

**TEN YEAR REPORT ON  
CLERICAL SEXUAL ABUSE OF MINORS  
IN THE ARCHDIOCESE OF CHICAGO**

**JANUARY 1, 1993-JANUARY 16, 2003**



**Submitted by:  
Jimmy M. Lago  
Chancellor  
Archdiocese of Chicago  
January 16, 2003**

# ARCHDIOCESE OF CHICAGO

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To: Cardinal Francis George, O.M.I.  
From: Jimmy M. Lago  
Date: January 16, 2003  
Re: Ten Year Report: Clerical Sexual Abuse of Minors within the  
Archdiocese of Chicago

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Your Eminence,

You requested that I compile a ten-year report of the Archdiocese of Chicago's record of addressing sexual abuse of minors by clerics. The enclosed report fulfills that request. As you review this report and note its components -- victim sensitive practices, accountability provisions, and public reporting policies, the underlying sad fact remains: three dozen priests have abused children (in some cases more than one), betrayed their vocations, damaged the mission of this local church, and caused many individuals to question the ministry of priesthood and bishop.

I believe we do, in fact, have a respectable track record of responsibly and promptly implementing the changes and policies initiated by Joseph Cardinal Bernardin in 1992. Building on the premise that no child should be at risk of sexual abuse by a cleric, the policies have been strengthened over the last decade. Within the last six months, additional resources have been added to address in a timely way the allegations of victims coming forth for the first time. Unfortunately, some have not been processed as promptly as we would have preferred. The length of time to process allegations has, on occasion, been excessive and we apologize to all for the additional hurt these delays may have caused.

I also note that some allegations against priests have been made that are totally groundless. Some priests who have been accused of sexual misconduct have been found to be innocent. The administrator of the Professional Fitness Review Board office and members of the Board, as well as the Vicars for Priests and others involved, have made extraordinary efforts to keep fairness, integrity and justice foremost in their minds. Priests should be given all protections of law, procedures and practice while attempts are made to investigate the claims of those alleging harm. We have done our best to ensure that victims are treated sensitively, forthrightly, and been given the respect they deserve.

Cardinal Francis George, O.M.I.

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This report indicates that significant resources have been expended to address the needs of victims; priests have been directed to treatment so that the cycle of abuse might be stopped; appropriate legal resources have been spent to address due diligence and come to responsible financial settlements with victims who require assistance.

I believe that we have acted responsibly, compassionately and appropriately. We have done our best in good faith to meet the needs of victims, to cooperate with civil authorities and to protect children.

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## I. PERSPECTIVE

In April, 2002, Francis Cardinal George, O.M.I., Archbishop of Chicago, stated that the Archdiocese would publish a ten-year report summarizing issues of clerical sexual abuse of minors, the financial resources expended to address these issues and the number of priests involved. Cardinal George indicated that the report would be issued under the direction of Archdiocese of Chicago Chancellor Jimmy Lago and would be similar in scope to the report issued ten years ago by The Cardinal's Commission on Clerical Sexual Misconduct with Minors.

In 1991, Joseph Cardinal Bernardin created a commission to study what the Archdiocese of Chicago needed to do to become more effective in its approach to addressing clerical sexual misconduct with minors. That commission issued a report in June, 1992. The recommendations of that report, which included the development of comprehensive policies and procedures and the establishment of the nine-member independent Fitness Review Board, were adopted that year and were implemented in January, 1993. Since then, those policies and procedures have formed the foundation for the Archdiocese's response to issues related to sexual misconduct by cleric with minors for the past ten years.

## **I. Perspective (con't.)**

While even one incident of clerical sexual abuse is one too many, this report demonstrates that the efforts of the Archdiocese during the past ten years to address this serious issue have resulted in three significant facts:

- no priest with a substantiated allegation of clerical sexual misconduct with minors is engaged in any form of ministry in the Archdiocese of Chicago.
- officials of the Archdiocese have reported all allegations, including those not deemed credible by the independent Fitness Review Board, to appropriate public authorities and will continue to do so.
- the Archdiocese of Chicago continues to do everything it can to ensure the safety of children in its parishes and schools.

The report summarizes the ten years from January 1, 1993, to January 16, 2003. It also chronicles the changes that have been made and those that are being recommended to enhance the Archdiocese's ability to protect children.

The Case Report section of this document reviews the number of founded allegations processed and the current status of priests accused during the period January 1, 1993, to January 16, 2003. The report relates the cooperative relationship that has developed between the Archdiocese and public authorities regarding the appropriate reporting and investigation of clerical sexual abuse of minors. It also clarifies the policy of the Archdiocese regarding confidentiality agreements.

## **I. Perspective (con't.)**

The Financial Report section identifies the fiscal impact that clerical sexual misconduct has had on the Archdiocese. It accounts for legal settlements and other costs related to the removal of priests accused of sexual abuse of minors. It also provides amounts expended for victim assistance, therapy and other costs that the Archdiocese deemed necessary to respond to those sexually abused.

The Canonical section discusses the Catholic Church's process that governs the procedures for removing priests accused of sexual abuse of minors. This process outlines the type of trials that will be conducted to discover the truth while respecting the rights of both accuser and accused.

A set of Archdiocesan revised policies and procedures on clerical sexual abuse of minors is an important addendum to this report. These policies incorporate the provisions of the "Charter for the Protection of Children and Young People" enacted by the United States Conference of Catholic Bishops in June, 2002 and the Norms recognized by the Holy See, effective March 1, 2003. This document will undergo a final review by the consulting bodies of the Archdiocese of Chicago. Then the policies will be promulgated by Cardinal George as particular law for this local church. Copies of the Charter and the Norms are part of the appendices.

Archdiocesan leaders understand that no set of policies and procedures is perfect. Every possible scenario involving clerical sexual abuse of minors cannot be foreseen in detail.

**I. Perspective (con't.)**

They also recognize that no effort, no matter how comprehensive and well-meaning, can ever fully compensate victims for the pain they have endured. Nevertheless, the leadership of the Archdiocese remains committed to ensuring that children and young people are safe and that those who violate their trust are removed from ministry.

## II. CASE REPORT

Since January 1, 1993, the Archdiocese of Chicago's independent Review Board has determined there was reasonable cause to suspect that sexual abuse of a minor occurred in 55 matters dating back 40 years involving 36 Archdiocesan priests. These matters do not include allegations against religious order priests and priests from other dioceses granted faculties to minister in the Archdiocese. Allegations against religious priests and extern priests are referred to the appropriate religious superior or diocesan bishop. In addition, the Review Board determined in 1999 that there was reason to suspect that an Archdiocesan deacon had engaged in sexual misconduct with a minor. The deacon was withdrawn from ministry and has resigned.

The 55 allegations found to be credible by the Review Board involved 36 priests.<sup>1</sup> The current status of the priests accused is as follows:

Deceased	8
Resigned	9
Withdrawn:	
By recommendation of Fitness Review Board	11
In accordance with USCCB Dallas protocol	8
Total	<hr/> 36 priests

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<sup>1</sup> This group includes priests who had been the subject of prior review by the Cardinal's Commission on Clerical Sexual Misconduct with Minors in 1992 and against whom additional allegations were made and presented to the independent Fitness Review Board after January 1, 1993. In addition, eight of the 36 were either in restricted ministry or monitored ministry until June 2002. At that time, in accordance with the Charter for the Protection of Children and Young People, passed in Dallas by the United States Conference of Catholic Bishops (USCCB), six were withdrawn and two resigned.

During this review, it was apparent that the ministry of two additional priests should have been reevaluated in June of 2002 after the U.S. Catholic Bishops passed their Charter for the Protection of Children and the accompanying Norms. Allegations against both priests were reviewed in 1993 by the independent Fitness Review Board, and the Board found reasonable cause to suspect that both priests had engaged in the sexual abuse of minors. However, in weighing the facts and circumstances of each case, the Board determined that neither priest posed a risk to children and both priests were allowed to remain in ministry. Both priests, now retired, no longer function in any public ministry. Cardinal George has directed that these cases be brought in conformity with the Norms.

## II. Case Report (con't.)

The 19 priests withdrawn from ministry were either in active ministry when the Review Board determined there was reasonable cause to suspect the priest had engaged in sexual misconduct with a minor or were in limited or restricted ministry and then withdrawn following the adoption of the Charter and Norms in June, 2002.

The following summary reflects the dates, as best they can be determined, of incidents giving rise to a Review Board determination that there is reasonable cause to suspect that sexual abuse occurred.

Before 1960	4
1961-1970	12
1971-1980	29
1981-1990	10
1991- present	0
	<hr/>
	55 founded allegations

No priest whom the Review Board has found reason to suspect engaged in sexual misconduct with a minor currently is engaged in any type of ministry in the Archdiocese of Chicago.

### **III. REPORTING TO AUTHORITIES**

The Archdiocese has always complied with the Illinois child abuse reporting laws. As a part of the 1992 comprehensive policies regarding sexual abuse of minors by clergy, the Archdiocese appointed a Professional Fitness Review Administrator to receive all allegations of sexual abuse of minors. The 1992 policies required the Professional Fitness Review Administrator to comply with the applicable child abuse reporting laws. Accordingly, since 1993 when the policies were implemented, the Professional Fitness Review Administrator has reported allegations of child sex abuse to the Illinois Department of Children and Family Services. At that time, the Archdiocese also regularized its practice of voluntarily reporting to the appropriate state's attorney whenever it removed a priest from ministry because of an allegation of sexual abuse of a minor.

In 2002, the Archdiocese of Chicago broadened its protocol and now reports all allegations, even those without foundation, to the appropriate state's attorney in Cook or Lake county. In accordance with the Charter for the Protection of Children and Young People (Revised Edition), the Professional Fitness Review Administrator continues to report allegations to the Illinois Department of Children and Family Services as required by law, and the Archdiocese cooperates with the civil authorities in their investigation. In most cases, however, the statute of limitations has run out and civil authorities cannot move forward with an investigation.

#### **IV. CONFIDENTIALITY OF SETTLEMENTS**

In past years, settling claims of a victim against the Archdiocese was done with a legal agreement containing a confidentiality provision, unless the victim's attorney objected or requested a modification to the agreement. Although this is common legal practice in this country, the Archdiocese has not enforced these confidentiality provisions in the past. In 2002, Cardinal George announced that the Archdiocese will not do so in the future. In accordance with the Charter for the Protection of Children and Young People (Revised Edition), the Archdiocese will not seek the inclusion of a confidentiality provision in future settlements unless there are "grave and substantial reasons brought forward by the victim/survivor."

## V. FINANCIAL REPORT

### I. Financial Resources Expended

The following chart details the funds expended directly related to clerical sexual abuse of minors for the ten fiscal years since the Cardinal's Commission on Clerical Sexual Misconduct with Minors issued its report to Joseph Cardinal Bernardin in June 1992.

The costs reported cover those directly involved in responding to misconduct, such as treatment and counseling for victims, priest rehabilitation and legal expenses. During the ten-year period, \$1.3 million was spent to defend a priest and a school principal judged to be innocent by a civil jury.

	<u>Total</u>	<u>FY02</u>	<u>FY01</u>	<u>FY00</u>	<u>FY99</u>	<u>FY98</u>	<u>FY97</u>	<u>FY96</u>	<u>FY95</u>	<u>FY94</u>	<u>FY93</u>
Victim Assistance, settlements & interim support	<b>\$7,910</b>	\$1,189	\$841	\$546	\$528	\$607	\$1,218	\$354	\$1,341	\$393	\$893
Treatment, monitoring, and transition of priests	<b>4,551</b>	176	466	229	271	144	362	245	211	1,195	1,252
Archdiocesan Legal Expenses	<b>4,298</b>	445	254	254	112	732	232	208	666	555	840
Total Direct Expenses	<b>16,759</b>	1,810	1,561	1,029	911	1,483	1,812	807	2,218	2,143	2,985

The costs of other activities, such as adjustments in the seminary program and priest formation, making changes to policies and procedures, the creation of an independent Fitness Review Board, the administration of the Victim Assistance Ministry (which deals with non-abuse issues as well), and the time spent by staff members in other Archdiocesan offices who work on misconduct issues from time to time are not included. While these activities have been impacted by misconduct issues, the administrative costs

## **V. Financial Report (con't.)**

would have been incurred anyway, so no attempt has been made to allocate costs to these activities. Accruals or provisions established to recognize potential future payments for past acts of misconduct are not included in the above figures, but they are included in the Fiscal Year 2002 Annual Report of the Archdiocese of Chicago.

### II. Funding Sources

Funds to pay for expenses related to sexual abuse of minors have come from the sale of undeveloped real estate, payments from insurance companies and, most recently, from the unrestricted, general revenue fund of the Archdiocesan Pastoral Center.

Real estate sales have been the largest source of funds during the last ten years. In the early 1990's, the Archdiocese sold various pieces of undeveloped real estate, and the proceeds were put into a separate fund. In total, \$15 million was set aside to help cover costs related to all misconduct, including settlements. By the end of fiscal year (FY) 1999, these funds had been expended.

During the last ten years, the Archdiocese has recovered \$2.8 million from insurance companies related to misconduct coverage.

Since FY 1999, some misconduct related expenses have been paid from the unrestricted, general revenue of the Archdiocesan Pastoral Center. Pastoral Center general revenue includes lease income, investment income, proceeds from the sale of assets (including real estate), and other general revenue. As the term 'general revenue' implies, these sources of revenue are not specifically designated for a particular ministry or agency and they carry no donor restrictions.

**V. Financial Report (con't.)**

No donation, given either to a parish or to the Archdiocese of Chicago, will be used to meet the direct costs of the sexual abuse.

In the future, all additional direct expenses related to misconduct will be covered by income received from the sale or lease of various non-parish related properties owned by the Archdiocese, as well as proceeds from insurance coverage. Any expenses covered by the general fund will be reimbursed.

## **VI. POLICIES AND PROCEDURES**

On June 14, 2002, the United States Conference of Catholic Bishops approved a Charter for the Protection of Children and Young People and Essential Norms for Diocesan/Eparchial Policies Dealing with Allegation of Sexual Abuse of Minors by Priests, Deacons, or Other Church Personnel, for the implementation of the Charter. Both documents were revised and approved on November 13, 2002, following the changes to the Norms proposed by the Mixed Commission. That Commission was composed of four bishops from the Holy See and four bishops from the United States who met in Rome in October 2002. These Norms received the recognition of the Apostolic See on December 8, 2002, and were promulgated by the United States Conference of Catholic Bishops on December 12, 2002, and will constitute particular law for all the dioceses/eparchies of the U.S., effective March 1, 2003.

Many of the provisions of the USCCB's Revised Charter and the Revised Essential Norms were contained in the Archdiocese of Chicago's policies and procedures initially promulgated in 1992. Those policies are now amended to incorporate the provisions of the USCCB Revised Charter and Revised Norms. (See appendix ii and iii). They provide an effective means for victims/survivors to report clerical sexual abuse to the Office of Professional Fitness Review, to report to civil authorities and for that report to be processed by the Fitness Review Board.

## **VII. CANONICAL PROCESS**

Among the changes proposed by the Mixed Commission of four bishops from the Holy See and four bishops from the United States that met in Rome in October 2002 was a provision, already in Canon (Church) Law, that provides for a judicial process by which a priest can appeal his removal from ministry by his bishop. The Charter and Norms must be in conformity with Canon Law, and thus the provision was added by which bishops now must send all cases of sexual abuse of minors deemed credible by diocesan review boards to the Holy See for permission to proceed with canonical trials. (See appendix iv)

## **VIII. PUBLIC HEARINGS**

The Catholic Lawyers Guild of Chicago, responding to a request from Cardinal George, volunteered to organize archdiocesan-wide public forums to listen to parishioners throughout the Archdiocese of Chicago on the issue of clerical sexual abuse of minors. These forums were held on May 21, 2002, in 38 parishes in Cook and Lake counties. The results of these forums and of questionnaires filled out by participants and parishioners who could not attend were presented to Cardinal George by the Catholic Lawyers Guild in a special report. (see appendix v for introduction and summary of this report)

## **§1100 SEXUAL ABUSE OF MINORS: POLICIES FOR EDUCATION, PREVENTION, ASSISTANCE TO VICTIMS AND PROCEDURES FOR DETERMINATION OF FITNESS FOR MINISTRY**

### **Introduction**

*On June 15 1992, the Cardinal's Commission on Clerical Misconduct presented its report recommending the establishment of comprehensive policies and procedures to deal with allegations and issues related to sexual abuse by clerics with minors. Cardinal Bernardin accepted the report in principle and authorized a canonical review and consultation with Archdiocesan advisory bodies, including the Archdiocesan Cabinet, the College of Consultors, the Presbyteral Council, and the Archdiocesan Pastoral Council. Archdiocesan seminary officials and religious order superiors whose cleric members work in the Archdiocese were consulted as well on relevant recommendations. The process of consultation disclosed overwhelming support for the recommendations of the Special Commission and constructive proposals to improve and enhance the policies and procedures completed.*

*Following completion of the consultation, Cardinal Bernardin directed that the recommendations of the Commission and consultors be translated into policies and procedures consistent with the law of the universal Church. On September 21, 1992, the Archdiocese promulgated these policies and procedures as particular law for this local Church. As a Church whose authority is spiritual and moral, the Archdiocese does not have the power of civil government to compel compliance. The success of the policies and procedures regarding clerical sexual abuse of minors depends, to a great extent, on cooperation by people of good will.*

*On March 30, 1995, Cardinal Bernardin initiated a process to review and, if appropriate, revise these policies. The process included reconvening the Cardinal's Commission on Clerical Misconduct, self-evaluation of agencies and offices involved in the administration of these policies, consultation about their impact, and, finally, drafting amendments reflecting any recommendations the Cardinal would approve. The policies and procedures were revised to reflect these amendments. It was recognized from its inception that the general process for reviewing these policies would be ongoing and would be undertaken in a specific form on a periodic basis.*

*On June 14, 2002, the United States Conference of Catholic Bishops approved a Charter for the Protection of Children and Young People, with revisions adopted on November 13, 2002 (hereinafter USCCB Revised Charter). 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 on June 14, 2002 also decreed Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Other Church Personnel, revised November 13, 2002 (hereinafter USCCB Revised Norms). These revisions were approved by the USCCB following the changes proposed by the Mixed Commission of four bishops from the Holy See and four bishops from the United States, including Chicago's Cardinal George, meeting in Rome in October 2002. Having received the recognition of the Apostolic See on December 8, 2002, and having been legitimately promulgated by the United States Conference of Catholic Bishops on December 12, 2002, these norms constitute particular law for all the dioceses/eparchies of the United States effective March 1, 2003. These norms are complementary to the universal law of the Church, which has traditionally considered the abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants*

*Many of the provisions of the USCCB's Revised Charter and the Revised Essential Norms have been contained in the Archdiocese of Chicago's policies and procedures since 1992. To the extent that they were inconsistent, Cardinal George directed that the policies and procedures of the Archdiocese of Chicago be amended so as to incorporate the provisions of the USCCB Revised Charter and Revised Norms.*

*These policies recognize that sexual abuse of minors is a special problem with a profound impact on the lives of those affected. In the case of sexual abuse of a minor by a cleric, the integrity of the priesthood and the Church itself as the servant of the people of God is damaged as well. Clerics serve by ministering to the spiritual needs of the people. When servant becomes abuser, the relationship of trust necessary for ministry is diminished for all.*

*Sexual abuse by a cleric with a minor affects the whole Church. The solution to this problem must involve the whole Church. The following policies and procedures are*

*the next step in the Archdiocese's continuing effort to provide for the safety of the people among whom it carries on its pastoral mission while protecting the reputation of clerics who may be subject to inaccurate or false allegations.*

## §1101 GENERAL PROVISIONS

*Section 1101 contains general statements of policy from which specific procedural recommendations follow. Section 1101 recognizes the Archdiocese's responsibility to establish appropriate educational programs for seminarians, deacons and priests about the nature and effect of sexual abuse of minors. Other Archdiocesan offices including the Office of Catholic Schools and Catholic Charities already have in place quality programs for education and dissemination of information about family life, child abuse in general, and sexual abuse of minors in particular. These agencies are committed to maintaining, evaluating and improving such programs.*

### §1101.1. Establishment of Policy

**1101.1. Policy** Sexual abuse<sup>1</sup> by a cleric<sup>2</sup> with a minor<sup>3</sup> violates human dignity, ministerial commitment and the mission of the Church; therefore the Archdiocese establishes these policies and procedures to review the fitness for ministry of any cleric accused of sexual abuse of a minor. The policies and procedures shall involve the people of the Church in a substantive role.

- (1) The primary purposes of these policies and procedures are the safety of children, the well being of the community, and the integrity of the Church. The policies and procedures shall be fair and responsive to the pastoral needs of the victim, the victim's family, the community, and the cleric. The policies and procedures shall

<sup>1</sup> Per note, *USCCB Revised Charter* and Preamble, *USCCB Revised Norms*: "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 (*Code of Canon Law*, c. 1395, §2). 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 (*Code of Canon Law*, c. 1395, §2) need not be a complete act of intercourse. Nor to be objectively grave, does an act need to involve force, physical contact, or a discernable harmful outcome. Moreover, 'imputability [moral responsibility] for a canonical offense is presumed upon an external violation ... unless it is otherwise apparent' (*Code of Canon Law*, c. 1321, §3). Cf. *Code of Canon Law*, cc. 1322-1327. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be 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."

<sup>2</sup> Canon law defines a "cleric" as a priest, deacon or bishop.

<sup>3</sup>The Abused and Neglected Child Reporting Act defines "child" as any person under the age of 18. For purposes of canon law and these policies and procedures, "minor" has the same meaning.

facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations of sexual abuse.

- (2) The Archdiocese shall continue to make its policies and procedures related to sexual abuse available in published form and as the subject of periodic public announcements so that those affected can readily seek and receive the assistance which the policies provide. (Cf. *USCCB Revised Charter*, art. 2)

### §1101.2. Funding, Staff and Facilities

**1101.2. Policy** The Archdiocese shall provide sufficient funding, staff and facilities to assure the effective implementation of the programs established by these provisions.

### §1101.3. Education of Seminarians, Clerics and other Church Personnel

**1101.3. Policy** The seminaries of the Archdiocese, the Office of Assistance Ministry, the Office of Ongoing Formation in Ministry, the Office of Ongoing Formation for Priests, the Vicar for Deacons, the Office of Catholic Schools and the Office for Catechesis shall establish appropriate programs about the nature and effect of sexual abuse of a minor for the education of seminarians and for the continuing education of clerics and other church personnel.

### §1101.4. Review and Amendment

**1101.4. Policy** The Review Board established in Section 1104 shall periodically review these policies and procedures and make any recommendations for amendment to the Archbishop. The Archbishop may amend these policies and procedures at any time upon the recommendation of the Review Board or at his own initiative. (Cf. *USCCB Revised Norms*, §4.B)

## §1102 ASSISTANCE TO THOSE AFFECTED

*Section 1102 recognizes the Church's pastoral responsibility to assist all those affected by sexual abuse of clerics with minors: the victim and the victim's family, the community, and the cleric. Section 1102 establishes a Victim Assistance Minister whose duties will include the identification of pastoral and professional resources which will be made available to assist the victims of abuse. In addition, the Church's outreach to communities affected will be organized to promote understanding and healing. Finally, the roles of Vicar for Priests as pastor to the priests of the Archdiocese and the Vicar for Deacons as pastor to the Diaconate Community are addressed.*

**§1102.1. Assistance to Those Affected**

**1102.1. Policy** The Archdiocese shall make appropriate assistance available to those who may be affected by the alleged sexual abuse of a cleric with a minor, whether the abuse was recent or occurred many years in the past. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Archdiocese. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by abuse are to be fostered and encouraged by the Archdiocese and in local parish communities. (*USCCB Revised Charter*, art. 1)

**§1102.2. Assistance to Victim/Survivor**

**1102.2. Policy** The first obligation of the Church with regard to the victims is for healing and reconciliation. The Archdiocese shall designate a Victim Assistance Minister who shall minister to the victim, victim's family or other persons affected, doing so with a sincere commitment to their spiritual and emotional well-being. The minister shall identify professional and other resources and make them available to aid in the pastoral care of a victim or other person. In the case of any disclosure of sexual abuse of a minor, the Victim Assistance Minister shall report the fact to the Review Board Administrator. (Cf. *USCCB Revised Charter*, articles 1 & 2, and *USCCB Revised Norms*, §3) The Archdiocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement. (Cf. *USCCB Revised Charter*, art. 3) Through pastoral outreach to victims and their families, the Archbishop or his representative will 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 our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the Archbishop or his delegate will also be directed to faith communities in which the sexual abuse occurred. (Cf. *USCCB Revised Charter*, art. 1)

**§1102.3. Assistance to Community**

**1102.3. Policy** The Archdiocese shall develop and maintain "safe environment" programs and programs for outreach to communities affected. The programs shall promote healing and understanding. They will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children,

youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children. The Archdiocese will 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 sexual abuse. (Cf. *USCCB Revised Charter*, art. 12)

**§1102.4. Assistance to Clergy**

**1102.4. Policy** In the case of any disclosure of sexual abuse by a cleric with a minor, the Vicar for Priests or Vicar for Deacons shall report the fact to the Review Board Administrator. These Vicars are the representatives of the Archbishop who minister to the clergy of the Archdiocese by providing assistance, advice, support, and by facilitating referrals to resource persons and other professionals. An offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention. (Cf. *USCCB Revised Charter*, art. 5)

## §1103 SCREENING FORMATION, EDUCATION & ASSIGNMENT TO MINISTRY

*Section 1103 contains provisions confirming the Archdiocese's responsibility to screen candidates for the priesthood and enhance educational programs regarding sexuality and sexual abuse. The Archdiocese's cooperative relationship with religious communities and clerics of other dioceses is clarified and the authority to review the fitness of clerics seeking assignment is confirmed.*

### §1103.1. Screening and Education of Clerics and Seminarians

**1103.1. Policy** The Archdiocese shall evaluate the background of all Archdiocesan personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513). The Archdiocese shall review and augment on-going programs for the screening and education of seminarians and deacon candidates and the continuing education of clerics in matters related to sexuality and sexual abuse. (Cf. *USCCB Revised Charter*, art. 13)

#### ***Procedures***

- a) **Psychological Profile.** Consistent with applicable ethical, canonical and legal principles and as soon as may be appropriate, a full psychological profile of each seminarian and deacon candidate shall be obtained. In addition to general psychological fitness for ordination and ministry, the profile should seek to identify tendencies of pedophilia or ephebophilia. The psychological profile shall be maintained as part of the seminarian's or candidate's permanent personnel file. The profile may be updated as necessary or appropriate.
  
- b) **Developmental Programs.** The Archdiocesan seminaries and formation programs shall offer, as part of their formation programs, age appropriate courses and components that deal in depth with psychological development, including both moral and deviant sexual behavior, with emphasis on the implications of making moral choices in accord with Church teaching and priestly commitment. While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized Archdiocesan standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people. (*USCCB Revised Charter*, art. 6)

- c) **Certification.** Every cleric who holds or requests faculties within the Archdiocese shall certify in writing that he has read and is familiar with the Archdiocesan policies and procedures regarding sexual abuse of minors. The cleric's certification will be maintained in the cleric's personnel file.
- d) Seminary programs will focus on the question of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis* (1992). The Archdiocese will develop systematic ongoing formation programs in keeping with the recent Conference document *Basic Plan for the Ongoing Formation of Priests* (2001) so as to assist priests in their living out of their vocation. (*USCCB Revised Charter*, art. 17)

## **§1103.2. Assignment and Transfer of Clergy outside their Jurisdiction**

### **§1103.2.1 Priests and Deacons of the Archdiocese of Chicago**

**1103.2.1. Policy** No Archdiocesan priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before an Archdiocesan priest or deacon can be transferred for residence to another diocese/eparchy or religious province, the Archbishop or his delegate shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) 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. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life. In proposing a priest or deacon for residence outside the Archdiocese, the Archbishop or his delegate shall provide the receiving bishop/eparch or religious ordinary with the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (Cf. *USCCB Revised Charter*, art. 14, and *USCCB Revised Norms*, § 12)

### **§1103.2.2 Religious Communities and Clergy of Other Dioceses**

**1103.2.2. Policy** No religious or extern priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment in the Archdiocese of Chicago. Before a priest or deacon can be transferred for residence in the Archdiocese of Chicago, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the Archbishop or his delegate 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. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of a religious, in a secular institute, or in

another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary proposing a priest or deacon for residence in the Archdiocese of Chicago must provide the Archbishop or his delegate with the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (Cf. *USCCB Revised Charter*, art. 14, and *USCCB Revised Norms*, § 12)

### §1103.3. Relationship with Religious Communities

**1103.3. Policy** Religious communities whose cleric members maintain or seek faculties to minister in the Archdiocese shall abide by the Archdiocesan policies and procedures relating to sexual abuse of minors.

#### *Procedures*

- a) The community must provide a copy of its own policies and procedures to the Archbishop's delegate.
- b) The presenting community shall provide a written statement about the status, background, character and reputation of each cleric presented for faculties in the Archdiocese, as provided in the model promulgated by the Conference of Major Superiors of Men. In the case of any incident of sexual abuse of a minor, the presenting community shall submit to the Archbishop's delegate a comprehensive report of the allegation and its disposition. (See §1103.5.1)
- c) If a religious cleric exercising public ministry or an apostolate in the Archdiocese of Chicago is accused of sexual abuse of a minor, the Archbishop's delegate and the competent religious superior shall confer with each other. Concerning withdrawal from ministerial functions, the Archdiocese will determine whether or not the cleric may continue to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (cf. cc. 392 and 678, §1). If the Archdiocese determines that a religious cleric may no longer exercise such ministry in the Archdiocese, his faculties will be revoked, and his proper Ordinary will be requested to recall the cleric immediately. The religious community retains its rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as psychological assessment, treatment and aftercare for the accused cleric.
- d) If sexual abuse of a minor is alleged to have occurred involving a religious priest or deacon ministering in a parish, school or other entity under the auspices of the Archdiocese of Chicago, the Archdiocese retains the right to initiate the process of investigation and follow-up with the Review Board Administrator and Review Board and take whatever action it deems appropriate. Since religious are also subject to

their own proper superiors and to the discipline of their institute (c. 678, §2), the religious community may also choose to review the allegation in keeping with its own policies and procedures. If the religious superior removes the religious cleric from the office entrusted to him after having informed the Archbishop (c. 682, §2), the cleric's Archdiocesan faculties will be revoked. However, any determination about return to ministry in the Archdiocese and restoration of Archdiocesan faculties will be made according to Archdiocesan policies and procedures in this regard.

- e) If a religious cleric exercising a ministry strictly internal to the religious community without Archdiocesan faculties is accused of sexual abuse of a minor, the religious community may choose to review the allegation in keeping with its own policies and procedures. Any subsequent presentation for Archdiocesan faculties is subject to Archdiocesan policies and procedures. In any case, the Archdiocese retains the right for a most grave cause to prohibit a member of a religious institute from residing in the Archdiocese or at any particular location in the Archdiocese. If the cleric's major superior has not made provision after having been informed; such matters are to be referred to the Holy See (c. 679).

#### §1103.4. Extern Priests

**1103.4. Policy** The Archdiocese shall maintain and periodically review its policies affecting extern priests who seek or maintain faculties in the Archdiocese. The priest's proper Ordinary shall certify whether he is aware of anything in the priest's background which would render him unsuitable to work with minors. In the case of any allegation or incident of sexual abuse of a minor, the priest's proper Ordinary shall submit to the Archbishop's delegate a comprehensive report of the allegation and its disposition. (See Extern Priests Policy, §1506)

#### *Procedures*

- a) If an extern priest exercising public ministry or an apostolate in the Archdiocese of Chicago is accused of sexual abuse of a minor, the Archdiocese must confer with the competent Ordinary. The Archdiocese will determine whether or not the priest may continue to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (cf. cc. 392 and 678, §1). If the Archdiocese determines that an extern priest may no longer exercise any ministry in the Archdiocese, his faculties will be revoked, and his proper Ordinary will be requested to recall the priest immediately.

- b) If sexual abuse of a minor is alleged to have occurred, the Archdiocese retains the right to initiate the process of investigation and follow-up with the Review Board Administrator and Review Board and take whatever action it deems appropriate. Any determination about return to ministry and restoration of faculties will be made according to Archdiocesan policies and procedures.

### **§1103.5. Deacons**

#### **§1103.5.1 Vicar for Deacons**

**1103.5.1. Policy** The Review Board Administrator shall work together with the Vicar for Deacons when a deacon is involved in any incident or allegation of sexual abuse of a minor.

#### **§1103.5.1. Archdiocesan Deacon**

**1103.4.1. Policy** The Archdiocese shall maintain and periodically review its policies affecting Deacons who seek or maintain faculties in the Archdiocese. In the case of any allegation or incident of sexual abuse of a minor, the Archbishop's delegate shall refer the matter to the Review Board Administrator, who shall follow the policies and procedures established in §1100 in so far as they apply to deacons and the case under review.

#### **§1103.5.2. Extern Deacon**

**1103.5.2. Policy** When a deacon relocates into the Archdiocese and requests faculties to minister, the proper Ordinary shall certify whether he is aware of anything in the deacon's background which would render him unsuitable for ministry. In the case of any allegation or incident of sexual abuse of a minor, the proper Ordinary shall be notified, and the policies and procedures in §1100 shall be followed in so far as they apply to deacons and the case under review.

**§1103.6. Assignment Review for Priests**

**1103.6. Policy** The Vicar General and the Vicar for Priests shall review assignments of priests accused of sexual abuse of minors in light of these policies. They shall consult with the Review Board Administrator when appropriate.

***Procedures***

- a) The Executive Secretary of the Priests' Placement Board, or an appropriate representative of that Board, shall submit to the Vicar General and the Vicar for Priests the names of all candidates who apply to or are brought by the Placement Board for ministerial assignment or reassignment.
- b) The Vicar for Priests shall consult with the Priests' Placement Board about assignment of priests accused of sexual abuse of minors.
- c) The Vicar General and Vicar for Priests shall review the name or list of names and delete any individual who is the subject of a proceeding before the Review Board, including any continuing monitoring under these provisions.
- d) The Executive Secretary or representative shall return the application of any such applicant.

## §1104 REVIEW PROCESS FOR CONTINUATION OF MINISTRY

*Section 1104 establishes the process by which the fitness for ministry of a cleric accused of sexual abuse of a minor can promptly and credibly be determined and appropriate recommendations made to the Archbishop. The Archdiocese has established a special telephone line to facilitate the receipt of information. Allegations of sexual abuse by a cleric with a minor will initially be considered by a Review Board Administrator who will make a recommendation to the Archbishop. A nine member Review Board, consisting of six lay persons and three clerics, will review the initial recommendation of the Review Board Administrator as well as all subsequent issues regarding the fitness for ministry of the accused cleric. The Review Board Administrator and Review Board are established as advisors of the Archbishop. The process is declared to be consultative and advisory, not adversarial and adjudicative, and is directed toward pastoral reconciliation and healing. In this context the safety and well being of the community is of primary concern. Another concern is protecting the reputation of clerics who may be subject to inaccurate or false accusations. The responsibility of the Review Board Administrator to cooperate with civil officials is confirmed as is the Church's pastoral responsibility to take action with respect to religious, pastoral and administrative matters that are beyond the authority of government.*

### §1104.1. Establishment of Process

**1104.1. Policy** Determinations and recommendations regarding the continuation of ministry of any cleric who is the subject of an allegation of sexual abuse of a minor shall be made to the Archbishop according to the consultative and advisory process established in Section 1104.

### §1104.2. Reporting Requirements, Compliance and Cooperation

**1104.2. Policy** All persons associated with the Archdiocese are expected to 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 Archdiocese will advise and support a person's right to make a report to public authorities. (Cf. *USCCB Revised Norms*, §11 and §§1104.4.3(2) and 1104.7.1 of these Archdiocesan policies) In addition, all Archdiocesan clergy and all religious, employees, and volunteers working for the Archdiocese shall comply fully with the letter and spirit of this process. These personnel are expected to promptly report allegations of a cleric's sexual abuse of a minor to the Review Board Administrator unless prohibited by applicable Church law. Other clerics and religious working in the Archdiocese are expected to cooperate with the process consistent with their particular status within the Archdiocese. All people of goodwill who may have to relate to the process are asked to do so with understanding and sensitivity for its goals. The Archdiocese will take all

appropriate steps to protect the good name and reputation of all persons involved in this process. (Cf. Canon 220 and *USCCB Revised Norms*, §6).

***Procedures***

- a) 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. (Cf. *USCCB Revised Norms*, endnote 7)
- b) Allegations that a cleric of the Archdiocese of Chicago engaged in sexual abuse of a minor may be reported to the Archdiocese either by telephoning, writing, or by meeting in person with the Administrator.
- c) To the extent possible, the person making the report should meet in person with the Administrator and provide the Administrator with the name of the cleric who is the subject of the allegation, the name or names of the alleged victim or victims, an accurate description of the alleged abuse, the relevant dates, times and circumstances in which the abuse allegedly occurred, and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged abuse.
- d) If the Administrator learns of an allegation through the media or in some other fashion, the Administrator shall make appropriate inquiries and proceed substantially in the same manner as with any other allegation.
- e) **Anonymous Allegations:** The Administrator ordinarily will not process anonymous allegations or allegations that do not contain enough information to permit reasonable inquiry. The Administrator shall report all such allegations to the Board at its next regularly scheduled meeting and the Board shall review the Administrator's action.
- f) **Resigned Clerics:** An allegation against a cleric who has resigned from active ministry shall be processed in the same manner as any other allegation to the extent necessary to make a determination whether there is reasonable cause to suspect that the accused had engaged in sexual abuse of a minor during the time he was serving as a cleric of the Archdiocese and to facilitate the outreach to those affected as contemplated by these policies. The Preliminary Review, however, will focus on whether the resigned cleric is still ministering or employed in an ecclesial setting where minors may be at risk. If the

whereabouts of a resigned cleric against whom an accusation is made are known or can reasonably be determined, the Administrator shall contact the accused and request his response

**g) Deceased Clerics:** An allegation against a cleric who is deceased shall be received by the Administrator, who shall make a written summary of the allegation and refer the alleged victim to the Victim Assistance Minister for appropriate pastoral care. The Victim Assistance Minister will consult with other qualified persons in identifying the nature and extent of pastoral care that would be appropriate under the circumstances. Allegations involving deceased clerics ordinarily will not be reviewed by the Professional Fitness Review Board since there is no question of current risk to children and since the cleric is no longer able to respond to the allegation.

**h) Retired Clerics:** Since retired clerics often continue to exercise ministry and perform sacraments, an allegation against a cleric who has retired from an official assignment shall be processed in the same manner as any other allegation to the extent necessary to make a determination whether minors are currently at risk and whether there is reasonable cause to suspect that the retired cleric engaged in sexual abuse of a minor.

### §1104.3. Review Board

**1104.3. Policy** The recommendations described in Section 1104.1 shall be made to the Archbishop by a Review Board, which will function as a confidential consultative body to the Archbishop in discharging his responsibilities (hereinafter "Board"; cf. *USCCB Revised Charter*, art. 2, and *USCCB Revised Norms*, §4):

#### §1104.3.1. Membership

**1104.3.1. Policy** The Board shall be comprised of nine members of outstanding integrity and good judgment in full communion with the Church appointed by the Archbishop. Six members shall be lay Catholics who are not employees of the Archdiocese, and three members shall be clerics. At least one of the clerical members shall be a priest who is an experienced and respected pastor of the Archdiocese. Three of the lay Catholics shall include a psychiatrist, a psychologist or social worker, and an attorney; and the three representatives of the Church at large shall include a parish council member, a parent, and a victim/survivor or parent of a victim/survivor of child sexual abuse. At least one of the members should have particular expertise in the treatment of the sexual abuse of minors. (Cf. *USCCB Revised Charter*, art. 2, and *USCCB Revised Norms*, §5)

***Procedures***

- a) Full Communion “Those baptized are fully in the communion of the Catholic Church on this earth who are joined with Christ in its visible structures by the bonds of profession of faith, the sacraments, and ecclesial governance” (*Code of Canon Law*, c. 205; cf. Vatican II, Dogmatic Constitution on the Church *Lumen Gentium*, 14).
  
- b) Nominating Committee The Archbishop may appoint a Nominating Committee to propose the names of candidates for the Review Board. The Nominating Committee should be composed of respected persons with sound judgment. For the nomination of the clerical members of the Board, the Nominating Committee should consult with the Vicars for Priests or the Vicar for the Diaconate Community and the Executive Committee of the Presbyteral Council. For the nomination of the Board member who is a victim/survivor or parent of a victim/survivor of child sexual abuse, the Nominating Committee should consult with the Victim Assistance Minister. For the other Board positions, the Nominating Committee may at its discretion consult with appropriate professional societies, advocacy groups and other consultative bodies, such as the Archdiocesan Pastoral Council. The Archbishop’s Delegate to the Professional Fitness Review Board will convene the Nominating Committee with staff assistance from the Review Board Administrator.
  
- c) Board Member Orientation In order to familiarize Board members with their duties as well as with the pertinent policies and procedures, there should be a Board Member Orientation conducted periodically with input from appropriate Archdiocesan officials and outside consultants.
  
- d) Compensation None of the members of the Board shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.

**§1104.3.2. Term**

<p><b>1104.3.2. Policy</b> Appointments shall be for staggered terms of five years, which can be renewed, and shall continue until a successor is appointed. (Cf. <i>USCCB Revised Norms</i>, §5)</p>
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***Procedure***

Appointments shall be arranged so that the terms of one cleric, one professional, and one member of the Church at large are scheduled to expire at the same time.

### **§1104.3.3. Officers**

**1104.3.3. Policy** The Archbishop shall designate one board member as chairperson and one board member as vice chairperson, for one-year terms.

#### ***Procedure***

The chairperson will ordinarily convene and preside at meetings of the Board in accordance with the will of the Board. The vice-chairperson will perform these functions when the chairperson is unable to do so.

### **§1104.3.4. Relationship with Archbishop**

**1104.3.4. Policy** The Board shall serve as the principal advisor of the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. The Board is not accountable to other officials of the Archdiocese except as may be necessary for the efficient administration of its business. (Cf. *USCCB Revised Charter*, art. 2, and *USCCB Revised Norms*, §4)

### **§1104.3.5. Quorum and Majority for Doing Business**

**1104.3.5. Policy** Five members of the Board shall constitute a quorum and the concurrence of not less than five members of the Board shall be necessary to a determination or recommendation.

### **§1104.3.6. Meetings**

**1104.3.6.1. Policy** The Board shall conduct its business at meetings, which shall be scheduled to occur monthly or as often as necessary to perform its duties. The meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative. The meetings are not hearings. They are sessions at which the Board receives and considers information, deliberates, and formulates its determinations and recommendations. The Board may, in its discretion, limit the information it receives or considers, and the rules of evidence shall not strictly apply.

#### ***Procedures***

- a) Generally The Board ordinarily will meet in person but may meet by telephone conference call. The members of the Board shall not discuss the business of the Board or information presented to the Board outside Board or Committee meetings, except that the Review Board Administrator may communicate with Board members as required by this process or as otherwise appears appropriate.
  
- b) Attendance The Archbishop, the Archbishop's delegate, other persons designated by the Archbishop, and the Review Board Administrator may attend those portions of meetings during which information is presented to the Board and the Board makes its recommendations. They may attend other portions of the meetings subject to the discretion of the Board. Other than the person making the accusation or the accused cleric, all other persons may attend meetings only upon the invitation or with the consent of the Board and subject to such limitations as the Board might require. It is desirable that the Promoter of Justice participate in the meetings of the Board. (Cf. *USCCB Revised Norms*, §5) Since the Promoter for Justice is responsible to the prosecution of any penal trial before a canonical tribunal, he may attend the Review Board meetings with voice in the discussions, but with no vote in the Review Board's determinations and recommendations. After the Review Board process is completed and, if warranted by the outcome, after the Congregation for the Doctrine of the Faith is notified, the Promoter for Justice will proceed in accord with directions from the Congregation for the Doctrine of the Faith, unless the Congregation calls the case to itself because of special circumstances. (Cf. *USCCB Revised Norms*, §8A)
  
- c) Committees The Chairperson with the consent of the Review Board may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill their purpose, except that the power to make a definitive recommendation following a Review meeting may not be delegated to any such committee.

**1104.3.6.2 Policy** The person making an accusation and the accused cleric each have a right to meet with the board before the Review for Cause is concluded, subject to such reasonable limitations as to time the Board may establish. For good cause they may request to meet with the Board during a Supplemental Review or other meeting and the board shall exercise reasonable discretion in permitting such appearances and in establishing reasonable time limitations for such appearances.

***Procedure***

When a person making an accusation or an accused cleric meets with the Board, the Board shall schedule their appearances in such a way that they not meet each other, even inadvertently, unless such contact is expressly approved by the Board.

**1104.3.6.3. Policy** Nothing in these policies and procedures shall be interpreted as to abridge an individual's right to legal or canonical counsel.

***Procedure***

Counsel For the sake of due process, 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 necessary, the Archdiocese will supply canonical counsel to the priest or deacon. (*USCCB Revised Charter, art. 5, and USCCB Revised Norms §§6 and 8.A*) Any person appearing before the Board may do so with counsel or, in the Board's discretion which shall be exercised liberally, with such other adviser for whom the person may, in advance of the meeting, request the Board's consent. The Board shall not permit the participation of counsel or other adviser unduly to delay this process. Attorneys licensed to practice civil law, but not canon law, serving as counsel to the person making the allegation or the person accused, may attend such meetings and advise their clients involved in these ecclesiastical processes, with the understanding that such proceedings are conducted according to these policies and procedures and the provisions of canon law; they are not hearings subject to the rules of civil law.

**§1104.3.7. Duties**

**1104.3.7. Policy** The Board shall have the duty to:

- (1) recommend to the Archbishop a candidate or candidates for the position of Review Board Administrator;
- (2) supervise the Review Board Administrator in cooperation with the Archdiocesan Director of Personnel Services;
- (3) advise the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry (Cf. *USCCB Revised Charter, art. 2, and USCCB Revised Norms, §4.A.*)
- (4) offer advice on all aspects of these cases, whether retrospectively or prospectively (Cf. *USCCB Revised Norms, §4.C.*)
- (5) make such other recommendations which the Board in its sole discretion determines to be appropriate to reduce the risk to children.

- (6) recommend guidelines for the inquiries of the Review Board Administrator, the proceedings of the Board and programs for treatment, rehabilitation and supervision of clerics consistent with these provisions;
- (7) submit, with the assistance of the Review Board Administrator, an annual budget proposal to the Archbishop at a time to be specified. The budget proposal shall be incorporated into the proposal for the Department of Personnel Services and may be considered as part of the Archdiocesan budget process in consultation with the Review Board.
- (8) review these policies and procedures for dealing with sexual abuse of minors; (Cf. *USCCB Revised Norms*, §4.B)
- (9) cooperate with the Review Board Administrator, the Vicar for Priests, and the Professional Conduct Administrative Committee<sup>4</sup> in developing and implementing educational programs for themselves and those participating in this process; and
- (10) seek the advice of such experts and consultants as the Board deems necessary and appropriate.

#### **§1104.4. Review Board Administrator**

**1104.4. Policy** The Review Board Administrator (hereinafter "Administrator") shall assist the Board in the performance of its duties.

##### **§1104.4.1. Qualifications**

**1104.4.1. Policy** The Administrator shall be a lay Catholic professional who maintains appropriate qualifications and substantial experience in investigation and analyzing allegations of sexual abuse of children.

##### **§1104.4.2. Appointment and Conditions of Employment**

**1104.4.2. Policy** The Archbishop shall appoint and may remove an Administrator with the advice of the Board.

##### ***Procedure***

The Administrator shall be compensated and evaluated according to such schedules as may be applicable to other Archdiocesan employees of comparable responsibilities and experience.

##### **§1104.4.3. Duties**

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<sup>4</sup> The Professional Conduct Administrative Committee advises the Archbishop and his staff on administrative issues related to clerical sexual misconduct and other matters. The Committee also coordinates the administrative response to such matters.

**1104.4.3. Policy** Under the supervision of the Board the Administrator shall have the duty to:

- (1) receive and analyze information and allegations of sexual abuse by a cleric with a minor;
- (2) report to the public authorities any allegation (unless canonically privileged) of sexual abuse of a person who is a minor, cooperate with public authorities about reporting in cases when the person is no longer a minor, 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. In every instance, the Administrator will advise victims of their right to make a report to public authorities and will support this right. (Cf. *USCCB Revised Charter*, art. 4, and §§1104.2 and 1104.7.1 of these Archdiocesan policies). Specifically, the Administrator shall have the duty to report all allegations of sexual abuse of a minor to the Department of Children and Family Services and to the appropriate prosecuting authority in all cases;
- (3) promptly and objectively initiate and conduct such inquiries as may be appropriate for a representative of a private organization and in accord with canon law, i.e., the preliminary investigation of a complaint (cc. 1717-1719) or the inquiry in the procedure for removal from the office of pastor (c. 1742, §1) or other ministry (Cf. *USCCB Revised Charter*, art 5 and *USCCB Revised Norms*, §6);
- (4) communicate in an appropriate manner with the victim or person making an allegation, the Victim Assistance Minister, the affected cleric, the Vicar for Priests, Vicar for the Diaconate Community, the Archbishop, the Board and such other persons as the Archbishop or Board may designate;
- (5) assist the Board by preparing and submitting reports pertaining to allegations and requests and such other information as may be appropriate;
- (6) assist the Archbishop and his Delegate by preparing and submitting reports summarizing the allegations, the responses of accused clerics, and the rationale by which the Board arrived at its determinations and recommendations;
- (7) monitor programs for treatment, rehabilitation or supervision of clerics who have been withdrawn from ministry and report to the Board about these programs; and
- (8) perform such other duties as may be prescribed by the Archbishop, his delegate, or Board from time to time.

***Procedures***

- a) The Administrator and the Vicar for Priests shall work cooperatively in the treatment, rehabilitation and monitoring of clerics. The Administrator shall be primarily responsible for the development, implementation, and operation of the program for monitoring clerics. The Administrator and Vicar for Priests shall work cooperatively in the selection of professionals and institutions to evaluate, diagnose and treat clerics. The Vicar for Priests is primarily responsible for pastoral

and spiritual life concerns and treatment questions that require a sensitivity to confidences.

- b) Under the Board's supervision, the Administrator may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation. The Administrator shall provide oral and written reports to the Board containing the findings of such investigations to assist the Board in its consideration of the allegations.

#### **§1104.5. Receipt of Information**

**1104.5. Policy** To assist the Administrator in implementing this process, the Archdiocese shall establish and publicize a separate telephone number to facilitate receipt of information. The Administrator will answer calls during business hours and an appropriate recording device shall be used at other times.

#### **§1104.6. Confidentiality and Disclosure of Information**

**1104.6. Policy** Information generated in connection with the process set forth in Sections 1104.4 and 1104.5 shall be maintained in a confidential manner and may only be disclosed in accordance with this section.

##### ***Procedures***

- a) The Administrator is the custodian of all information described in Sections 1104.4 and 1104.5 and shall develop an appropriate record keeping system to ensure accountability for and security of the information.
- b) The Administrator shall maintain the information in a confidential fashion and may not disclose such information except as follows:
  - 1) the Administrator shall provide the accused cleric with information sufficient to enable the cleric to respond to the allegation; either party may have access to his or her own statements pertaining to the allegation or response and may offer them to be incorporated into the record; the Administrator may provide both the person making the allegation and the accused cleric with such additional information as necessary to process the allegation;
  - 2) after the Archbishop has made a decision in a matter brought before the Board, the Administrator shall provide the person making the allegation and the accused cleric with appropriate and

timely information about the Board's determinations and recommendations and the Archbishop's actions;

- 3) the Administrator shall provide access to information to the Board, the Archbishop, the Archbishop's delegate and other persons the Archbishop may designate;
- 4) the Administrator shall provide access to information to the competent superior in connection with allegations about a member of a religious community or another diocese; and
- 5) the Administrator shall disclose such information as may be required by law.
- 6) The Archdiocese will develop a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Archdiocese will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors. (*USCCB Revised Charter*, art. 7)

#### §1104.7. Preliminary Actions and Inquiry

**1104.7.1. Policy** Upon receipt of the allegation, the Administrator promptly shall report an allegation of sexual abuse of a person who is a minor to the public authorities, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, will cooperate in their investigation in accord with the law of the jurisdiction in question, and will cooperate with public authorities about reporting in cases when the person is no longer a minor. The Administrator shall also provide the person making the allegation with a written statement containing information about the right to make a report of such allegations to public authorities and will support this right. (Cf. *USCCB Revised Charter*, art. 4, *USCCB Revised Norms*, §11, and §§1104.2 and 1104.4.3(2) of these Archdiocesan policies)

#### **Procedure**

The Administrator shall review the cleric's files<sup>5</sup> or background, make appropriate inquiries about the allegation, and prepare a report of all

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<sup>5</sup> Note that there are different files kept by various Archdiocesan offices, e.g., the Office of the Chancellor, Vicar for Priests, the Archbishop's Delegate, the Diocesan Priests' Placement Board and the PRMAA. These files are managed under the coordination of the Chancellor or his delegate. See §700 *Archdiocese of Chicago Unified Priest Personnel Record Keeping Policies* and §1106 *Priest Personnel Records*.

available information for presentation to the Board either orally or in writing at the Preliminary Review meeting. The Administrator shall reduce an oral report to writing as soon as practical after the Preliminary Review meeting and make copies of this report available to the Board, the Archbishop, his delegate, and such other persons that the Archbishop may designate.

**1104.7.2. Policy** Ordinarily, the Administrator shall also promptly do the following:

- (1) report the allegation to the Victim Assistance Minister;
- (2) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;
- (3) inform the cleric and request his response;
- (4) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.

***Procedure***

- a) Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Archbishop for the sake of the common good (see canon 223, §2 of the *Code of Canon Law* and §§ 1104.10 and 1104.12 of these Archdiocesan policies).
- b) In making such assessments and recommendations, the Administrator may consult with the Archbishop, his delegate, and persons designated by the Archbishop.

**1104.7.3. Policy** When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric's admission of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. *USCCB Revised Charter*, art. 5, and *USCCB Revised Norms*, §6)

***Procedures***

- a) The Administrator shall prepare one or more written reports of these inquiries for the appropriate canonical process and the Board. These reports should include descriptions of actions taken by the Administrator, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available.

- b) Before initiating a judicial or administrative process to impose or declare penalties, the Archbishop should seek the cleric's voluntary cooperation to avoid or repair scandal, restore justice and reform the offender through various means of pastoral solicitude. (Cf. c. 1341)
- c) The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Archdiocese and the accused, so long as this does not interfere with the investigation by civil authorities. (Cf. *USCCB Revised Charter*, art. 5, and *USCCB Revised Norms*, §7)
- d) The Administrator must schedule and give effective notice of any meetings of the Board.

#### §1104.8. Preliminary Review

**1104.8. Policy** Ordinarily, the Board shall meet within approximately three to five days after an allegation is completed to conduct a Preliminary Review. The Board or the Administrator may delay scheduling the Preliminary Review for a good reason, such as to await the completion of action by public bodies. The allegation is considered to have been completed after the Administrator has obtained the pertinent information from the accuser and has given the accused a reasonable opportunity to respond to the allegation(s).

##### §1104.8.1. Questions for Review

**1104.8.1. Policy** At the Preliminary Review meeting, the Board shall determine: (1) whether the interim actions recommended by the Administrator were appropriate to provide for the safety of children; (2) its recommendations based on its expertise regarding the scope and course of the investigation; and (3) what further preliminary action should be taken with respect to the allegation.

##### *Procedure*

The Board shall consider the Administrator's report, information provided by the Archbishop's delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain.

##### §1104.8.2. Determination and Recommendations

**1104.8.2. Policy** The Board shall make recommendations to the Archbishop about the following:

- (1) if the cleric has already been temporarily withdrawn from ministry pending inquiry, whether such withdrawal should continue; if the withdrawal should not continue, whether any restrictions should be imposed on a cleric returning to ministry;
- (2) if the cleric has not been temporarily withdrawn from ministry, whether he should be withdrawn, whether he should continue in his assignment and, if so, whether any restrictions should be imposed upon him;
- (3) whether the preliminary actions taken by the Administrator were appropriate and whether further action by the Administrator is required;
- (4) whether the file may be closed at this stage of the proceedings or held open pending action by public bodies, further inquiry by the Administrator, or further action by the Board; and
- (5) if the cleric's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action is warranted and suggestions as to such action.

#### **§1104.9 Review for Cause**

**1104.9. Policy** A Review for Cause shall ordinarily be initiated and scheduled to occur no earlier than thirty and no later than one hundred eighty days after completion of the Preliminary Review. The Board may delay scheduling the Review for Cause for a good reason, such as to await the completion of action by public bodies.

##### **§1104.9.1. Questions for Review**

**1104.9.1. Policy** At the Review for Cause the Board shall determine: (1) whether there is reasonable cause to suspect that the accused engaged in sexual abuse of a minor; (2) whether prior determinations as to ministry by the cleric should be altered; and (3) what further action, if any, should be taken with respect to the allegation.

##### ***Procedures***

The Board shall consider the Administrator's reports, information provided by the Archbishop's delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain.

##### **§1104.9.2. Initiation**

**1104.9.2. Policy** The Review for Cause may be initiated by a cleric who was withdrawn from ministry, the Administrator, the Archbishop, the Archbishop's delegate or by the Board in any matter it deems appropriate.

**§1104.9.3. Determinations and Recommendations**

**1104.9.3. Policy** The Board shall determine whether it is reasonable to return the cleric to ministry or keep the cleric in ministry in view of all the facts and circumstances, giving appropriate consideration to the safety of children and the rights of the cleric. The Board shall make appropriate recommendations to the Archbishop about the following.

- (1) if the cleric has already been withdrawn from ministry pending inquiry, whether such withdrawal should continue; if it should not continue, whether any restrictions should be imposed on a cleric returning to ministry;
- (2) if the cleric has not been withdrawn from ministry, whether he should remain and, if so, whether any restrictions should be imposed on him;
- (3) whether the file should be closed at this stage of the proceedings;
- (4) whether the file should be held open for some reason;
- (5) if the cleric's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action appears desirable and suggestions as to possible action; and
- (6) such other matters as the Board deems appropriate.

**§1104.10 Administrative Leave: Temporary Withdrawal from Ministry**

**1104.10. Policy** 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 Archbishop shall then apply the precautionary measures mentioned in canon 1722, i.e., remove the accused from 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. (Cf. *USCCB Revised Norms*, §6)

**§1104.11. Supplementary Reviews**

**1104.11. Policy** The Board may conduct such Supplementary Reviews as may be necessary to discharge its duties.

**1104.11.1. Questions for Review**

**1104.11.1. Policy** The Board may consider new information about a determination or recommendation made in connection with a prior review, exercise its responsibility as described in Sections 1104 and 1105, or oversee the work of the

Administrator, the victim assistance program, the supervision and therapy program for affected clerics or any other matter within its responsibility.

***Procedure***

The Board may consider the application for review, the Administrator's reports, information provided by the Archbishop, the Archbishop's delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain.

**§1104.11.2. Initiation**

**1104.11.2. *Policy*** A Supplementary Review may be initiated by the Board, the Administrator, the Archbishop, or the Archbishop's delegate. In addition, an affected cleric, a person who made an allegation, a victim or the family of a victim may apply to the Board in writing for such a review and shall include in the application a statement of the question or point for review, the applicant's position with respect to the matter, and any supporting explanation or information.

**§1104.11.3. Determinations and Recommendations**

**1104.11.3. *Policy*** The Board may make the same kinds of determinations and recommendations as in a prior Review and make such other determinations and recommendations as it deems appropriate.

**§1104.12. Monitoring**

**§1104.12.1. *Policy*** Monitoring protocols and programs for those who have been accused or have engaged in sexual abuse of minors must reflect the primary goals of protecting children and the integrity of the church. Monitoring is implemented when deemed appropriate at a Preliminary Review, when a cleric has been temporarily withdrawn from ministry pending further inquiry or when a cleric has been permanently removed from ministry but allowed to remain a cleric when sexual abuse by the cleric is admitted or is established after an appropriate investigation in accord with canon law.

***Procedure***

The primary purposes of monitoring those who have engaged in sexual abuse of minors are the safety of children and the integrity of the Church. The programs need to be flexible to recognize individual circumstances and the fact that knowledge and insight continue to develop. They should be evaluated periodically for this reason. These programs should also

recognize, in an appropriate way, redemption and forgiveness and seek to provide hope for those dealing with the dysfunction that causes sexual abuse. They must be consistent and fair, and the application in a given case not be arbitrary, but recognize individual circumstances.

**§1104.12.2. Policy** A cleric who has engaged in sexual abuse of a minor will be subject to appropriate monitoring for the remainder of his life as a cleric of the Archdiocese and his file shall remain open.

***Procedure***

Recovery from the dysfunction which causes sexual abuse of minors is considered, in the light to the experience and research presently available, an ongoing and lifelong process. Further, the Archdiocese is civilly and morally responsible to exercise due diligence in these matters to ensure that those within its care are not placed at risk. For these reasons, the monitoring in such cases is a lifelong process.

**§1104.12.3. Policy** Monitoring programs and protocols should be applied on a case by case basis but must include certain essential components.

***Procedures***

While the monitoring protocol approved by the Review Board in a given case might include myriad controls or restrictions that have proven helpful, all cases must include certain essential elements. They are:

- ✓ continuing jurisdiction and oversight by the Review Board with periodic evaluation and reports to the Archbishop;
- ✓ a written protocol signed by the cleric which sets forth the particular requirements applicable to him;
- ✓ restrictions from being alone with anyone under the age of 18;
- ✓ periodic physical evaluation and psychological reports as determined by the Review Board;
- ✓ regular individual spiritual direction;
- ✓ communication with leaders and others as appropriate in the cleric's residence in order that they are meaningfully apprised and able to assist in the program;
- ✓ a provision requiring clerics who use the Internet to provide the Review Board Administrator with a monthly printout of Internet sites visited.



## §1105 CANONICAL CONSIDERATIONS

*Section 1105 recognizes that a cleric who has admitted or been found to have engaged in sexual abuse of a minor may never return to ministry. We repeat the words of our Holy Father 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."*

### §1105.1. Removal from Ministry, Penalties and Restrictions

**§1105.1. Policy** 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 (c. 1395, §2).<sup>6</sup> While affording every opportunity to the offender for conversion of heart and forgiveness through sacramental reconciliation, and recognizing the abundant mercy of God's infinite graces, the Church also acknowledges the need to do penance for one's sins, that there are consequences for wrongful actions, and that the safety of children requires certain measures to be taken even after there is forgiveness.

**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; *Graviora Delicta*, 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 Archbishop how 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 Archbishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Archdiocese will supply canonical counsel to a priest. The provisions of canon 1722 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 is 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. (cf. *USCCB Revised Charter*, art. 5, and *USCCB Revised Norms* §8)

<sup>6</sup> Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or suffering from a related sexual disorder that requires professional treatment. (Cf. *USCCB Revised Norms*, §8, footnote 4)

**§1105.2. Executive Power of Governance**

**1105.2. Policy** At all times, the Archbishop has the executive power of governance, 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.<sup>7</sup> Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (c. 1395, §2) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the Archbishop shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry. (*USCCB Revised Norms*, §9)

***Procedures***

The Archbishop may exercise his executive power of governance to take one or more of the following administrative actions (cc. 381 and 129ff):

- a) He may request that the accused freely resign from any currently held ecclesiastical office (cc. 187-189);
- b) Should the accused decline to resign and should the Archbishop judge the accused to be truly not suitable (c. 149, §1) at this time for holding an office previously freely conferred (c. 157), then he may remove that person from office observing the required canonical procedures (cc. 192-195, 1740-1747);
- c) For a cleric who holds no office in the Archdiocese, any previously delegated faculties may be administratively removed (cc. 391, §1 and 142, §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in the law (c. 764);
- d) The Archbishop 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 (c. 906). The Archbishop 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 Archbishop may also dispense (cc. 85-88) the cleric from the obligation of wearing clerical attire (c. 284) and may urge that he not do so, for the good of the Church and for his own good.

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<sup>7</sup> Cf. cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348 and 1740-1747.

- f) These administrative actions shall be taken in writing and by means of decrees (cc. 47-58) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (cc. 1734ff).

(The above procedures are outlined in *USCCB Revised Norms*, §9, footnote 6.)

### §1105.3. Dispensations and Dismissals from the Clerical State

**1105.3. Policy** The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Archbishop may request of the Holy See the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon (*USCCB Revised Norms*, §10)

#### *Procedures*

- a) A cleric described in Section 1105.1 and who has not been dismissed from the clerical state may either live in a supervised setting designated by the Archdiocese in accord with Section 1104.12 or resign from active ministry as a cleric and petition for laicization. The Archdiocese ordinarily will offer such resigned clerics an opportunity for continuing therapy as part of an appropriate severance program. If the cleric does not express a desire to live in such a supervised setting or petition for laicization, the Archdiocese may pursue appropriate courses of action permitted under the Code of Canon law.
- b) A cleric who is assigned to live in a supervised setting as described above must sign a written agreement with the Archdiocese. The agreement must include such provisions as to his restrictions, residence, therapy, supervision and other matters as may be recommended by his therapists or the Board, or required by the Archbishop. The cleric's compliance with the terms of the agreement and overall performance will be monitored from time to time by the Administrator. The Administrator will present written reports of the monitoring to the Board at least annually. Either the Board, the Archbishop or cleric may initiate a Supplementary Review of the situation in accordance with the procedures in Section 1104.

**§1105.4. Protection of Rights and Unfounded Allegations**

**1105.4. Policy** 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 the person against whom the charge has been made. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused. (*USCCB Revised Norms*, §13)

**§1105.5. Cleric's failure to comply**

**1105.4 Policy** A cleric's failure to comply with the agreement he has signed or any of the relevant conditions or restrictions imposed shall be the basis for the initiation of a Supplementary Review which may result in such other action as the Review Board deems appropriate.

## §1106 PRIEST PERSONNEL RECORDS

*Section 1106 requires the establishment of unified priest personnel record keeping system to enable those responsible for ministerial assignments to consider the full record of a priest. Under the unified system, the record of a priest will commence upon his entry into seminary training and continue to be maintained throughout his career.*

### §1106.1. Priest Personnel Record Keeping

**1106.1. Policy** The Archdiocese shall establish and maintain a unified priest personnel record keeping system to enable the Archbishop and other responsible persons to consider the full record of a priest in the making of ministerial assignments. The record of each priest shall commence upon entering seminary training and continue to be maintained throughout the career of the priest. See §700 *Archdiocese of Chicago Unified Priest Personnel Record Keeping Policies*.

#### ***Procedure***

Archdiocesan policies and procedures shall provide for the administration of the unified priest personnel record keeping system consistent with law and sound personnel records management. For the purposes enunciated in these policies and procedures, the record shall include records of formational assessment, psychological evaluation, the record and disposition of any proceedings of the Review Board and any other information suggesting a propensity for sexual abuse of minors.

### §1106.2. Transfer of Information

**1106.2. Policy** The rector of Mundelein Seminary and the Vicar for Priests shall make available to the Chancellor for incorporation into the priest personnel record keeping system such records in their respective possession as may be allowed by law.

#### ***Procedure***

They may remove or redact from the records they make available any record, note, memoranda or other document which reflects information obtained, received or given under promise, perception or expectation of confidentiality before December 8, 1995.

### §1106.3. Confidentiality of Records

**1106.3. Policy** All records maintained pursuant to this Section shall be confidential. Information contained in a priest's personnel record may be disclosed by the Chancellor to the Archbishop and in the following instances:

- (1) upon request of the Priests' Placement Board for consideration by the Board in making assignments;
- (2) upon request of the Administrator as contemplated in Sections 1104 and 1105 of these policies and procedures;
- (3) upon request of a priest subject to conditions and limitations set forth in applicable policies and procedures; and
- (4) all such disclosures shall be made in a manner consistent with applicable law and sound personnel records management.

#### ***Procedure***

Secure provision for the records shall be provided by the Chancellor and an appropriate file system established.

# United States Conference of Catholic Bishops

## Charter for the Protection of Children and Young People Revised Edition

*(Text in bold print has been incorporated into the policies and procedures of the Archdiocese of Chicago; citations in parentheses are cross-references to the paragraph numbers of Archdiocesan policies and procedures.)*

### Preamble

The Church in the United States is experiencing a crisis without precedent in our times. The sexual abuse of children and young people by some priests and bishops, and the ways in which we bishops addressed these crimes and sins, have caused enormous pain, anger, and confusion. Innocent victims and their families have suffered terribly. In the past, secrecy has created an atmosphere that has inhibited the healing process and, in some cases, enabled sexually abusive behavior to be repeated. As bishops, we acknowledge our mistakes and our role in that suffering, and we apologize and take responsibility for too often failing victims and our people in the past. We also take responsibility for dealing with this problem strongly, consistently, and effectively in the future. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people are enduring.

We, who have been given the responsibility of shepherding God's people, will, with God's help and in full collaboration with our people, 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 here in our General Assembly and at home in our dioceses/eparchies.

The damage caused by sexual abuse of minors is devastating and long-lasting. We reach out to those who suffer, but especially to the victims of sexual abuse and their families. We apologize to them for the grave harm that has been inflicted upon them, and we offer them our help for the future. In the light of so much suffering, healing and reconciliation are beyond human capacity alone. Only God's grace, mercy, and forgiveness can lead us forward, trusting Christ's promise: "for God all things are possible" (Mt 19:26).

The loss of trust becomes even more tragic when its consequence is a loss of the faith that we have a sacred duty to foster. We make our own the words of our Holy Father: that 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).

The Conference of Bishops has been addressing the evil of sexual abuse of minors by a priest and, at its June 1992 meeting, established five principles to be followed (cf. Ad Hoc Committee on Sexual Abuse, National Conference of Catholic Bishops, *Restoring Trust*, November 1994). We also need to recognize that many dioceses and eparchies did implement in a responsible and timely fashion policies and procedures that have safeguarded children and young people. Many

bishops did take appropriate steps to address clergy who were guilty of sexual misconduct.

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.

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)

In Matthew 25, the Lord made this part of his commission to his apostles and disciples when he told them that whenever they showed mercy and compassion to the least ones, they showed 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 the grave warning about anyone who would lead the little ones astray, saying that 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 resolve this crisis, we bishops commit ourselves to a pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church. We renew our determination to provide safety and protection for children and young people in our church ministries and institutions. We pledge ourselves to act in a way that manifests our accountability to God, to his people, and to one another in this grave matter. We commit ourselves to do all we can to heal the trauma that victims/survivors and their families are suffering and the wound that the whole Church is experiencing. We acknowledge our need to be in dialogue with all Catholics, especially victims and parents, around this issue. By these actions, we want to demonstrate to the wider community that we comprehend the gravity of the sexual abuse of minors.

To fulfill these goals, our dioceses/eparchies and our national conference, in a spirit of repentance and renewal, will adopt and implement policies based upon the following.

## **To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors**

**ARTICLE 1.** Dioceses/eparchies will 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.

(Archdiocesan Policies, §1102.2) Where such outreach is not already in place and operative, each diocese/eparchy is to develop an outreach to every person who has been the victim of sexual abuse<sup>{HYPERLINK "http://www.usccb.org/bishops/charter.htm" \ "1#1" }</sup> as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by abuse should be fostered and encouraged in every diocese/eparchy and in local parish communities. (Archdiocesan Policies, §1102.1)

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative will 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 our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the bishop or his delegate will also be directed to faith communities in which the sexual abuse occurred. (Archdiocesan Policies, §1102.2)

**ARTICLE 2.** Dioceses/eparchies will have mechanisms in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. (Cf. Archdiocesan Policies in their entirety) Dioceses/eparchies will have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused as minors by clergy or other church personnel. (Archdiocesan Policies, §1102.2) Dioceses/eparchies will also have a review board that functions as a confidential consultative body to the bishop/eparch. (Archdiocesan Policies, §1104.3) The majority of its members will 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*, 2002). (Archdiocesan Policies, §1104.3.1) This board will advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. (Archdiocesan Policies, §§1104.3.4 and 1104.3.7[3]) It will regularly review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. (Archdiocesan Policies, §§1101.4 and 1104.3.7[8]) Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses required in connection with these cases. (Archdiocesan Policies, §1104.3.7[4]) The procedures for those making a complaint will be readily available in printed form and will be the subject of periodic public announcements. (Archdiocesan Policies, §1101.1[2])

**ARTICLE 3.** Dioceses/eparchies will not enter into confidentiality agreements except for

grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement. (Archdiocesan Policies, §1102.2)

### **To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors**

**ARTICLE 4.** Dioceses/eparchies will report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies 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 accord with the law of the jurisdiction in question. (Archdiocesan Policies, §§1104.4.3[2] and 1104.7.1)

Dioceses/eparchies will cooperate with public authorities about reporting in cases when the person is no longer a minor. (Archdiocesan Policies, §§1104.4.3[2] and 1104.7.1)

In every instance, dioceses/eparchies will advise victims of their right to make a report to public authorities and will support this right. (Archdiocesan Policies, §§1104.4.3[2] and 1104.7.1)

**ARTICLE 5.** We repeat the words of our Holy Father 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." (Archdiocesan Policies, §1105, *Preamble*)

When an allegation of sexual abuse of a minor by a priest or a deacon is received, a preliminary investigation, in harmony with canon law (CIC, cc. 1717-1719; CCEO, cc. 1468-1470), will be initiated and conducted promptly and objectively. (Archdiocesan Policies, §§1104.4.3[3] and 1104.7.3) If this investigation so indicates, the diocesan/eparchial bishop will both notify the Congregation for the Doctrine of the Faith and apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., relieve the alleged offender promptly of his ministerial duties. (Archdiocesan Policies, §1104.10) The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by civil authorities. (Archdiocesan Policies, §1104.7.3[c]) When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the priest or deacon. (Archdiocesan Policies, §1105.4)

When sexual abuse of a minor by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, the following will pertain:

- Diocesan/eparchial policy will provide that for even a single act of sexual abuse (see Article 1, note { [HYPERLINK "http://www.usccb.org/bishops/charter.htm"](http://www.usccb.org/bishops/charter.htm) \1 "1#1" }) of a minor—past, present, or future—the offending priest or deacon will be permanently removed from ministry, not excluding dismissal from the clerical state, if the case so warrants. (Archdiocesan Policies, §1105.1) In keeping with the stated purpose of this Charter, an offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention. (Archdiocesan Policies, §1102.4)

- **In every case involving canonical penalties, the processes provided for in canon law must be observed (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). (Archdiocesan Policies, §1105.1) For the sake of 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 or deacon. (Archdiocesan Policies, §1104.3.6.3-*Procedure*)**
- **Also provided for in canon law are the following: a request by the priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state or a request by the bishop for dismissal from the clerical state even without the consent of the priest or deacon (cf. *Canonical Delicts*). (Archdiocesan Policies, §1105.3)**
- **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. (Archdiocesan Policies, §1105.1[B])**
- **At all times, the diocesan bishop/eparch has the executive power of governance, 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. Because sexual abuse of a minor is a crime in all 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. (Archdiocesan Policies, §1105.2)**

**ARTICLE 6.** While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people. (Archdiocesan Policies, §1103.1[b])

**ARTICLE 7.** Each diocese/eparchy will develop a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, dioceses/eparchies will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors. (Archdiocesan Policies, §1104.6[6])

## **To Ensure the Accountability of Our Procedures**

**ARTICLE 8.** To assist in the consistent application of these principles and to provide a vehicle of accountability and assistance to dioceses/eparchies in this matter, we authorize the establishment of an Office for Child and Youth Protection at our national headquarters. The tasks of this Office will include (1) assisting individual dioceses/eparchies in the implementation of "safe environment" programs (see Article 12 below), (2) assisting provinces and regions in the development of appropriate mechanisms to audit adherence to policies, and (3) producing an annual public report on the progress made in implementing the standards in this Charter. This public report shall include the names of those dioceses/eparchies which, in the judgment of this Office, are not in compliance with the provisions and expectations of this Charter. This Office will have staffing sufficient to fulfill its basic purpose. Staff will consist of persons who are expert in the protection of minors; they will be appointed by the General Secretary of the Conference.

**ARTICLE 9.** The work of the Office for Child and Youth Protection will be assisted and monitored by a Review Board, including parents, appointed by the Conference President and reporting directly to him. The Board will approve the annual report of the implementation of this Charter in each of our dioceses/eparchies, as well as any recommendations that emerge from this review, before the report is submitted to the President of the Conference and published. To understand the problem more fully and to enhance the effectiveness of our future response, the National Review Board will commission a comprehensive study of the causes and context of the current crisis. The Board will also commission a descriptive study, with the full cooperation of our dioceses/eparchies, of the nature and scope of the problem within the Catholic Church in the United States, including such data as statistics on perpetrators and victims.

**ARTICLE 10.** The membership of the Ad Hoc Committee on Sexual Abuse will be reconstituted to include representation from all the episcopal regions of the country.

**ARTICLE 11.** The President of the Conference will inform the Holy See of this Charter to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to address this present crisis.

### **To Protect the Faithful in the Future**

**ARTICLE 12.** Dioceses/eparchies will establish "safe environment" programs. They will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children.

Dioceses/eparchies will 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 sexual abuse. (Archdiocesan Policies, §1102.3)

**ARTICLE 13.** Dioceses/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation*,

1993, no. 513). (Archdiocesan Policies, §1103.1)

**ARTICLE 14.** No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information that he has been or may be a danger to children or young people. (Cf. National Conference of Catholic Bishops and Conference of Major Superiors of Men, *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, 1993.) (Archdiocesan Policies, §1103.2)

**ARTICLE 15.** The Ad Hoc Committee on Sexual Abuse and the Officers of the Conference of Major Superiors of Men will meet to determine how this Charter will be conveyed and established in the communities of religious men in the United States. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates will 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 pledge our complete cooperation with the Apostolic Visitation of our diocesan/eparchial seminaries and religious houses of formation recommended in the Interdicasterial Meeting with the Cardinals of the United States and the Conference Officers in April 2002. Unlike the previous visitation, these new visits **will focus on the question of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis***. We look forward to this opportunity to strengthen our priestly formation programs so that they may provide God's people with mature and holy priests. **Dioceses/eparchies will develop systematic ongoing formation programs in keeping with the recent Conference document *Basic Plan for the Ongoing Formation of Priests* (2001) so as to assist priests in their living out of their vocation.** (Archdiocesan Policies, §1103.1[d])

## Conclusion

In the midst of this terrible crisis of sexual abuse of young people by priests and bishops and how it has been dealt with by bishops, many other issues have been raised. In this Charter we focus specifically on the painful issue at hand. However, in this matter, we do wish to affirm our concern especially with regard to issues related to effective consultation of the laity and the participation of God's people in decision making that affects their well-being.

We must increase our vigilance to prevent those few who might exploit the priesthood for their own immoral and criminal purposes from doing so. At the same time, we know that the sexual abuse of young people is not a problem inherent in the priesthood, nor are priests the only ones

guilty of it. The vast majority of our priests are faithful in their ministry and happy in their vocation. Their people are enormously appreciative of the ministry provided by their priests. In the midst of trial, this remains a cause for rejoicing. We deeply regret that any of our decisions have obscured the good work of our priests, for which their people hold them in such respect.

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.

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.

By what we have begun here today and by what we have stated and agreed to,

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.

We make these pledges with a humbling sense of our own limitations, relying on the help of God and the support of his faithful priests and people to work with us to fulfill them.

Above all we believe, in the words of St. Paul as cited by Pope John Paul II in April 2002, that "where sin increased, grace overflowed all the more" (Rm 5:20). This is faith's message. With this faith, we are confident that we will not be conquered by evil but overcome evil with good (cf. Rm 12:21).

This charter is published for the dioceses/eparchies of the United States, and we bishops commit ourselves to its immediate implementation. It is to be reviewed in two years by the Conference of Bishops with the advice of the National Review Board created in Article 9 to ensure its effectiveness in resolving the problems of sexual abuse of minors by priests.

**\* 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 (CIC, c. 1395 §2, CCEO, c. 1453 §1). 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, cc. 1322-1327, and CCEO, cc. 1413, 1415, and 1416. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be 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. (Archdiocesan Policies, Footnote 1)

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The document *Charter for the Protection of Children and Young People* was developed by the Ad Hoc Committee on Sexual Abuse of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of U.S. Catholic bishops at its November 2002 General Meeting and has been authorized for publication by the undersigned.

Msgr. William P. Fay  
General Secretary, USCCB

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# **United States Conference of Catholic Bishops**

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

*Approved by the Congregation for Bishops, December 8, 2002*

*(Text in bold print has been incorporated into the policies and procedures of the Archdiocese of Chicago; citations in parentheses are cross-references to the paragraph numbers of Archdiocesan policies and procedures.)*

### **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.**

*(Archdiocesan Policies, Preamble)*

**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.**

*(Archdiocesan Policies, Preamble)*

**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.**{ HYPERLINK

**"<http://www.usccb.org/bishops/norms.htm>" \l "1#1" } These norms are complementary to the universal law of the Church, which 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.**

*(Archdiocesan Policies, Preamble)*

**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 offence 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. { HYPERLINK "<http://www.usccb.org/bishops/norms.htm>" \l "2#2" } (Archdiocesan Policies, Footnote 1)**

## **Norms**

- 1. Having received the *recognitio* of the Apostolic See on December 8, 2002, and having been legitimately promulgated in accordance with the practice of this Episcopal Conference on December 12, 2002, these Norms constitute particular law for all the dioceses/eparchies of the United States of America. { HYPERLINK "<http://www.usccb.org/bishops/norms.htm>" \l "3#3" } (Archdiocesan Policies, *Preamble*) Two years after *recognitio* has been received, these norms will be evaluated by the plenary assembly of the United States Conference of Catholic Bishops.**
- 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. (Archdiocesan Policies in their entirety) 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.** (Archdiocesan Policies, §1102.2)
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.** (Archdiocesan Policies, §1104.3) **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;** (Archdiocesan Policies, §§1104.3.4 and 1104.3.7[3])
    - B. **reviewing diocesan/eparchial policies for dealing with sexual abuse of minors;** (Archdiocesan Policies, §§1101.4 and 1103.3.7[8]) and
    - C. **offering advice on all aspects of these cases, whether retrospectively or prospectively.** (Archdiocesan Policies, §1104.3.7[4])
  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.** (Archdiocesan Policies, §1104.3.1) **The members will be appointed for a term of five years, which can be renewed.** (Archdiocesan Policies, §1104.3.2) **It is desirable that the Promoter of Justice participate in the meetings of the review board.** (Archdiocesan Policies, §1104.3.6[b])
  6. **When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468).** (Archdiocesan Policies, §§1104.4.3[3] and 1104.7.3) **All appropriate steps shall be taken to protect the reputation of the accused during the investigation.** (Archdiocesan Policies, §§1104.2 and 1104.7.3) **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.** (Archdiocesan Policies, §1104.3.6.3-*Procedure*) **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 1722, or CCEO, canon 1473—i.e., 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.** (Archdiocesan Policies, §1104.10)
- 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.** (Archdiocesan Policies, §1104.7.3[c])
  - 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 (CIC, c. 1395 §2; CCEO, c. 1453 §1).**{ HYPERLINK "<http://www.usccb.org/bishops/norms.htm>" \l "4#4" } (Archdiocesan Policies, §1105.1)
    - 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).** (Archdiocesan Policies, §1105.1[A])**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 how to proceed (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela, AAS, 93, 2001, p. 787*).** (Archdiocesan Policies, §§1104.3.6[b] and 1105.1[A]) **If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of 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.** (Archdiocesan Policies, §1105.1[A])
    - 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.** (Archdiocesan Policies, §1105.1[B])

- 9. At all times, the diocesan bishop/eparch has the executive power of governance, 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.**{ HYPERLINK "<http://www.usccb.org/bishops/norms.htm>" \l "5#5" } **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 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 who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.**{ HYPERLINK "<http://www.usccb.org/bishops/norms.htm>" \l "6#6" } (Archdiocesan Policies, §1105.2)
- 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.** (Archdiocesan Policies, §1105.3)
- 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.**{ HYPERLINK "<http://www.usccb.org/bishops/norms.htm>" \l "7#7" } (Archdiocesan Policies, §1104.2)
- 12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) 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. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary 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.** (Archdiocesan Policies, §1103.2)

**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 proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.** (Archdiocesan Policies, §1105.4)

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<sup>1</sup> In applying these Norms to religious priests and deacons, the term "religious ordinary" shall be substituted for the term "bishop/eparch" *mutatis mutandis*.

<sup>2</sup> **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.** (Archdiocesan Policies, Footnote 1)

<sup>3</sup> Due regard must be given to the proper legislative authority of each Eastern Catholic Church.

<sup>4</sup> **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.** (Archdiocesan Policies, Footnote 6)

<sup>5</sup> 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<sup>o</sup> -2<sup>o</sup>, 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, 1389-1396.

<sup>6</sup> **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):** (Archdiocesan Policies, §1105.2-*Procedure*)

- a. **He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).** (Archdiocesan Policies, §1105.2-*Procedure* [a])
- 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).** (Archdiocesan Policies, §1105.2-*Procedure* [b])

- 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). (Archdiocesan Policies, §1105.2-Procedure [c])**
  
- 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. (Archdiocesan Policies, §1105.2-Procedure [d])**
  
- 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. (Archdiocesan Policies, §1105.2-Procedure [e])**

**These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1<sup>o</sup>-2<sup>o</sup>, 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). (Archdiocesan Policies, §1105.2-Procedure [f])**

**<sup>7</sup> 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. (Archdiocesan Policies, §1104.2[a])**

## CANONICAL PROCESS:

### TRIALS FOR INFLICTING PENALTIES

The Archdiocese is well prepared to handle the canonical processes for clerical abuse of minors referred to as penal trials. That's because, with the exception of the initial investigation stage at the beginning, the trial processes are exactly the same (see canon 1728§1). It is only the subject matter that differs.

#### The Preliminary Investigation

There are four parts to this process:

- (1) *Receiving information “which at least seems to be true (c. 1717)”*. The canon does not state how the bishop receives this information, but in reality the bishop himself should not be the one to be contacted. A separate review board administrator should be appointed who will receive all complaints involving sexual misconduct. It would be best if this person were a mandatory reporter according to local law. It would then be up to the diocesan review board to determine if the offense “at least seems to be true.” The board would make this determination based upon the work of the administrator in gathering information about the allegation. The standard of proof is low at this point, since all that needs to be determined is whether there is “reasonable cause to suspect” that an action has occurred.
- (2) *Further investigation of the facts, circumstances, and imputability of the offense (c. 1717)*. Again there is nothing in the canon which states how this investigation is to be done. However, it must be an investigation about three things: (a) the facts; (b) the circumstances; and (c) the imputability of the action to the accused. This seems to indicate a more in-depth investigation than would initially be done by a diocesan review board. The canon states that the bishop could carry this out himself (although that would not be prudent) or through another. To accomplish this, the bishop may want to call upon members of the Catholic laity who may have experience in doing such investigations in their professions (social workers, counselors, police investigators who deal with sexual crimes, etc.) At the start of this investigation, the bishop should persuade the priest or deacon to withdraw from public ministry until the investigation is complete. It would be better to keep this on the level of pastoral persuasion, rather than considering any other penal actions that could be taken.

Throughout all this, c. 1717§2 cautions: “Care must be taken lest anyone’s good name be endangered by this investigation.” This seems to preclude publishing the names of the accused until allegations have either been juridically admitted or proven. It should also be pointed out that the canon cautions lest “anyone’s” good name be endangered. This includes both priest and accuser.

## Canonical Process (con't.)

- (3) *Determination of the process which must be followed (c. 1718).* According to the USCCB Norms, when sufficient evidence has been collected concerning the offense of sexual misconduct with a minor, if the bishop decides to proceed further with the matter, he must proceed by means of a penal trial. This is because the bishop is bound to seek a permanent penalty in the case; namely, the dismissal from the clerical state.
- (4) *Notification of CDF.* According to the 2001 Norms issued by the Congregation for the Doctrine of the Faith, the bishop must notify the Congregation whenever he wishes to act on a case involving the sexual abuse of a minor. In his notification, the bishop will want to mention the following: (a) the results of the preliminary investigation and the reasons why he is choosing to proceed with this case; (b) that he wishes to proceed with a trial, according to the USCCB Norms; (c) a request for a dispensation from the statute of limitations, if needed, and the reasons why the dispensation is being requested (e.g., the nature of the crime, the fact that the priest may have already admitted it in the prior investigation, the scandal it has produced in the diocese, etc.); and (d) a request for a dispensation from the requirement that only priests are allowed to serve on these tribunals (2002 CDF Private Norms, n. 12), and the reasons why the dispensation is being requested (e.g., the lack of priest-canonists in the diocese, the knowledge that the laity already have of the case, the credibility of the process in the minds of the faithful, in order to preclude further scandal, etc.). According to the USCCB Norms, the bishop can now formalize the priest or deacon's removal from ministry according to c. 1722. He must do so, however, by means of a decree (see cc. 48-58).

### The Process

Once the CDF has responded to the bishop's request, if permission is given to conduct a trial and the requested dispensations have been granted, the bishop then hands the results of the investigation over to the Promoter of Justice, who prepares a petition (*libellus*) and presents it to the Judicial Vicar. The petition, among other things (see cc. 1502 and 1504), would indicate that the case is one of sexual misconduct with a minor that is being brought against the accused; the facts in general; and what proofs will be available to the court in the course of the trial.

The trial begins with the citation of the accused and proceeds through to the sentence of the court. The issue before the court would be three-fold: Did the accused commit the action? Was the action gravely imputable to him? Shall he be dismissed from the clerical state?

If the preliminary investigation is done well, there may not be much more to learn about the case. However, if the matter is a disputed one (e.g., was the person a minor? was there an opportunity for such abuse to occur? etc.), then witnesses will need to be called (not excluding the accuser) to testify according to the norm of law. It would be better if this questioning were

## **Canonical Process (con't.)**

done by lay Auditors, rather than the Presiding Judge, presuming CDF has given a dispensation for this to happen. It would also be helpful if the Judges were assisted by two lay Assessors, just so that it does not appear that everything is being handled “in house.” The accused must have an advocate, cannot be forced to confess or to take an oath, and must be able to review all the material that will be used by the judges in coming to a decision.

In coming to a decision, the judges can apply the penalty as petitioned or a lesser penalty, if warranted. The case would proceed to conclusion just like a marriage nullity case, with the exception being that if the accused or the promoter of justice wishes to appeal the decision, it must be done to the Congregation for the Doctrine of the Faith.

**IMPORTANT NOTICE**

You have a right to report accusations of child abuse to the Illinois Department of Children and Family Services. (The Department of Children and Family Services “hotline” telephone number is 1-800-252-2873). You also have a right to report such accusations to the State’s Attorney’s Office or other law enforcement agencies. (The Cook County State’s Attorney’s telephone number is 312-603-5440 (direct); the Lake County State’s Attorney’s telephone number is 847-377-3000 (main #) or 847-360-6644 (direct). If you have any questions as to how to make such a report you may refer those questions to the Department of Children and Family Services or the State’s Attorney’s Office.

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I have read and understood the above notice. A representative of the Archdiocese has given me a copy of the Department of Children and Family Services brochure describing the child abuse reporting laws. The representative of the Archdiocese whose name appears below has not discouraged me in any way from reporting to the authorities.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

I presented a copy of this “Important Notice” and a copy of the Department of Children and Family Services brochure describing the child abuse reporting laws to the person whose printed name and signature appears above, on the date indicated in this document.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)