

CHAPTER THREE

Audit Findings

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

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

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative is to offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002).

* In accord with *Sacramentorum sanctitatis tutela* (SST), article 4 §1, sexual abuse, for purposes of this *Charter*, shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in the *Code of Canon Law*, c. 1395 §2 (“A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years [raised in SST to eighteen years which has been the age of majority for the USA since 1994], is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants”) and the *Code of Canons of the Eastern Churches*, c. 1453 §1 (“A cleric who lives in concubinage or gives permanent scandal by publicly sinning against chastity is to be punished with a suspension, to which, other penalties can be gradually added up to deposition, if he persists in the offense”).

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of

recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

All dioceses/eparchies that participated in the 2009 on-site compliance audits were in compliance with Article 1.

Article 1 of the *Charter for the Protection of Children and Young People* reminds us that the first obligation of the Church with regard to the victims is for healing and reconciliation. That outreach is expected to include victims/survivors of both recent and past incidents of sexual abuse. In addition to outreach, the bishop/eparch or his representative is directed to offer to meet with victims and their families. Such meetings can and do provide tremendous healing.

All dioceses/eparchies that were audited advised that they provide outreach to victims/survivors and their families. The audits show that 439 victims/survivors began receiving outreach during the audit year, having reported their abuse for the first time in 2009, though it is very important to note that the majority of the reported incidents took place decades ago. Another 2,132 victims/survivors who made reports before 2009 continue to receive outreach through diocesan/eparchial programs, as they have for several years.

The outreach continues to include psychological assistance in the form of therapeutic sessions for both the individual and family members. Spiritual assistance is given in the form of retreats, healing Masses, prayer in all forms, and support groups. Many dioceses/eparchies also consider financial assistance appropriate. Financial assistance may take the form of paying living expenses to help the victim/survivor overcome current financial problems, as well as paying medical bills. These are very individual decisions, depending on individual needs.

Dioceses/eparchies must continue to find ways to assist in the healing and reconciliation of victims/survivors of clergy sexual abuse. It is vital that the contact number to report an allegation of abuse is easily found and readily answered. The opportunity for healing and reconciliation should not be hindered by technology; it must be easily available to all who seek it.

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

Dioceses/eparchies are also to have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members are to be lay persons not in the employ of the diocese/eparchy (see Norm 5 in *Essential Norms for Diocesan/eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2002). This board is to advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. It is regularly to review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.

All dioceses/eparchies that participated in the 2009 on-site compliance audits were in compliance with Article 2.

All dioceses/eparchies that were audited have policies that require prompt response to allegations of sexual abuse. The procedures to make such a complaint are available in a variety of ways but mostly via the diocesan Web site or newspaper.

Findings Regarding Victim Assistance Coordinators (VACs)

The importance of making the contact information for the victim assistance coordinator easily available cannot be stressed enough. As mentioned in the past, it takes courage for victims/survivors to come forward and ask for assistance with their healing. We in the Church should do all that can be done to make that coming forward as easy and caring as possible. Posters in church foyers, the name and contact number for the VAC on the front of church bulletins, and a standing notice in the diocesan newspaper as well as on the diocesan Web site are all excellent ways to show victims/survivors that the Church is there to help them heal from the pain of their past abuse if they choose to come forward.

As in the past, the auditors were asked to independently obtain the contact number for the diocesan VAC and call that person to ascertain how easy it is for someone to find the VAC contact information, to confirm that the name and number were still accurate, and to learn how quickly the VAC responded to the auditor's phone call. No pretense was used; the auditors used their own name and number and advised that they were calling on behalf of the audit process. This process was also followed in past audits.

Overall the results were positive, with many of the phone calls being returned in a timely manner. Some contact information was easier to find than others. Two management letters on this issue were issued to dioceses:

1. The first one stated, "During the course of this audit, however, three attempts were made to contact the diocese through the published number designated to report child abuse. No response was received to these calls until 72 hours after the last call. While it is realized that illness and vacations occur, it is suggested that alternatives be established to have child abuse calls answered in an expeditious manner."
2. The letter to the second diocese stated, "During the course of this audit, a call was made to the number listed by the diocese to report an incident of sexual abuse. It was determined that the number listed was the general diocesan number and it

was answered by a recording that did not provide a sexual abuse reporting selection. The web site directs the caller to ask for the Vicar General; however, interviews determined that he is only at the diocese two days per week. When a call was made to the direct number for the VAC, it was returned within four hours. It is suggested that the primary number listed at all relevant locations to report an incident of sexual abuse be that of the VAC.”

As an aside, the staff of the Secretariat of Child and Youth Protection (SCYP) continually double-checks the names and contact information for both the diocesan victim assistance coordinators as well as the safe environment coordinators that are listed on the SCYP Web site. Though the dioceses/eparchies are asked to inform the SCYP when personnel changes are made, sometimes that does not happen; so the SCYP also checks the names and contact information as a way to ensure the information on the SCYP Web site is current.

In an effort to help victims/survivors locate a diocesan/eparchial VAC, the SCYP lists on its Web site the names and contact information for each diocesan/eparchial VAC. This information can be found on the following link: www.usccb.org/locyp/helpandhealing.shtml. The current VAC directory from the SCYP site is also provided in Appendix D of this Report. Those dioceses/eparchies for whom no information is provided either did not furnish the information to the SCYP when asked or did not wish it posted.

The audits also showed that many of the VACs are licensed therapists with expertise in sexual abuse. Others are mental health professionals, social workers, teachers, nurses, and child welfare workers. This supports the *Charter* mandate that dioceses/eparchies have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel.

Findings Regarding Diocesan Review Boards

Article 2 also calls for the dioceses/eparchies to have a review board that functions as a confidential

consultative body to the bishop/eparch. Though the *Charter* is silent on the composition of these boards, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests of Deacons* do outline membership. Norm 5 states, “The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.”

All dioceses/eparchies audited were found to have the proper board composition. In general, the diocesan review boards comprised an array of members with impressive resumes, including mental health professionals, law enforcement personnel, teachers, and social workers.

Two management letters regarding diocesan review boards were issued to dioceses.

1. The first letter stated, “While the *Charter* is silent on the frequency of review board meetings, it was noted during this audit that the diocesan review board has not met for over 18 months. The function and utilization of the review board should be revisited to consider their regular utilization as a confidential consultative body to the Bishop and to regularly review diocesan policies and procedures for dealing with sexual abuse of minors.”
2. The second letter stated, “It was determined during the audit that the review board had not met during this or the last audit period. While it is realized that there have been no instances of sexual abuse, the role of the review board as set out in the *Charter* is to ‘function as a confidential consultative body to the bishop’ and ‘is to regularly review diocesan/eparchial policy and procedures for dealing with sexual abuse of minors.’ The *Charter* is

silent as to the frequency of review board meetings, however, the bishop may wish to convene the board to re-discuss their role within the diocese.”

Though neither of these issues rose to the level of rendering a diocese non-complaint, they were brought to the attention of the respective bishops with the hope that they will carefully review the use of their review boards and call on their expertise as they relate to the *Charter* implementation in the dioceses.

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

All dioceses/eparchies that participated in the 2009 on-site compliance audits were in compliance with Article 3.

No diocese/eparchy that was audited had entered into settlements that bound the parties to confidentiality unless the victim/survivor requested it. In those few instances in which confidentiality was requested, it was requested by the victim/survivor, not by the church officials, and such a request was noted in the text of the agreement. This transparency with regard to settlements is crucial to bishops’ promise for openness and accountability.

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

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

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

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

The Archdiocese of Indianapolis was found to be non-compliant with Article 4. This non-compliance was remedied during the audit process.

Article 4 requires dioceses/eparchies to report all allegations of sexual abuse of a minor to the civil authorities. Furthermore, dioceses/eparchies are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors and to cooperate in the investigation of civil authorities. In those cases when the person is no longer a minor, dioceses/eparchies are to cooperate with public authorities. They are to advise the victims of their right to make a report to public authorities and to support this right.

The **Archdiocese of Indianapolis** was not in compliance with Article 4 at the time of the audit but is now in compliance. Although an accused member of the clergy was immediately removed from ministry, the matter was not reported to the appropriate civil authority (child protective services) as required under the *Charter*, state law, and archdiocesan policy. When the archdiocese was advised of this deficiency by the auditor, civil authorities were immediately notified, and this fact was verified by the auditor. Again, while the archdiocese was found to be non-compliant at the time of the audit, this issue was resolved, and the Archdiocese of Indianapolis is now in compliance.

The archdiocese did not feel the behavior in the allegation was sufficient to warrant reporting to local law enforcement. However, that is not a decision for dioceses/eparchies to make. The *Charter for the Protection of Children and Young People* clearly states that if an allegation of child sexual abuse is reported to the diocese, the diocese must report it to public authorities. It is the job of adults to report suspected abuse, and it is the job of civil authorities to investigate allegations of suspected child sexual abuse and to determine if a crime was committed. Dioceses/eparchies have neither the expertise nor the personnel to undertake such investigations.

During the course of the on-site audit it was also determined that the VAC for the Archdiocese of Indianapolis was not aware of the fact that she was to advise victims/survivors of their right to report abuse

matters to civil authorities. This should be done in all instances. The VAC is now aware of this *Charter* requirement. It should be noted, however, that the VAC's dealings in the case in question were with the family members of the victim/survivor and not with the victim/survivor directly. The *Charter* only requires that the dioceses inform the victims of their right to make a report to public authorities and to support that right. Thus, this was not compliance issue, just an issue of education.

All other dioceses/eparchies that were audited were in compliance with this article.

During the 2009 audit year, 21 allegations of abuse involved current minors. Even given the cases that the civil authorities declined to prosecute, it remains important that the Church continue to report all allegations. Aside from this step being mandated by the law and the *Charter*, it sends the message to all adults and children that the Church takes seriously the responsibility to protect children and young people.

The table below reflects the status of each of these allegations at the time of the audit.

Determined to be unfounded by civil and church officials	3
Under investigation	8
Victim recanted, but allegation was turned over to religious order	1
Civil authorities declined prosecution, but diocese is seeking laicization	1
Civil authorities declined prosecution, but diocese deemed allegation credible	3
Resulted in arrest and conviction	1
Resulted in arrest and under investigation	3
Unfounded	1

Furthermore, 9 of the allegations involving current minors were made against international priests who were visiting or serving in the United States from the following countries: Pakistan (1), Nigeria (1), El Salvador (2), Poland (1), Mexico (2), and India (2). The following table outlines the status of these allegations at the time of the audit:

Pakistan

- Civil case is pending prosecution. Priest is in prison on another sexual abuse conviction.

Nigeria

- Civil case is pending, and priest has fled to Nigeria.

El Salvador

- Two civil cases are pending, and both priests have fled to El Salvador. El Salvadoran bishop has been advised.

Poland

- Priest was tried and received a one-year conviction. He is to be deported back to Poland.

Mexico

- Priest was arrested, and his case is pending prosecution. His faculties have been removed.
- Civil case is pending prosecution. Priest has fled to Mexico.

India

- Civil prosecution has been declined. Priest has been removed from his parish and his faculties withdrawn.
- Civil prosecution has been declined. Priest has been removed from ministry.

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

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

Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor*—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to

be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this *Charter*, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being. The diocesan/eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as described below (see note) shall not continue in ministry.

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

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

* In accord with *Sacramentorum sanctitatis tutela* (SST), article 4 §1, sexual abuse, for purposes of this *Charter*, shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in the *Code of Canon Law*, c. 1395 §2 (“A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years [raised in SST to eighteen years which has been the age of majority for the USA since 1994], is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants”) and the *Code of Canons of the Eastern Churches*, c. 1453 §1 (“A cleric who lives in concubinage or gives permanent scandal by publicly sinning against chastity is to be punished with a suspension, to which, other penalties can be gradually added up to deposition, if he persists in the offense”).

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

The Archdiocese of San Francisco was found to be non-compliant with Article 5. This non-compliance was remedied during the audit process.

Article 5 requires that dioceses/eparchies have policies that provide for permanent removal from the clerical state of any cleric in which the allegation of child sexual abuse is either admitted or established. It further requires that the alleged victim be offered the presumption of innocence and requires that the accused be offered therapeutic assistance as well as encouraged to retain legal and canonical counsel. If the allegation is not proven, all attempts to restore the good name of the cleric are to be made.

The **Archdiocese of San Francisco** was found to be non-compliant with Article 5. The on-site audit of the archdiocese determined that some priests who had been removed from public ministry were being permitted to concelebrate Mass in a public forum. Article 5 of the *Charter* specifically prohibits this, stating that “diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor—when ever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry. . . .” Additionally, the Archdiocese of San Francisco provided to the auditors an internal archdiocesan document that reinforced this *Charter* requirement. While it may seem charitable to allow the cleric to continue concelebrating Mass, it can be devastating to victims/survivors who may be in the congregation. The Church must keep its focus on the victims/survivors.

Much discussion ensued with the Archdiocese of San Francisco regarding the definition of the term “public ministry,” but the bishops’ Committee on the Protection of Children and Young People (CPCYP) has always interpreted public ministry as being any ministry that includes persons other than the priest himself. The only exception, if it could even be deemed an exception, would be a Mass that is concelebrated by the accused with another priest or priests, with no family, friends, neighbors, or members of the public present.

The Gavin Group, Inc., received a subsequent letter from the Archdiocese of San Francisco advising that the Article 5 deficiency detected during the 2009 full audit had been addressed and that a “strict interpretation of public ministry is now the policy” of the

archdiocese. For the purposes of *Charter* compliance, the Archdiocese of San Francisco is now considered fully compliant.

Meanwhile, the dioceses/eparchies are still receiving historical allegations of abuse. During the 2009 audit year, 738 victims/survivors made allegations of clergy abuse: 717 adults reported past abuse, and 21 minors reported recent abuse. Those allegations identified 550 clerics, including 538 priests and 12 deacons. The full breakdown is as follows:

Total accused priests	538
Total accused deacons	12
Diocesan priests accused	379
Diocesan deacons accused	12
Religious priests accused	95
Religious deacons accused	0
Extern priests accused	23
“Unknown” clerics accused (clerics not identified)	54
Deceased clerics accused	228
Laicized clerics accused	48
Accused clerics who had previously been removed or placed on restricted ministry	185
Accused clerics with prior allegations	254
Allegations that were unfounded and/or unable to be proven	59

There is no way of knowing how many historical allegations are yet to be reported. It is the hope of the bishops that those who have not yet reported abuse that happened years ago will feel comfortable enough with the procedures that have been set in place to report the incident to the Church. It is important to remember that outreach is to be provided to all victims/survivors and their families regardless of when the incident took place; **there is no statute of limitations for the Church to help victims/survivors to heal and find reconciliation.** Additionally, all claims of abuse, regardless of when it occurred, will be investigated; if a claim is found to be credible, the cleric is to be permanently removed from ministry.

For those clerics for whom a false allegation is made, the Church is to do all that is possible to restore his good name. This is very difficult for both dioceses/eparchies and the accused. While the restoration of a

good name is difficult to achieve, dioceses/eparchies have attempted to do so in cases that were made public. The presumption of innocence is a highly regarded value of our society and is to be considered in all cases.

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

All dioceses/eparchies that participated in the 2009 on-site compliance audits were in compliance with Article 6.

Dioceses/eparchies are to have clear, well-publicized standards of behavior and appropriate boundaries for clergy, employees, and church volunteers in positions of trust who have regular contact with children.

In order to publicize these policies regarding the standards of behavior and appropriate boundaries, dioceses/eparchies use a variety of methods. Some place articles articulating these standards in diocesan newspapers on a quarterly, monthly, or annual basis. Posters are made for parishes and schools. Web sites are used in almost all the dioceses/eparchies, with the diocesan Web site and newspaper both being the most common media used to convey this information to the public. These policies are also shared with the clergy, educators, volunteers, and others who work with children as part of the diocesan safe environment program training.

While the audits noted that dioceses/eparchies do publish these standards, they are not always as visible in the parish as would seem prudent. In fact, finding these standards and policies in parishes is rare. It is important that materials be readily available to let parishioners know the clear standards of behavior and appropriate boundaries for clergy, employees, and church volunteers who have regular contact with children. This material needs to be placed where the parishioners are and must be readily noticeable to all who enter the safety of the church environment.

Of importance is the finding that many dioceses/eparchies have expanded the number and scope of their policies in this area. These policies now range from the required standards of behavior and appropriate boundaries, to guidelines for all in the diocese/eparchy who have contact with children or young people, to guidelines for the supervision of those working with children. More and more dioceses/eparchies are including policies on Internet use (including the use of social networking sites), anti-bullying, sexual misconduct and harassment, and other related, current social issues facing parishioners today. While not required under the *Charter for the Protection of Children and Young People*, this expansion shows a willingness to extend the creation of and strengthen the safe environments for children.

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

All dioceses/eparchies that participated in the 2009 on-site compliance audits were in compliance with Article 7.

Article 7 requires dioceses/eparchies to be open and transparent in the way sexual abuse is both reported and processed. In addition, it calls for communities where sexual abuse has occurred to be notified of such occurrences.

All dioceses/eparchies that were audited were found in compliance with this article. This article is a critical tool in restoring trust in the Church. A major reason that the past abuse was able to go undetected for so long was the way the allegations were handled: quietly and secretly. Few people knew the extent of the abuse, in part because abuse cases were not made public. For many reasons, people who did know of the abuse did not come forward and report it. Times have changed drastically, and that silence is no longer acceptable in society or in the Church.

Dioceses/eparchies that are committed to open and transparent communications are helped by a good working relationship with the local press. Many dioceses/eparchies make regular communication on this subject part of the diocesan/eparchial communication plan as well as their diocesan/eparchial newspaper. Additionally, the subject is routinely a part of the diocesan online communication. Not only are policies and procedures readily available on the diocesan/eparchial Web sites, but often the news includes other aspects of creating safe environments, such as ongoing training, updated *Charter* initiatives, policy updates, brochures for victims/survivors, information for parents and volunteers, training announcements, and other *Charter*-related information.

A parish community that has been affected by a case of sexual abuse deserves to be told the facts openly and honestly, respecting the privacy as well as the good name of the people involved. Not only does this encourage other victims/survivors to come forward, it also fosters an open relationship between the diocese/eparchy and the parishes. Learning that a member of the clergy has committed such abuse can be devastating for a parish community, so honest sharing with the parish needs to be handled quickly and compassionately.

Open and transparent communication regarding any and all cases can help restore the trust that the Church lost by the past mishandling of cases. Communicating the diocesan policies and codes of conduct also serves as a warning notice to would-be offenders. When these measures are combined, the message is sent loud and clear that the Church is committed to child protection, that child safety is taken seriously, and that all children in the diocese/eparchy are to be protected at all times.

TO ENSURE THE ACCOUNTABILITY OF OUR PROCEDURES

(Articles 8-11 are not included in the audit process.)

ARTICLE 8. By the authority of the United States Conference of Catholic Bishops, the mandate of the Ad Hoc Committee on Sexual Abuse is renewed, and

it is now constituted the Committee for the Protection of Children and Young People. It becomes a standing committee of the Conference. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.

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

Membership of the Committee on the Protection of Children and Young People from July 1, 2008, to June 30, 2009, included the following bishops, shown with the number of the region they represented:

Bishop Blase J. Cupich, Chair
Term began in November 2008; expires November 2011

Bishop Richard J. Malone (I)
Term expires November 2011

Bishop Robert J. Cunningham (II)
Term expires November 2010

Bishop Joseph R. Cistone (III)
Term expired November 2009

Bishop Mitchell T. Rozanski (IV)
Term expires November 2010

Bishop Ronald W. Gainer (V)
Term expires November 2010

Bishop R. Daniel Conlon (VI)
Term expired November 2009

Bishop George J. Lucas (VII)
Term expires November 2010

Bishop Paul J. Swain (VIII)
Term expired November 2009

Bishop Michael O. Jackels (IX)
Term expires November 2011

Bishop Patrick J. Zurek (X)
Term expires November 2011

Bishop Gerald E. Wilkerson (XI)
Term expires November 2010

Bishop Michael W. Warfel (XII)
Term expires November 2011

Bishop Michael J. Sheridan (XIII)
Term expires November 2011

Bishop John G. Noonan (XIV)
Term expires November 2011

Bishop William C. Skurla (XV)
Term expired November 2009

In November 2008, the terms of four members expired:

Bishop William J. Dendinger (Region IX)
Bishop Edward J. Slattery (Region X)
Bishop George L. Thomas (Region XII)
Bishop David L. Ricken (XIII)
Bishop J. Kevin Boland (Region XIV)

The following (arch)bishops were elected by the members of their regions to serve on the CPCYP:

Bishop Timothy C. Senior (III)
Term expires November 2012

Archbishop Dennis M. Schnurr (VI)
Term expires November 2012

Bishop Edward K. Braxton (VII)
Term expires November 2012

Bishop John M. LeVoir (VIII)
Term expires November 2012

Bishop Gerald N. Dino
Term expires November 2012

The CPCYP was also assisted by the following consultants:

Rev. Msgr. Ronny Jenkins, USCCB Associate General Secretary

Rev. Paul Lininger, OFM Conv, Executive Director of the Conference of Major Superiors of Men

Mrs. Helen Osman, USCCB Secretary of Communications

Mr. Anthony Picarello, USCCB General Counsel

Very Rev. Thomas Picton, CSsR, President of the Conference of Major Superiors of Men

Rev. David Toups, Interim Executive Director of the USCCB Secretariat of Clergy, Consecrated Life, and Vocations

Sr. Mary Ann Walsh, RSM, Director of the USCCB Office of Media Relations

The CPCYP meets during the months of March, June, September, and November. At two of those meetings, June and November, the CPCYP also meets jointly with the National Review Board (NRB). The mandate of the CPCYP is to address all *Charter*-related issues working collaboratively with the NRB.

Three noteworthy projects in which the CPCYP was involved in 2009 are described below: the 2009 Anglophone Conference, a review of the *Charter*, and a bishops' *Charter* orientation program.

2009 Anglophone Conference

As a representative of the CPCYP and the USCCB, Bishop Cupich, along with Judge Michael Merz, then chair of the NRB, and Ms. Teresa Kettelkamp, executive director of the SCYP, attended the 2009 Anglophone Conference meeting held at Domus Sanctae Marthae in the Vatican in June. This was the 10th meeting of this Conference. The Anglophone Conference began in the 1990s and is an informal network of representatives of English-speaking bishops' conferences that works towards improving efforts and strategies for addressing clerical abuse. The 2009 meeting also gave participants an opportunity to consult with officials of the Roman Curia and to call on experts in the field of child protection.

Bishop Cupich, Judge Merz, Ms. Kettelkamp, and Msgr. Stephen Rossetti (president and CEO of St. Luke's Institute) gave presentations. One full morning was dedicated to a presentation and question-and-answer session with Msgr. Charles Scicluna, promoter of justice for the Congregation of the Doctrine of the Faith.

While the meeting retains the title "Anglophone" and the longstanding members are from North America, western Europe, Australia, and New Zealand, representatives are welcome from other bishops' conferences. The 2009 meeting, for example, included participants from Ghana, Chile, and Italy.

Charter Review

The *Charter* is scheduled for review in 2010. The process began early in 2009 with the establishment of a *Charter* Review Committee comprising members of the CPCYP and NRB as well as two consultants.

On February 6, 2009, the CPCYP chair informed the bishops/eparchs of the process for reviewing the *Charter for the Protection of Children and Young People*. Bishops/eparchs were provided guidelines for their consultations with their diocesan and religious priests, lay leaders, and those in the diocese who are involved in child protection and education.

To give focus to those consultations, participants were encouraged to do the following:

- Offer recommendations regarding any revisions they believe would strengthen the Church's role in reaching out to victims and providing a safe environment for the children and youth under the bishops' pastoral care
- Comment on which provisions of the *Charter* are working particularly well
- Emphasize substantive points over points of style
- Focus on the *Charter* itself and avoid suggesting changes solely related to the implementation of the audit provision
- Keep in mind the close alignment of the *Charter* with the *Essential Norms*. Any changes that affect the *Essential Norms* will require the *recognitio* of the Holy See
- Recall the principles that guided the CPCYP in preparing its revised draft *Charter* in 2005 as a guide in this present consultation:
 - *To give stability to the Conference's efforts, the framework for action embodied in the Charter should remain consistent and be revised only where some important principle has been omitted or the text is out of date.*
 - *To provide a framework for action, the Charter should embody general principles rather than specific instructions or a list of best practices for implementing the principles.*

This approach starts with the belief that the *Charter* is working well, as evidenced by the six audits, and its stability should not be compromised or undermined by major revisions.

The *Charter* Review Committee met throughout 2009 and reaffirmed the expectation that the Review Committee would receive a single response from each

bishop. The Conference of Major Superiors of Men will also have the opportunity to convey their ideas on the revision of the *Charter* to the Review Committee.

Charter Orientation Program for Bishops/Eparchs

The CPCYP has been asked to provide assistance to all bishops and eparchs—especially those appointed since the *Charter* was adopted and revised in 2002 and 2005—to help them understand the obligations required of them by the *Charter*. In response, a program has been designed to address questions new bishops and eparchs may have regarding the *Charter* or the annual compliance audits.

A luncheon meeting was held on Tuesday, November 17, 2009, during the bishops' general fall meeting. A notice was placed on the bishops-only Web site, and individual invitations were sent to all bishops who have been ordained since June 2002.

The agenda for this 90-minute meeting was as follows:

- Brief history and overview of the *Charter*
- Role of the CPCYP, NRB, and SCYP
- Where the Church stands today seven years after Dallas: What is working?
- Audit methodology and compliance
- Why *Charter* compliance is so important: What is at stake?
- Specific media challenges
- How to support your priests
- The future
- Questions and answers

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

The Office is to produce an annual public report on the progress made in implementing and maintain-

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

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

As mentioned in last year's Annual Report, due to a restructuring at the United States Conference of Catholic Bishops, the Office of Child and Youth Protection is now called the Secretariat of Child and Youth Protection (SCYP). At the beginning and end of the 2009 audit period, the SCYP staff comprised the following personnel: Executive Director Teresa Kettelkamp, Associate Director Mary Jane Doerr, Executive Assistant Margaret Sienko, and Staff Assistant Cortney Kerns.

The SCYP provides monthly reports to the members of the CPCYP and the NRB. These reports reflect the administrative efforts of the SCYP within the USCCB, the external support by the SCYP to the dioceses/eparchies on *Charter*-related matters, and the work of the CPCYP and NRB as supported and facilitated by the Secretariat.

The SCYP also provides staff support to the CPCYP, the NRB, and the NRB committees. Additionally during this audit period, the staff provided assistance to the *Charter* Review Committee, comprising members of the CPCYP and NRB as well as a number of consultants. The Review Committee was established to oversee the review of the *Charter for the Protection of Children and Young People*. The 2005 *Charter* stated that it was to be reviewed again after five years by the CPCYP with the advice of the NRB and that the results were to be presented to the full Conference of bishops for confirmation. The full body of bishops will review these results at its November 2010 general meeting.

The staff of the SCYP spend a tremendous amount of time supporting the dioceses/eparchies in a variety of *Charter*-related areas as well as developing resources for use, many of which are compilations of information from the audit documents. The goals of the SCYP are to help dioceses/eparchies become and remain *Charter* compliant and to integrate the *Charter* articles into the diocesan/eparchial way of life. Electronic mailing lists for victim assistance coordinators, safe environment program coordinators, and diocesan review boards have also been helpful tools, where dioceses/eparchies are able post questions to ascertain how other dioceses/eparchies are handling *Charter*-related issues. That has been one of the blessings of the *Charter*: dioceses/eparchies are sharing information, working together, and learning from each other.

Additional information on the Secretariat of Child and Youth Protection can be found at www.usccb.org/ocyp/howeare.shtml.

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

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

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

and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.

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

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

The Board is to oversee the completion of the study of the causes and context of the recent crisis. The Board will offer its assessment of the data gathered and preliminary results to the Committee for the Protection of Children and Young People as the study moves forward.

The current membership of the NRB comprises the following individuals:

Ms. Diane M. Knight, Chair
Term expires June 2011

Dr. Ana Maria Catanzaro
Term expires June 2012

Mr. Michael J. Clark
Term expires June 2013

Dr. Ruben Gallegos
Term expires June 2012

Dr. Emmet M. Kenney Jr.
Term expires June 2011

Justice Robert Charles Kohn
Term expires June 2011

Judge Anna Moran
Term expires June 2013

Mr. Al. J. Notzon III
Term expires June 2012

Dr. Thomas G. Plante
Term expires June 2012

Judge Geraldine Rivera
Term expires June 2012

Dr. Susan Steibe-Pasalich
Term expires June 2011

In June 2009, the terms of the following members of the NRB expired:

Judge Michael R. Merz, Chair
Mr. William McGarry
Dr. Joseph G. Rhode
Mr. Thomas DeStefano

The NRB is structured with three officers and five committees, as follows:

Chair: Ms. Diane M. Knight
Vice Chair: Dr. Thomas G. Plante
Secretary: Dr. Ana Maria Catanzaro
Audit Committee: chaired by
Justice Robert C. Kohm
Best Practices Committee: chaired by
Judge Geraldine Rivera
Communications Committee: chaired by
Mr. Mike Clark
Nominating Committee: chaired by
Mr. Al. J. Notzon III
Research Committee: chaired by Dr. Susan
Steibe-Pasalich

The NRB chair is appointed by the USCCB president from persons nominated by the NRB. In January 2009, Cardinal George named Ms. Diane M. Knight to be chair for a two-year term commencing in June 2009. The other officers are elected by the Board, and committee chairs are appointed by the NRB chair.

The NRB committees worked on the following initiatives in 2009:

- The Audit Committee continued its work on keeping the audit process updated and effective.
- The Best Practices Committee continued to look at offering suggestions to dioceses on how to implement safe environment training for children and offered resources to diocesan review boards.
- The Communications Committee was newly formed and will work to keep the Catholic faithful informed about what the Church is doing to prevent child sexual abuse within parishes, schools, and society, as well as the implementation of the *Charter* as a whole within the Catholic Church in the United States. This committee will also

devote efforts to preparing for the publication of the Causes and Context Study findings due in December 2010.

- The Research Committee maintained regular contact with the John Jay College of Criminal Justice as it studies the causes and context of the sexual abuse scandal.
- Because the term of members of the NRB was increased from three years to four years in 2009, it was not necessary for the Nominations Committee to elicit candidates for the NRB for terms beginning in 2010.

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

The president of the United States Conference of Catholic Bishops, Cardinal Francis George, OMI, has shared a copy of this Annual Report with the Holy See.

TO PROTECT THE FAITHFUL IN THE FUTURE

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

Three dioceses were found to be non-compliant with Article 12: the Diocese of Baker, the Diocese of Fresno, and the Diocese of Orlando. The Diocese

of Orlando's non-compliance was remedied prior to January 2010 after a re-audit.

Article 12 requires that dioceses/eparchies maintain safe environment training programs that are in accord with Catholic moral principles. The programs are to be conducted cooperatively to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to maintain a safe environment for children and young people. This article further requires that dioceses/eparchies make clear the standards for conduct in regards to children for clergy and members of the community.

Three dioceses/eparchies were found non-compliant with this article.

The **Diocese of Baker** does not provide safe environment training for children/youth. Of the 3,818 children in the diocese, 576 are in five Catholic schools, and the remaining 3,242 are students in religious education programs. The religious education students receive mandated training in this area, per Oregon state statute. Classes in public schools, in the mind of the Bishop of Baker, are not taught in accord with Catholic principles. The bishop feels it's inappropriate to provide any type of sex education to any pre-pubescent child.

Healthy Family—Safe Children (HFSC) is the new diocesan training program for parents promulgated by the Bishop of Baker in March 2009. This program was written at the direction of the bishop in conjunction with the Catholic Medical Association. The bishop continues to feel strongly that it is the parents' responsibility to provide safe environment training to their children and not the church's responsibility. As a result, his diocese will train parents in the HFSC program and allow the parents to decide what will be taught to their children.

During the audit period, training materials (videos and workbooks) were sent to all parishes. The training program gives the parent the knowledge and insights to effectively train the child. No parents were trained during the audit period, but plans are currently progressing to set up such presentations at the parish

level. Parishes are mandated to provide these parents with the program training material. Some parents have been provided with training materials and videos to review during the 2009 audit period. With the start of the current school year—and outside the audit period—three parishes have ordered 100 videos/workbooks from the diocese in furtherance of establishing this new program). This program will be in place for the next audit period.

The Diocese of Baker received a Required Action¹ stating that “the diocese will provide safe environment training for children/youth as required under Article 12” with a due date of June 30, 2010.

The **Diocese of Fresno** has a total of 36,181 children and youth in Catholic schools and religious education classes. There is no documentation that 9,530 of them have been trained. The diocese conducted a pre-audit survey and identified that numerous parishes had not provided documentation of religious education training. Only 46% of the religious education students could be officially documented as having received safe environment training in chancery records. However, this rose to 68% with further review and interviews to confirm logically that additional students were trained. The diocese and this audit were unable to verify that the remaining 26.3% (9,530) of the religious education students were trained.

The diocese received a Required Action stating, “the Diocese of Fresno will take appropriate action to conduct and document safe environment training for all children/youth enrolled in religious education classes as required under Article 12” with a due date of June 30, 2010.

Finally, the **Diocese of Orlando** was found to be non-compliant due to two deficiencies concerning Article 12:

1. Although the Diocese of Orlando fully implemented a new safe environment training program for adults during this audit period, as of the end of the audit period the following numbers of people were reflected by diocesan records as remaining untrained: priests (40 out of 205), deacons (50 out of 174), candidates for ordination (37 out of

51), educators (203 out of 1,078), and parish and school employees (157 out of 1,539). In addition, based on the lack of documentation supporting training of volunteers, the numbers presented above are in doubt.

2. The Diocese of Orlando did not have documentation from each pastor attesting that his parish has received the required safe environment program materials and has implemented them as set out in the memo to all bishops, dated March 31, 2006, from Bishop Gregory M. Aymond, then chair of the CPCYP.

The diocese received two Required Actions: (1) to ensure that all individuals who have ongoing unsupervised contact with children and youth receive safe environment training as required by Article 12, and (2) to “obtain documentation from each parish pastor that the parish has received the required safe environment programs and has implemented them. Both Required Actions have a deadline of June 30, 2010.

Subsequently, in early December 2009, based on the analysis of the results of the re-audit of these deficiencies, the Diocese of Orlando was determined to have corrected the above deficiencies and achieved *Charter* compliance. This conclusion was based on a review of data and communications generated since the conclusion of the original audit, which demonstrated that the safe environment program had been extended to all required individuals. Steps had also been taken by the diocese to remove any individuals from contact with children until they also came into compliance. Representative samples of the letters from pastors were also reviewed, and they demonstrated that safe environment documents were received by the pastors and the programs were implemented. This accomplishment came after much hard work and dedication demonstrated during a short period of time. The achievement of compliance was most admirable and it reaffirmed the commitment of the Diocese of Orlando and its bishop to the safety of the children.

Challenges Presented by Article 12

One of the biggest challenges of Article 12 centers on the development and use of a safe environment

program—tracking database that allows for keeping accurate records of the training provided.

Dioceses/eparchies use a variety of training programs. Some programs are created in-house by educators, social workers, and mental health professionals. Other dioceses/eparchies purchase training programs. Training methods vary as well, including in-person training, video courses, online courses, and the reading of literature.

The training programs are to be developed in accord with Catholic moral teaching; that teaching compels us to protect the dignity of children. The training programs are to take this into account while giving adults the necessary information on the grooming process and other behaviors of offenders. This type of information can assist parents and guardians in keeping their children safe. Several dioceses/eparchies have initiated a program to retrain adults, and a variety of methods are used to accomplish that recertification.

The training programs for children also need to be developed in accord with Catholic moral teaching, while equipping children with the skills to protect themselves from abuse. The controversy over whether safe environment training constitutes sex education or personal safety training further complicates the training of children. The *Charter* calls for safety training, not sex education.

Children are more likely to be trained on an annual basis with multiple lessons; that is how they learn the best. However, in some dioceses, children may be trained every other year. Evidence indicates that Catholic schools are beginning to incorporate ways to teach children how they can protect themselves into the school’s health or religion programs. This happens with less frequency in religious education programs. In most states, personal safety training is mandated and included in the public schools’ health curriculum. In a number of states, while mandated, the personal safety program may not be funded and therefore may be non-existent. Dioceses/eparchies are to review the local schools’ curriculum to determine if it is in accord with Catholic moral teachings—and to find out whether it

is actually taught—before determining if the training received in public schools is sufficient.

Tracking the training of clergy, employees, and volunteers remains problematic. In the large archdioceses, the number of people that must be tracked can overwhelm systems and personnel. The fluidity of the people to be tracked can also present an obstacle to record keeping.

Dioceses/eparchies must develop systems that allow them to accurately track various groups of people. Those systems should reflect both who has been trained and who has not been trained. Parishes need

to be active participants in such a system, sending the information to the chancery as requested. Pastors, school principals, and program directors all need to take an active role in the responsibility of ensuring the environment in the parish is safe for children and young people. It is only through cooperation of all adults that such a goal can be achieved.

The faithful can be proud of the number of people who have been trained to create safe environments by knowing how to prevent child sexual abuse. The below chart reflects the safe environment training numbers for 2009:

CATEGORIES	NUMBER TO BE TRAINED	NUMBER TRAINED	PERCENTAGE TRAINED
Priests	38,098	37,974	99.7
Deacons	14,723	14,654	99.5
Candidates for Ordination	6,249	6,120	97.9
Educators	167,101	166,258	99.5
Employees	246,532	243,237	98.7
Volunteers	1,656,400	1,634,206	98.7
Children	5,469,997	5,294,665	96.8

CHILDREN OPTED OUT BY PARENTS	PERCENTAGE OF TOTAL CHILDREN
76,940	1.4



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

One diocese was found to be non-compliant with Article 13: the Diocese of Paterson. The Diocese of Paterson’s non-compliance was remedied prior to January 2010 after a re-audit.

The audit of Article 13 consists of the following questions:

1. Does the diocese/eparchy conduct background evaluations on
 - a. *priests?*
 - b. *deacons?*
 - c. *candidates for ordination?*
2. Does the diocese/eparchy conduct background evaluations on the following persons who have ongoing unsupervised contact with minors:
 - a. *educators?*
 - b. *diocesan/eparchial employees?*
 - c. *parish/school employees?*
 - d. *volunteers/others?*
3. Does the diocese/eparchy employ screening and evaluation techniques in deciding the fitness of candidates for ordination? (For the purpose of this audit, a candidate for ordination is defined as a seminarian or candidate for the permanent diaconate.)

Article 13 also requires that dioceses/eparchies use the resources of law enforcement and community agencies.

The **Diocese of Paterson** was determined to be non-compliant due to the fact that the diocese was unable to provide accurate records of completed background evaluations for active parish/school employees and volunteers who had ongoing unsupervised contact with

minors. A Required Action was issued that stated, “The diocese will ensure that background evaluations are conducted and accurate records are provided for all parish/school employees and volunteers as required by Article 13. Additionally, these individuals should not have unsupervised contact with children in accordance with the *Charter* and diocesan policy until the background evaluations are completed,” with a due date of June 30, 2010.

The Diocese of Paterson has since become compliant and resolved its non-compliance issue based on the analysis of the results of a re-audit of the diocese in early December 2009. The diocese made most admirable strides in a brief period of time to revamp its record-keeping system that now ensures that all parish/school employees and volunteers have completed background evaluations. The diocese has also added a full-time compliance officer, a step that will no doubt continue to improve the initiatives put in place by the diocese.

Another diocese received a management letter regarding this article because during its audit it was determined that a number of volunteers (7%) who have ongoing unsupervised contact with children/youth had not completed background evaluations as required by the *Charter*. In addition, a number of volunteers (3.5%) had not signed a code of conduct as required by the diocese. These two issues were immediately addressed by the diocese and have therefore been resolved.

Because of the record keeping involved with Article 13, compliance with this article can also be a challenge for dioceses/eparchies. As mentioned in the summary for Article 12, a record-keeping system that provides for the accurate, timely tracking of diocesan personnel to determine who has and has not had background evaluations completed is critical. Without accurate verification in this area, compliance cannot be proved. The creation of safe environments requires that those individuals who have already proven they cannot be trusted to be around children be prohibited from being around our children.

Dioceses/eparchies employ a variety of commercial vendors to evaluate backgrounds. Most dioceses/eparchies use vendors that contact local, state, and

federal law enforcement agencies to conduct criminal history checks. Most states require teachers and other school employees to undergo fingerprint-based criminal history checks, and Catholic schools are included in that requirement. Many dioceses/eparchies require all employees and volunteers to undergo a fingerprint-based criminal history check. In addition to criminal history checks, requiring references is another method used to evaluate backgrounds.

Seminary screening measures have been increased and now include not only background evaluations but, in most dioceses/eparchies, psychological testing as well. Dioceses/eparchies are committed to ordaining only those men whom they determine through the screening process to be willing and able to live a life of integrity consistent with the teachings of Jesus Christ and the Catholic Church.

Dioceses/eparchies are becoming increasingly aware of the difficulty in obtaining accurate, dependable criminal history records from foreign countries. With the increasing number of foreign-born priests, this difficulty becomes even more important to resolve. Many behaviors that are crimes here in the United States may not be considered crimes in all countries. The manner in which crimes of a sexual nature are reported and subsequently handled also varies greatly from country to country.

Dioceses/eparchies therefore place significant importance on the letter from the bishop from the sending diocese testifying to the suitability of the person for ministry in this country. Usually citing the provisions of canon 903 of the *Code of Canon Law* and canon 703 §1 of the *Code of Canons of the Eastern Churches*, the letter is to verify that the priest is a person of good moral character and reputation, that the bishop knows nothing that would in any way limit or disqualify the priest from this ministry, and that the bishop is unaware of anything in the cleric's background that would render him unsuitable to work with minor children.

It is also not unheard-of for dioceses/eparchies to require the incoming priest to furnish a local criminal history record, a written biography, and other documents indicating his suitability for ministry in this country. The staff of the SCYP is working on a resource for the dioceses/eparchies to assist them in this area.

The following table provides statistics from the 2009 audit reflecting the various populations in each category for whom background evaluations are to be conducted, the actual number checked, and the percentage of the total.

CATEGORY	NUMBER TO BE CHECKED	NUMBER CHECKED	PERCENTAGE CHECKED
Priests	38,098	38,048	99.9
Deacons	14,723	14,712	99.9
Candidates for Ordination	6,249	6,205	99.3
Educators	167,101	166,896	99.9
Employees	246,532	245,404	99.5
Volunteers	1,656,400	1,642,447	99.2

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

All dioceses/eparchies that participated in the 2009 on-site compliance audits were in compliance with Article 14.

Though the audit process does not include an audit for compliance with the *Essential Norms*, this particular article specifically states that article compliance is dependent on conformance with Norm 12. Article 14 prohibits transfers of clergy who have committed an act of sexual abuse against a minor for residence, including retirement, in accord with Norm 12.

Norm 12 additionally states:

- “Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.”
- Also, “before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.”
- “In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be

a danger to children or young people so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children or young people.”

To assist with compliance with this article, the CPCYP was asked to provide the following model or sample letters:

1. A model letter affirming the suitability of a religious priest for a stable assignment in a diocese/eparchy
2. A model letter affirming the suitability of religious priests for temporary ministry
3. A model for a celebret, or testimonial letter acknowledging a diocesan priest’s suitability for ministry

After thorough discussion by the CPCYP and in consultation with the bishops’ Committee on Canonical Affairs and Church Governance, these model letters were presented to all the bishops, confident that they provide the essential information that a diocesan bishop or eparch would need in order to accept a priest into the diocese or eparchy for ministry.

Though the USCCB has no authority to require bishops or eparchs to utilize these texts, these sample letters were offered simply as models for consideration when implementing church law.

All dioceses/eparchies are in compliance with this article. No clergy with a history of sexual abuse has been transferred from one diocese to another. All dioceses/eparchies have policies and procedures in place whereby visiting priests are to present information indicating their standing within the diocese in which they are incardinated. This is required when a visiting cleric is in the diocese for a specific date and purpose—such as to officiate at a wedding as well as to complete an assignment lasting several months or years.

This article requires increased communication not only between bishops and major superiors, but also between bishops as they inform each other of the status of priests that are traveling to perform ministry in another diocese.

While there is written policy on this matter, parish audits determined that not all parish personnel are aware of diocesan/eparchial policies pertaining to this requirement, especially when a visiting priest is coming to officiate on a one-time basis. Dioceses/eparchies need to make a special effort to promulgate a policy of this nature to ensure it is being followed at the parish level.

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

All dioceses/eparchies that participated in the 2009 on-site compliance audits were in compliance with Article 15.

Article 15 requires that a representative from the Conference of Major Superiors of Men (CMSM) serve on the CPCYP and that, at the invitation of CMSM, the CPCYP will designate two of its members to consult with its counterpart at CMSM. The purpose of this article is for bishops and religious ordinaries (major superiors) to maintain open communication on *Charter*-related matters and to collaborate on efforts in the protection of children and young people on the part of the bishops and religious ordinaries. To this end, Article 15 also requires regular meetings to take place between major superiors and bishops for the purpose of coordinating their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy. The *Charter* is silent on the definition of “regular meetings.”

The president of CMSM, Fr. Tom Cassidy, SCJ, and its executive director, Fr. Paul Lininger, OFM Conv, are consultants to the CPCYP. They attend the quarterly meetings of the CPCYP, present reports to the

bishops, and participate in discussions on all agenda items. Fr. Lininger also serves as a consultant to the *Charter* Review Committee.

Two representatives of the CPCYP in turn attend the yearly CMSM National Board meeting; in February 2009, Bishops Cupich and Conlon attended the CMSM National Board meeting in Jacksonville, Florida. These meetings provide the opportunity for ongoing dialogue regarding *Charter*-related issues and concerns.

Auditors report that in all dioceses/eparchies, the communication between bishops and major superiors that have a presence in the diocese is open and for the most part ongoing, but usually centering on matters unrelated to the *Charter*. There are instances wherein the communication is infrequent—though the relationship is deemed to be a positive one. However, it is becoming more and more common for the audits to find that a bishop has not spoken to the respective major superior within the audit period for the specific purpose of coordinating their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in the diocese/eparchy. With the numerous changes in bishops, as well as with major superiors, these specific conversations are necessary at least on an annual basis and/or when there is a change in the bishop or major superior, to avoid confusion and miscommunication when allegations involving religious members surface.

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.

All dioceses/eparchies that participated in the 2009 on-site compliance audits were in compliance with Article 16.

All dioceses/eparchies are in compliance with Article 16. This year 193 out of 195 dioceses/eparchies responded to the Center for Applied Research in the Apostolate’s (CARA) 2009 Annual Survey of Allegations and Costs. Additionally, 159 out of 219

religious orders responded to this survey. Many dioceses/eparchies are also cooperating with the researchers from the John Jay College of Criminal Justice in New York in support of the Causes and Context Study commissioned by the bishops and overseen by the NRB. The Causes and Context Study is a retroactive study of the phenomenon of clergy sexual abuse in the United States. The results of this study will be a substantive analysis that helps the church leaders to better understand the issues that led to the abuse as well as the response (or lack of it) to the crisis.

Additionally, bishops and their staffs have cooperated with a variety of church and community groups to create safe environments for all children. Dioceses/eparchies are actively involved in local and state community outreach projects, such as child abuse prevention chapters, the National Center for Missing & Exploited Children's Take 25 Program, governors' committees, and child advocacy boards. A staff member of the SCYP is an active participant with the National Center for Missing & Exploited Children's Take 25 Program at the national level. The goal of Take 25 is to heighten awareness about children's safety issues throughout the United States. With a focus on prevention, the campaign encourages parents, guardians, and other trusted adult role models to spend time (25 minutes) talking to kids and teaching them ways to be safer.

Several dioceses use county fairs and parish events as venues to disseminate prevention information to the general public. Dioceses/eparchies specifically report working with Anglican, Baptist, and AME church groups and Jewish synagogues to help their communities' efforts to prevent child abuse.

At the USCCB level, the CPCYP chair, Bishop Cupich, along with Judge Michael Merz, then chair of the NRB, and Ms. Teresa Kettelkamp, Executive Director of the SCYP, attended the 2009 Anglophone Conference meeting held in Rome at Domus Sanctae Marthae in the Vatican in June. This was the 10th meeting of this conference.

For more information on the 2009 Anglophone Conference, see the summary discussion under Article 8, above.

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.

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

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

All dioceses/eparchies that participated in the 2009 on-site compliance audits were in compliance with Article 17.

Article 17 calls for cooperation with the apostolic visitation of the seminaries, requires dioceses/eparchies to strengthen initial and ongoing priestly formation, and calls for the promotion of programs of human formation for chastity and celibacy for seminarians and priests based on criteria found in *Pastores Dabo Vobis* and the *Basic Plan for the Ongoing Formation of Priests*. The apostolic visitation was completed in the summer of 2006, with the report dated December 15, 2008.

With this article, the bishops and eparchs also pledge to help priests, deacons, and seminarians to live out their vocations in a way consistent with the teachings of Jesus Christ and the Church. Bishops and eparchs also commit themselves to work together and foster reconciliation among all people, especially those abused and the communities that have suffered.

All dioceses/eparchies are in compliance with Article 17.

Living one's vocation and a life of integrity true to one's promises and vows is core to the strength of the priesthood. Dioceses/eparchies are especially careful concerning the formation of seminarians. That formation includes mandatory yearly retreats, classes and discussions on human formation and sexuality, annual assemblies with the bishop, required spiritual direction, and other structured and unstructured learning opportunities. It is also common for many bishops or directors of vocations to meet regularly with seminarians throughout their formation years.

Furthermore, dioceses/eparchies are committing time and resources to the ongoing formation of their clergy. Many of the same types of ongoing formation required for members of the clergy in the dioceses are similar to the formation they received at the seminary: annual convocations, retreats, educational opportunities,

spiritual direction, and discussions regarding the four dimensions of formation (spiritual, pastoral, intellectual, and human). Convocations often address these four pillars and specifically discuss what clergy can do daily, weekly, monthly, and annually to strengthen each of these pillars within their own lives.

Lastly, but of equal importance, the article stipulates the need for clergy to establish, cultivate, and maintain fraternal solicitude. Placing a priority on priestly fraternity will serve to strengthen and support the clergy serving the Church.

Reconciliation among all people—especially those who were abused, and the parishes most directly affected—is an ongoing initiative as part of the diocesan/eparchial outreach activities and efforts. Masses, retreats, healing gardens, prayer groups, and evenings with the bishop are among the examples provided by the dioceses/eparchies of those efforts.

Note

- 1 A "Required Action" is a notification about a step or action that a diocese needs to take to fulfill a particular requirement of the *Charter*.