counsel.
- E. When a substantive allegation of sexual abuse of a minor is made against a member of a religious community residing or serving in the Diocese, pending the resolution of the allegation or the outcome of the process, the following actions will be taken:
 - 1. The Safe Environment Coordinator will contact the major religious superior.
 - 2. The Bishop of Winona will immediately remove any faculties the accused member may have been granted.
- F. Although not specifically the focus of this policy, when the accused is a layperson, the administrator who has authority over the accused will place the employee on leave or suspend the services of a volunteer.
- G. For serious reasons (e.g. priest, deacon or religious has been criminally charged or has acknowledged the abuse), the Safe Environment Coordinator, in consultation with some

members of the Board, shall address a situation on a temporary basis, and the matter will then be reviewed by the Board at the next meeting.

If abuse is admitted or established after an appropriate investigation and canonical process:

1. The processes provided in canon law will be observed (Cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the CDF, May 18, 2001; the *Essential Norms* and subsequently issued documents).
2. These provisions may include a request that the offending priest or deacon be permanently removed from public ministry or for a dispensation from the obligation of holy orders and the loss of the clerical state; or a request by the Bishop of Winona for dismissal from the clerical state without the consent of the priest or deacon.
3. If the penalty of dismissal from the clerical state is not applied after consultation with the CDF, the priest or deacon offender will be required to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or exercise any public ministry, wear clerical attire, present himself publicly as a priest or deacon, or to be alone with minors or other possible victims in an unsupervised setting.
4. When an accusation is determined to be unfounded, every possible step will be taken to restore the good name of the accused priest or deacon. Such means may include, without limitation, notices to the media, general public and Catholic community, as well as the communities and institutions where the accused has served. Because of the uniqueness of each allegation, it is not always possible to specify one approach that will fit all situations.

Addendum:

1. The Diocese will continue to reach out to victims of sexual abuse for healing and reconciliation through a Victim Assistance Coordinator. This outreach shall include counseling, spiritual assistance and, with the cooperation of others, developing support groups where appropriate. The Safe Environment Coordinator, in coordination with appropriate Diocesan departments, will develop and maintain these services. The Safe Environment Coordinator will provide the Board with an annual report describing these services.
2. The Diocese will establish safe environment programs, and cooperate with parents and community leaders to provide education and training to all church personnel, parents and other interested parties about ways to develop and maintain a safe environment for children. This shall be accomplished mainly through the Protecting God's Children

for Adults® Program. The Offices of Catholic Education and Faith Formation will gather and distribute materials to parishes, schools and religious education programs, and provide an annual report to the Board of its work in this area.

3. Utilizing the resources and support of law enforcement and other community agencies, the Diocese and its parishes and institutions will evaluate the criminal history background of all Diocesan and parish personnel and volunteers who have contact with minors.
4. The Vocations Director, the Rector of the Immaculate Heart of Mary Seminary and the Director of Permanent Diaconate shall make available to the Board for annual comment and review the screening process that is utilized for candidates for priestly and diaconal ministry.
5. Whenever a priest or deacon from another arch/diocese or religious community is proposed for an assignment or residence in the Diocese, the referring bishop or major superior will submit for review, before such an assignment is made, an accurate description of the cleric's record, including anything in his background or service that might raise any questions about his fitness for ministry. An annual report shall be developed and made available to the Board through the Moderator of the Curia, identifying such assignments, and verifying that appropriate credentials have been furnished.
6. The Diocese will deal as openly as possible with the media and those parishes and institutions involved. The Diocesan Director of Communications, or in his/her absence, the Safe Environment Coordinator shall be the Diocesan media spokesperson and media contact. Parishes will receive assistance in dealing with the issues of sexual abuse of minors by priests and deacons or members of a religious community. Where schools or religious education programs are involved, assistance will be provided by the Offices of Catholic Education and Faith Formation.
7. The Diocese, through the office of the Moderator of the Curia, shall maintain a current listing of priests eligible to help minister in parishes and institutions, as well as a list of those currently prohibited or restricted.
8. In all proposed appointments, when there is an unresolved allegation of sexual misconduct involving a minor, the Board shall be consulted and will make a recommendation to the Bishop of Winona before any assignment is made.
9. All persons associated with the Diocese are expected to cooperate in any investigations involving civil authorities and comply with legally established reporting requirements. Any clergy, administrator, staff person or volunteer of the Diocese who is made aware of possible sexual abuse of a minor by a priest, deacon or other church personnel must:

- a. Make appropriate reports to the Department of Human Services in accord with Minnesota State Law reporting requirements for clergy and other professions (see page 26 for phone numbers).
- b. Inform the person making the complaint that the Diocese has a policy, which will be followed, for addressing these matters.
- c. Report the matter immediately to the Safe Environment Coordinator, providing all known information so that appropriate contact and outreach can be made with alleged victims, and assuring compliance with any civil reporting obligations.



Charter for the Protection of Children and Young People

Preamble

Since 2002, the Church in the United States has experienced a crisis without precedent in our times. The sexual abuse of children and young people by some deacons, priests, and bishops, and the ways in which these crimes and sins were addressed, have caused enormous pain, anger, and confusion. As bishops, we have acknowledged our mistakes and our roles in that suffering, and we apologize and take responsibility again for too often failing victims and the Catholic people in the past. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people have endured.

Again, with this 2011 revision of the *Charter for the Protection of Children and Young People*, we reaffirm our deep commitment to creating a safe environment within the Church for children and youth. We have listened to the profound pain and suffering of those victimized by sexual abuse and will continue to respond to their cries. We have agonized over the sinfulness, the criminality, and the breach of trust perpetrated by some members of the clergy. We have determined as best we can the extent of the problem of this abuse of minors by clergy in our country, as well as commissioned a study of the causes and context of this problem.

We continue to have a special care for and a commitment to reaching out to the victims of sexual abuse and their families. The damage caused by sexual abuse of minors is devastating and long-lasting. We apologize to them for the grave harm that has been inflicted on them, and we offer our help for the future. The loss of trust that is often the consequence of such abuse becomes even more tragic when it leads to a loss of the faith that we have a sacred duty to foster. We make our own the words of His Holiness, Pope John Paul II: that the sexual abuse of young people is “by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God” (Address to the Cardinals of the United States and Conference Officers, April 23, 2002).

Along with the victims and their families, the entire Catholic community in this country has suffered because of this scandal and its consequences. In the last nine years, the intense public scrutiny of the minority of the ordained who have betrayed their calling has caused the vast majority of faithful priests and deacons to experience enormous vulnerability to being misunderstood in their ministry and even to the possibility of false accusations. We share with them a firm commitment to renewing the image of the vocation to Holy Orders so that it will continue to be perceived as a life of service to others after the example of Christ our Lord.

We, who have been given the responsibility of shepherding God's people, will, with his help and in full collaboration with all the faithful, continue to work to restore the bonds of trust that unite us. Words alone cannot accomplish this goal. It will begin with the actions we take in our General Assembly and at home in our dioceses and eparchies.

We feel a particular responsibility for "the ministry of reconciliation" (2 Cor 5:18) which God, who reconciled us to himself through Christ, has given us. The love of Christ impels us to ask forgiveness for our own faults but also to appeal to all—to those who have been victimized, to those who have offended, and to all who have felt the wound of this scandal—to be reconciled to God and one another.

Perhaps in a way never before experienced, we have felt the power of sin touch our entire Church family in this country; but as St. Paul boldly says, God made Christ "to be sin who did not know sin, so that we might become the righteousness of God in him" (2 Cor 5:21). May we who have known sin experience as well, through a spirit of reconciliation, God's own righteousness. We know that after such profound hurt, healing and reconciliation are beyond human capacity alone. It is God's grace and mercy that will lead us forward, trusting Christ's promise: "for God all things are possible" (Mt 19:26).

In working toward fulfilling this responsibility, we have relied first of all on Almighty God to sustain us in faith and in the discernment of the right course to take.

We have received fraternal guidance and support from the Holy See that has sustained us in this time of trial.

We have relied on the Catholic faithful of the United States. Nationally and in each diocese, the wisdom and expertise of clergy, religious, and laity have contributed immensely to confronting the effects of the crisis and have taken steps to resolve it. We are filled with gratitude for their great faith, for their generosity, and for the spiritual and moral support that we have received from them.

We acknowledge and affirm the faithful service of the vast majority of our priests and deacons and the love that their people have for them. They deservedly have our esteem and that of the Catholic people for their good work. It is regrettable that their committed ministerial witness has been overshadowed by this crisis.

In a special way, we acknowledge those victims of clergy sexual abuse and their families who have trusted us enough to share their stories and to help us appreciate more fully the consequences of this reprehensible violation of sacred trust.

Let there now be no doubt or confusion on anyone's part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve.

As we work to restore trust, we are reminded how Jesus showed constant care for the vulnerable. He inaugurated his ministry with these words of the Prophet Isaiah:

The Spirit of the Lord is upon me,
because he has anointed me
to bring glad tidings to the poor.
He has sent me to proclaim liberty to captives
and recovery of sight to the blind,
to let the oppressed go free,
and to proclaim a year acceptable to the Lord.
(Lk 4:18-19)

In Matthew 25, the Lord, in his commission to his apostles and disciples, told them that whenever they show mercy and compassion to the least ones, they show it to him.

Jesus extended this care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: "Let the children come to me" (Mt 19:14). And he uttered a grave warning that for anyone who would lead the little ones astray, it would be better for such a person "to have a great millstone hung around his neck and to be drowned in the depths of the sea" (Mt 18:6).

We hear these words of the Lord as prophetic for this moment. With a firm determination to restore the bonds of trust, we bishops recommit ourselves to a continual pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church.

In this spirit, over the last nine years, the principles and procedures of the *Charter* have been integrated into church life.

- The Secretariat of Child and Youth Protection provides the focus for a consistent, ongoing, and comprehensive approach to creating a secure environment for young people throughout the Church in the United States.
- The Secretariat also provides the means for us to be accountable for achieving the goals of the *Charter*, as demonstrated by its annual reports on the implementation of the *Charter* based on independent compliance audits.
- The National Review Board is carrying on its responsibility to assist in the assessment of diocesan compliance with the *Charter for the Protection of Children and Young People*.
- The descriptive study of the nature and scope of sexual abuse of minors by Catholic clergy in the United States, commissioned by the National Review Board, has been completed. The resulting study, examining the historical period 1950-2002, by the John Jay College of Criminal Justice provides us with a powerful tool not only to examine our past but also to secure our future against such misconduct.
- The U.S. bishops charged the National Review Board to oversee the completion of the
- *Causes and Context* study.
- Victims' assistance coordinators are in place throughout our nation to assist dioceses in responding to the pastoral needs of those who have been injured by abuse.
- Diocesan/eparchial bishops in every diocese are advised and greatly assisted by diocesan review boards as the bishops make the decisions needed to fulfill the *Charter*.
- Safe environment programs are in place to assist parents and children—and those who work with children—in preventing harm to young people. These programs continually seek to incorporate the most useful developments in the field of child protection.

Through these steps and many others, we remain committed to the safety of our children and young people.

While it seems that the scope of this disturbing problem of sexual abuse of minors by clergy has been reduced over the last decade, the harmful effects of this abuse continue to be experienced both by victims and dioceses.

Thus it is with a vivid sense of the effort which is still needed to confront the effects of this crisis fully and with the wisdom gained by the experience of the last six years that we have reviewed and revised the *Charter for the Protection of Children and Young People*. We now re-affirm that we will assist in the healing of those who have been injured, will do all in our power to protect children and young people, and will work with our clergy, religious, and laity to restore trust and harmony in our faith communities, as we pray for God's kingdom to come, here on earth, as it is in heaven.

To make effective our goals of a safe environment within the Church for children and young people and of preventing sexual abuse of minors by clergy in the future, we, the members of the United States Conference of Catholic Bishops, have outlined in this *Charter* a series of practical and pastoral steps, and we commit ourselves to taking them in our dioceses and eparchies.

**TO PROMOTE
HEALING & RECONCILIATION
WITH VICTIMS/SURVIVORS
OF SEXUAL ABUSE OF MINORS**

ARTICLE 1. Dioceses/eparchies are to reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Each diocese/eparchy is to continue its outreach to every person who has been the victim of sexual abuse* as a minor by anyone in church service, whether the abuse was recent or occurred many years in the past. This outreach may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative is to offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002). Pope Benedict XVI, too, in his address to the U.S. bishops in 2008 said of the clergy sexual abuse crisis, “It is your God-given responsibility as pastors to bind up the wounds caused by every breach of trust, to foster healing, to promote reconciliation and to reach out with loving concern to those so seriously wronged.”

We bishops and eparchs commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses/eparchies. We especially commit ourselves to work with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.

ARTICLE 2. Dioceses/eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. The procedures for those making a complaint are to be readily available in printed form in the principal languages in which the liturgy is celebrated in the diocese/eparchy and be the subject of public announcements at least annually.

Dioceses/eparchies are also to have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members are to be lay persons not in the employ of the diocese/eparchy (see Norm 5 in *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006). This board is to advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric’s suitability for ministry. It is regularly to review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.

ARTICLE 3. Dioceses/eparchies are not to enter into settlements which bind the parties to confidentiality unless the victim/survivor requests confidentiality and this request is noted in the text of the agreement.

TO GUARANTEE AN EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

ARTICLE 4. Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.

Dioceses/eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor.

In every instance, dioceses/eparchies are to advise victims of their right to make a report to public authorities and support this right.

ARTICLE 5. We affirm the words of His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers: “There is no place in the priesthood or religious life for those who would harm the young.”

Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1). Because of the seriousness of this matter, jurisdiction has been reserved to the Congregation for the Doctrine of the Faith (*Motu proprio Sacramentorum sanctitatis tutela*, AAS 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.

Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor*—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this *Charter*, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.

The diocesan/eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as described below (see note) shall not continue in ministry.

A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is not proven, every step possible is to be taken to restore his good name, should it have been harmed.

In fulfilling this article, dioceses/eparchies are to follow the requirements of the universal law of the Church and of the *Essential Norms* approved for the United States.

ARTICLE 6. There are to be clear and well publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the Church in positions of trust who have regular contact with children and young people.

ARTICLE 7. Dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by ministerial misconduct involving minors.

TO ENSURE

THE ACCOUNTABILITY OF OUR PROCEDURES

ARTICLE 8. By the authority of the United States Conference of Catholic Bishops, the mandate of the Ad Hoc Committee on Sexual Abuse is renewed, and it is now constituted the Committee on the Protection of Children and Young People. It becomes a standing committee of the Conference. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.

The Committee is to advise the USCCB on all matters related to child and youth protection and is to oversee the development of the plans, programs, and budget of the Secretariat of Child and Youth Protection. It is to provide the USCCB with comprehensive planning and recommendations concerning child and youth protection by coordinating the efforts of the Secretariat and the National Review Board.

ARTICLE 9. The Secretariat of Child and Youth Protection, established by the Conference of Catholic Bishops, is to staff the Committee on the Protection of Children and Young People and be a resource for dioceses/eparchies for the implementation of “safe environment” programs and for suggested training and development of diocesan personnel responsible for child and youth protection programs, taking into account the financial and other resources, as well as the population, area, and demographics of the diocese/eparchy.

The Secretariat is to produce an annual public report on the progress made in implementing and maintaining the standards in this *Charter*. The report is to be based on an annual audit process whose method, scope, and cost are to be approved by the Administrative Committee on the recommendation of the Committee on the Protection of Children and Young People. This public report is to include the names of those dioceses/eparchies which the audit shows are not in compliance with the provisions and expectations of the *Charter*.

As a member of the Conference staff, the Executive Director of the Secretariat is appointed by and reports to the General Secretary. The Executive Director is to provide the Committee on the Protection of Children and Young People and the National Review Board with regular reports of the Secretariat’s activities.

ARTICLE 10. The whole Church, especially the laity, at both the diocesan and national levels, needs to be engaged in maintaining safe environments in the Church for children and young people.

The Committee on the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of the Secretariat of Child and Youth Protection on the implementation of this *Charter* in each diocese/eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.

The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate's diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines developed by the Board in consultation with the Committee on the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines set forth such matters as the Board's purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.

The Board will offer its advice as it collaborates with the Committee on the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. The Board and Committee on the Protection of Children and Young People will meet jointly several times a year.

The Board will review the work of the Secretariat of Child and Youth Protection and make recommendations to the Director. It will assist the Director in the development of resources for dioceses.

The Board will offer its assessment of the *Causes and Context* study to the Conference, along with any recommendations suggested by the study.

ARTICLE 11. The President of the Conference is to inform the Holy See of this revised *Charter* to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to continue our commitment to the protection of children and young people. The President is also to share with the Holy See the annual reports on the implementation of the *Charter*.

TO PROTECT THE FAITHFUL IN THE FUTURE

ARTICLE 12. Dioceses/eparchies are to maintain “safe environment” programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses/eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to children.

ARTICLE 13. Dioceses/eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. United States Conference of Catholic Bishops, *Program of Priestly Formation* [Fifth Edition], 2006, no. 39).

ARTICLE 14. Transfers of clergy who have committed an act of sexual abuse against a minor for residence, including retirement, shall be as in accord with Norm 12 of the Essential Norms. (Cf. *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, adopted by the USCCB, the Conference of Major Superiors of Men (CMSM), the Leadership Conference of Women Religious (LCWR), and the Council of Major Superiors of Women Religious (CMSWR) in 1993.)

ARTICLE 15. To ensure continuing collaboration and mutuality of effort in the protection of children and young people on the part of the bishops and religious ordinaries, two representatives of the Conference of Major Superiors of Men are to serve as consultants to the Committee on the Protection of Children and Young People. At the invitation of the Major Superiors, the Committee will designate two of its members to consult with its counterpart at CMSM. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates are to meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.

ARTICLE 16. Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

ARTICLE 17. We commit ourselves to work individually in our dioceses/eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly formation and for the ongoing formation of priests. With renewed urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in *Pastores Dabo Vobis*, the *Program of Priestly Formation*, the *Basic Plan for the Ongoing Formation of Priests*, and the results of the Apostolic Visitation. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.

We commit ourselves to work individually in our dioceses/eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly formation and for the ongoing formation of priests. With new urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in *Pastores Dabo Vobis*, the *Program of Priestly Formation*, and the *Basic Plan for the Ongoing Formation of Priests*. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.

We bishops and eparchs commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses/eparchies, especially with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.

Conclusion

As we wrote in 2002, “It is within this context of the essential soundness of the priesthood and of the deep faith of our brothers and sisters in the Church that we know that we can meet and resolve this crisis for now and the future.”

We wish to reaffirm once again that the vast majority of priests and deacons serve their people faithfully and that they have the esteem and affection of their people. They also have our love and esteem and our commitment to their good names and well-being.

An essential means of dealing with the crisis is prayer for healing and reconciliation, and acts of reparation for the grave offense to God and the deep wound inflicted upon his holy people. Closely connected to prayer and acts of reparation is the call to holiness of life and the care of the diocesan/eparchial bishop to ensure that he and his priests avail themselves of the proven ways of avoiding sin and growing in holiness of life.

It is with reliance on prayer and penance that we renew the pledges which we made in the original *Charter*:

We pledge most solemnly to one another and to you, God’s people, that we will work to our utmost for the protection of children and youth.

We pledge that we will devote to this goal the resources and personnel necessary to accomplish it.

We pledge that we will do our best to ordain to the priesthood and put into positions of trust only those who share this commitment to protecting children and youth.

We pledge that we will work toward healing and reconciliation for those sexually abused by clerics.

Much has been done to honor these pledges. We devoutly pray that God who has begun this good work in us will bring it to fulfillment.

This *Charter* is published for the dioceses/eparchies of the United States. It is to be reviewed again after two years by the Committee on the Protection of Children and Young People with the advice of the National Review Board. The results of this review are to be presented to the full Conference of Bishops for confirmation.

NOTE

* For purposes of this *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1^o the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2^o the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons

Preamble

On June 14, 2002, the United States Conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*. The charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by diocesan and religious priests or deacons.¹ These norms are complementary to the universal law of the Church and are to be interpreted in accordance with that law. The Church has traditionally considered the sexual abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 §2, and CCEO, canon 1453 §1 (*Sacramentorum sanctitatis tutela*, article 6 §1).²

Norms

1. These Essential Norms have been granted *recognitio* by the Holy See. Having been legitimately promulgated in accordance with the practice of the United States Conference of Catholic Bishops on May 5, 2006, they constitute particular law for all the dioceses/eparchies of the United States of America.³

2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.

3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.

4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include

- a.** advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
- b.** reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and
- c.** offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

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 of the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722,

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.⁴

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.

8. When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord 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 (SST, Art. 6; CIC, c. 1395 §2; CCEO, c. 1453 §1).⁵

a. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch to proceed (Article 13, “Procedural Norms” for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.

b. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

9. At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.⁶ Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.⁷

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the diocese/eparchy will advise and support a person's right to make a report to public authorities.⁸

12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese/eparchy. Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678 (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

13. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Notes

- 1 These Norms constitute particular law for the dioceses, eparchies, clerical religious institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. When a major superior of a clerical religious institute or

society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.

- 2 If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.
- 3 Due regard must be given to the proper legislative authority of each Eastern Catholic Church.
- 4 Article 19 *Sacramentorum sanctitatis tutela* states, “With due regard for the right of the Ordinary to impose from the outset of the preliminary investigation those measures which are established in can. 1722 of the Code of Canon Law, or in can. 1473 of the Code of Canons of the Eastern Churches, the respective presiding judge may, at the request of the Promoter of Justice, exercise the same power under the same conditions determined in the canons themselves.”
- 5 For purposes of these Norms, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act. Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment. With regard to the use of the phrase “ecclesiastical ministry,” by clerical members of institutes of consecrated life and societies of apostolic life, the provisions of canons 678 and 738 also apply, with due regard for canons 586 and 732.

- 6 Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1°-2°, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, and 1389-1396.
- 7 The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff.; CCEO, cc. 178, 979ff.):
 - a. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).
 - b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).

- c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).
- d. The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
- e. Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1–1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1°-2°, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2, 1520) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff.; CCEO, cc. 999ff.).

- 8 The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

Minnesota's County Child Protection Agencies

To report concerns about child abuse, neglect, or sexual abuse during business hours, contact the county where the child resides. If the child is in immediate risk of harm, please contact your local law enforcement agency or dial 911.

County	Phone	County	Phone
Blue Earth County Human Services	(507) 389-8444	Murray County	(507) 836-6144
Cottonwood County Family Center	(507) 831-1891	Nobles County Family Services	(507) 372-2157
Dodge County Human Services	(507) 635-6170	Olmsted Community Services	(507) 328-6400
Faribault County Human Services	(507) 526-3265	Pipestone County Family Services	(507) 825-6720
Fillmore County Social Services	(507) 765-2175	Rock County Family Services	(507) 283-5070
Freeborn County Human Services	(507) 377-5480	Steele County Human Services	(507) 444-7500
Houston County Human Services	(507) 725-5811	Wabasha County Social Services	(651) 565-3351
Jackson County Human Services	(507) 847-4000	Waseca County Human Services	(507) 835-0560
Martin County Human Services	(507) 238-4757	Watonwan County Human Services	(507) 375-3294
Mower County Human Services	(507) 437-9700	Winona County Human Services	(507) 457-6200

Making a Report of Sexual Abuse

The Diocese of Winona-Rochester will provide a prompt, appropriate and compassionate response to reporters of sexual abuse of a child by any diocesan agent (employees, volunteers, vendors, religious or clergy). Anyone wishing to make a report of an allegation of sexual abuse should call the Victim Assistance Coordinator at 507-454-2270, Extension 255. A caller will be asked to provide his or her name and telephone number. **Individuals are also encouraged to take their reports directly to civil authorities.**

The Diocese of Winona-Rochester is committed to protecting children, young people and other vulnerable people in our schools, parishes and ministries. If you have any questions about the Diocese of Winona-Rochester's implementation of the Charter for the Protection of Children and Young People, please contact Mary Hamann, at 507-858-1244, or mhamann@dow.org 00027

Acknowledgment of receipt

I hereby acknowledge that I have read The Policies & Procedures Regarding Sexual Abuse of Minors by Priests, Deacons and Other Church Personnel (pp. 4-12), understand its meaning, and agree to conduct myself in accordance with these policies. I also acknowledge that I am fully aware of the consequences of any non-compliance. I further understand that this acknowledgment will be filed at the parish or institution in which I serve.

Date: _____

Name: _____

Signature: _____

Parish/Institution: _____

Pastor/Supervisor: _____