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July 6, 2006

Feast of St. Maria Goretti

Dear Brothers and Sisters in Christ,

Maria Goretti was a very young girl of twelve when she was sexually assaulted by an eighteen year old man. She resisted his attack, and he stabbed her several times. She died about 24 hours later. Devotion to her grew, and after several miracles were credited to her, she was canonized by Pope Pius XII in 1950.

We know that most of our children and young people live in an environment that is safe and loving. But we cannot deny that there are predators, like Maria Goretti's attacker, who live among us and who are a grave threat to our children and young people.

It is very fitting, then, that I promulgate our revised Diocesan Policy on Sexual Misconduct on this day, July 6, 2006, and place this Policy and its implementation under her patronage.

Our concern for the safety of children and young people, not to mention the vulnerable, may be and should be placed within the framework of the "themes of Catholic social teaching."

The first of these themes, given in the document called "Faithful Citizenship," is the "life and dignity of the human person." Every human person is created in the image and likeness of God. The conviction that human life is sacred and that each person has inherent dignity is central to our teaching. The measure of every institution, including our Diocese and its parishes, as well as other entities, is whether or not it protects and enhances the life and dignity of the human person, including, of course, the persons of children and young people.

Another theme of our social teaching concerns rights and responsibilities. Children and young people, because their persons are holy and sacred, have a right to be protected from physical and sexual abuse, and they have a right to be taught, in an age-appropriate way, about how to recognize danger and safeguard themselves from harm. And we who exercise authority have a duty to respect and uphold these rights of minors.

A third theme is our option for the poor and vulnerable. Who, in a sense, is poorer and more vulnerable than children and young people? The younger,

the poorer; the younger, the more vulnerable, the younger, the more helpless; the younger, the more exposed to harmful activity by predators. But even those who are about to leave their status as minors, are very vulnerable to clever manipulators who prey on them for sexual gratification.

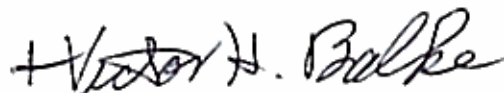
A fourth, and the final theme I will mention, is solidarity. John Paul II said in his encyclical on social concerns that "we are all really responsible for all." We are our brothers' and sisters' keepers, and in a special way we are the keepers of our younger brothers and sisters. So it is in solidarity as a diocese that we must work to protect them from any kind of abuse, including sexual abuse.

These, then, are the main faith-based reasons why our Catholic Church, which has suffered because of some horrendously scandalous activity by some of our church personnel, is now taking a leadership role in protecting children and young people.

I pray that our fidelity to this revised policy on sexual misconduct by church personnel will lead to the utmost safety of our children and young people. At the same time, I pray that this policy will restore the faith and trust in the hearts of those people who have been affected, either directly or indirectly, by the scandalous activity of some in the past.

May the Lord sustain us all in our continuing efforts to make the Church a more and more credible and visible sign of God's Reign of Justice, Love and Peace.

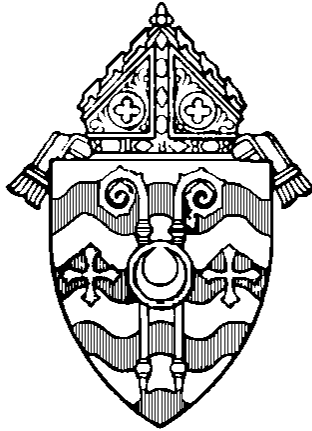
Sincerely yours in Christ,

A handwritten signature in black ink that reads "Victor H. Balke". The signature is written in a cursive style with a large initial "V".

+Victor H. Balke

Bishop of Crookston

Decree of Promulgation



In the Name of God.

Whereas on 8 May 2003, in virtue of the authority entrusted to me as Bishop of the Diocese of Crookston, I decreed as particular law for the Diocese of Crookston the revised *Sexual Misconduct Policy of the Diocese of Crookston*, to become effective on that day;

Whereas, certain revisions to the text have been completed and approved;

I hereby decree as particular law for the Diocese of Crookston the policies and procedures for the protection of children and young people contained herein. These policies and procedures replace all previous policies and guidelines concerning the matters that are therein addressed;

I decree, further, that the *Code of Ethical Standards for Church Leaders* is hereby incorporated into this policy and thus also becomes particular law for this diocese.

These policies and procedures for the protection of children and young people apply to all clergy, diocesan personnel, and volunteers who minister, work, or serve in the Diocese of Crookston or its institutions. This document also applies to all parish staff and parish volunteers of all Catholic parishes in the Diocese of Crookston, including the staff and volunteers of parish schools.

In accord with the law promulgated by the United States Conference of Catholic Bishops, a copy of this policy and any subsequent revisions will be filed with the United States Conference of Catholic Bishops within three months of the date on which this policy becomes effective (cf., USCCB, *Essential Norms*, §2).

Revised, approved, and promulgated.

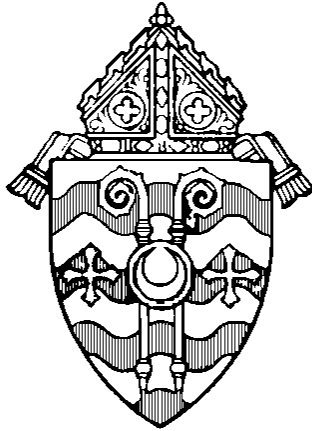
Given at the Chancery of the Diocese of Crookston, this 6th day of July 2006

To take effect the 15th day of August 2006.

+Victor H. Balke
Bishop of Crookston

Rev. David J. Baumgartner
Vice Chancellor

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+Victor H. Balke
Bishop of Crookston

Rev. David J. Baumgartner
Vice Chancellor

Part One: Policies and Procedures

ARTICLE 1

Implementation of the policies and procedures for the protection of children and young people in the Diocese of Crookston

The Bishop

1.1 The Bishop of Crookston is responsible for the promulgation and implementation of this policy in the Diocese of Crookston and its institutions, and in its parishes and parish schools.

1.1.1 The policies and norms contained in this document are complimentary to the universal law of the Church¹, and the particular law promulgated by the United States Conference of Catholic Bishops, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*².

1.1.2 The Bishop directs the implementation of these policies and procedures, in accordance with the law of the Church³. Any violation of these policies and procedures, including the Code of Ethical Standards, is to be reported to the Bishop.

1.1.3 In accord with canon law, the Bishop is able to dispense the faithful from universal and particular disciplinary laws issued for his territory or his subjects by the supreme authority of the Church, whenever he judges that it contributes to their spiritual good. The Bishop “is not able to dispense, however, from procedural or penal laws nor from those whose dispensation is specially reserved to the Apostolic See or some other authority”. This includes some of the procedural and penal laws outlined in this policy (*Code of Canon Law*, c. 87).

¹ Laws for the universal Church are contained in the 1983 *Code of Canon Law* and the 1990 *Code of Canons of the Eastern Churches*; for criminal acts that occurred prior to 25 November 1983, the canons of the 1917 *Code of Canon Law* apply. Applicable laws for the universal Church are also contained in the apostolic letter of Pope John Paul II, *Sacramentorum sanctitatis tutela*, delivered *motu proprio* 30 April 2001.

² The USCCB issued the *Essential Norms* as particular law for the United States on 12 December 2002 (cf., USCCB, *Essential Norms*, Preamble). The *Essential Norms* were granted *recognitio* on 8 December 2002 for two years by the Congregation for Bishops and were promulgated on 12 December 2002 as a general decree of the USCCB by its president, the Most Reverend Wilton D. Gregory. The *Essential Norms* took effect on 1 March 2003. Revisions of the *Charter and Essential Norms* were approved by the full body of the USCCB on 17 June 2005, received the *recognitio* of the Holy See, and were promulgated on 5 May 2006.

³ United States Conference of Catholic Bishops, *Essential Norms For Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (hereafter USCCB, *Essential Norms*)§ 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 [Code of Canon Law]*, cc. 1717—1719, and *CCEO [Code of Canons of Eastern Churches]* cc. 1468-1470.”

The Victims' Assistance Coordinator

1.2 The Victims' Assistance Coordinator is an employee of the Diocese of Crookston entrusted with the task of providing pastoral support, outreach, and referrals for professional assistance to persons who report having been sexually abused as children or young people by clergy, or by diocesan or parish personnel or volunteers. The Victims' Assistance Coordinator is available to assist persons who feel they have been abused in making a formal complaint of abuse to the Diocese, in arranging a personal meeting with the bishop or his representative, and for obtaining support for the individual's specific needs. The Victims' Assistance Coordinator does not determine the truthfulness of the reports he or she receives.

1.2.1 The Victims' Assistance Coordinator is to engage in '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 the provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Diocese' (USCCB, *Charter for the Protection of Children and Young People*, §1).

1.2.2 The Victims' Assistance Coordinator will 'coordinate assistance for the immediate pastoral care of persons' who report having been sexually abused as children by clergy or diocesan or parish personnel or volunteers (cf. USCCB, *Essential Norms*, §3).

1.2.3 The Victims' Assistance Coordinator is responsible for:

- maintaining structures that enable persons abused as children by clergy or diocesan or parish personnel or volunteers to receive appropriate support and assistance;
- maintaining similar structures for parishes and communities impacted by the sexual abuse of a minor by clergy or diocesan or parish personnel or volunteers;
- coordinating counseling, spiritual assistance, support groups, and other social services to persons seeking assistance and their families;
- making the services offered by the Diocese known to the faithful of the Diocese and to the public;
- assisting any person in reporting suspicions of sexual abuse to civil and church authorities.

The Safe Environment Program Coordinator

1.3 The Safe Environment Program Coordinator is an employee of the Diocese of Crookston entrusted with the task of coordinating the mandated prevention and education programs for preventing the sexual abuse of minors for the Diocese of Crookston, its parishes, schools, and other diocesan institutions.

1.3.1 The Safe Environment Program Coordinator is responsible for:

- ensuring that the Diocese has a sexual misconduct policy and a Code of Conduct for adults who work with youth and vulnerable people, and that each employee/volunteer is instructed in the contents.
- ensuring that all adults required by law to receive safe environment training complete the diocesan training program for employees and volunteers.
- ensuring that each parish, school, and/or diocesan institution has a safe environment program for children, promulgated by the Bishop, containing the required elements.
- coordinating the efforts of various diocesan and parish offices in regards to the above-mentioned training and education.
- coordinating parish, school, and institutional reporting on Safe Environment Policies and Education as required by the national audit, as well as assisting the national auditors in completing their on-site survey.
- ensuring that background checks are being conducted on all personnel and volunteers who have regular contact with children as well as others mandated by these policies and procedures.
- receiving and providing feedback to parishes, schools, and diocesan institutions on the effectiveness of safe environment programs and the results of the national audit.

The Review Board

1.4 The Board of Review for the Protection of Children and Young People (BRPCYP) is a confidential consultative body of at least five persons that advises the Bishop in the assessment of complaints of sexual abuse of a minor by a cleric and in his determination of the suitability of an accused cleric for ministry. The Board may offer advice on all aspects of these cases, whether retrospectively or prospectively, and is responsible for the review every two years of these policies and procedures⁴.

1.4.1 The Bishop appoints each member of the Board of Review for a term of five (5) years, which can be renewed for an additional term not to exceed two terms of five years. Each member is to be of outstanding integrity and good judgment in full communion with the Church. The majority of the board members will be laypersons who are not in the employ of the Diocese. One member will be a priest who is an experienced and respected pastor of the Diocese, and at least one member should have particular expertise in the treatment of sexual abuse of minors⁵.

⁴ USCCB, *Essential Norms*, §4: ‘To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include: A. advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry; B. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; C. offering advice on all aspects of these cases, whether retrospectively or prospectively.’

⁵ USCCB, *Essential Norms* §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

1.4.2 The meetings and organization of the Board of Review will be governed by the established Bylaws for the Board of Review for the Protection of Children and Young People in the Diocese of Crookston. The meetings will be conducted in a manner that protects the reputations and good names of all persons involved.

1.4.3 The Bishop must seek the counsel of the Board of Review whenever an allegation of sexual abuse of a minor has been received, and prior to instigating and concluding the preliminary investigation of a complaint of sexual abuse of a minor by a cleric⁶. The Board is also to advise the Bishop or his delegated investigator as to its recommendations, based on its expertise, regarding the scope and course of the investigation.

1.4.4 The Board of Review will receive frequent reports on the implementation of the recommendations the Board has made to the Bishop.

1.4.5 The Board of Review will review these policies and procedures at least every two years, in collaboration with the Victims' Assistance Coordinator, the Safe Environment Coordinator, and the Promoter of Justice. Following its review of these policies and procedures, the Board of Review may make recommendations to the Bishop for modification. The Bishop will seek the advice of the Priests' Council and the Finance Council prior to reaching a final decision about the proposed modifications⁷.

Others Charged with Implementing the Policies and Procedures

1.5 In accord with Church law, the implementation of the policies and procedures for the protection of children and young people in the Diocese of Crookston will involve the Vicar General, Moderator of the Curia, Chancellor, Finance Officer, Finance Council, College of Consultors, Promoter of Justice, Judicial Vicar, judges, court officials, canonical advocates, and clerics who hold faculties in the diocese, as well as the entire People of God in the territory.

Vicar General

1.5.1 The Vicar General will assist the Bishop in the governance of the entire diocese and possesses the executive power, which belongs to the Bishop in law (*Code of Canon Law*, cc. 475, §1; 479, §1).

least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.'

⁶ The *Code of Canon Law*, canon 127 §1, states that when it is established by law that in order to place acts a superior needs the counsel of a group of persons, such acts are valid only when the group is convened in accord with the appropriate law and the counsel of all is sought.

⁷ In accord with USCCB, *Essential Norms*, §2, '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.'

Moderator of the Curia

1.5.2 With respect to these policies and procedures, the Moderator of the Curia is responsible for receiving all complaints of sexual abuse of a minor by clergy or diocesan or parish personnel or volunteers, as well as complaints of sexual abuse of minors that occur on Church property or at Church-sponsored events. The Moderator will then notify the appropriate ecclesiastical officials, including the Bishop and the Board of Review.

1.5.3 The delegated investigator may ask the assistance of the Moderator of the Curia for the investigation of a complaint of sexual abuse of a minor against diocesan or parish personnel and volunteers.

The Chancellor, Finance Officer, Finance Council, and the College of Consultors

1.5.4 The Chancellor, Finance Officer, Finance Council, and College of Consultors will assist the Bishop, in accord with Church law, concerning the financial aspects of the response of the Diocese to complaints of sexual abuse of minors. Pastors and Parish Finance Councils will fulfill the same function concerning the financial aspects of the response of parishes and parish schools.

1.5.5 The Chancellor, with the assistance of the Finance Officer, oversees financial matters related to these policies and procedures, including the preparation of financial reports, budgets, and statements. The Chancellor, again with the assistance of the Finance Officer, works with the Victims' Assistance Coordinator, the legal representatives of the Diocese, and the insurance carriers concerning the response of the Diocese to complaints of sexual abuse of a minor.

1.5.6 The Bishop will consult or seek the consent of the Finance Council and the College of Consultors concerning matters of alienation and extraordinary administration, in accord with the norm of law.

Promoter of Justice, Judicial Vicar, Judges, Court Officials

1.5.7 The Promoter of Justice is responsible for ensuring that the safeguards and requirements of the law are applied equitably and that the rights of the complainant and the accused are protected. The Promoter must have an unimpaired reputation, be proven in prudence and in zeal for justice, and possess a degree in canon law (*Code of Canon Law*, c. 1435). For judicial processes involving a cleric, the Promoter of Justice must be a priest, unless the Congregation for the Doctrine of the Faith grants a special dispensation (Pope John Paul II, *SST* §12)⁸. In accord with these policies and procedures, the Promoter will:

- be present, to the extent possible, at all meetings of the Board of Review;
- be consulted prior to imposing administrative leave during the penal process;

⁸ The faculty to dispense from certain provisions in *SST* was granted to the Congregation for the Doctrine of the Faith by Pope John Paul II on 7 February 2003.

- be consulted in any revisions to these policies and procedures;
- act on behalf of the complainant in all judicial penal trials (cf. *Code of Canon Law*, c. 1430).

1.5.8 According to canon law, the Judicial Vicar must be a priest of unimpaired reputation, holding a doctorate or at least a licentiate in canon law, and not less than thirty (30) years of age (*Code of Canon Law*, c. 1420 §4). When a judicial penal trial is to be held, the Bishop will instruct the Judicial Vicar to name a tribunal of three or five judges to try the case. The Judicial Vicar will appoint court officials for penal trials.

1.5.9 To the extent possible, judges from outside the Diocese will be appointed *ad hoc*. Judges are to be of unimpaired reputation and possess doctorates, or at least licentiates, in canon law (*Code of Canon Law*, c. 1421 §3). Any person involved in the case as the Promoter of Justice, procurator, advocate, witness, or expert may not serve as judge (c. 1447). In penal trials involving a cleric, a judge must be a priest, unless the Congregation for the Doctrine of the Faith grants a special dispensation (Pope John Paul II, *SST* §12).

1.5.10 When an official recuses himself/herself, is unavailable, or is considered inappropriate for the individual case, another person will be appointed⁹.

Canonical Advocate

1.5.11 In accord with canon law, a canonical advocate must be of good reputation, possess a doctorate in canon law or be otherwise truly expert, and be approved by the Bishop; the advocate must also be a Catholic unless the Bishop permits otherwise (*Code of Canon Law*, c. 1483). In penal trials involving a cleric, an advocate must be a priest, unless the Congregation for the Doctrine of the Faith grants a special dispensation (Pope John Paul II, *SST* §12).

1.5.12 Before an advocate undertakes this function, he/she must be approved by the Bishop. In a penal trial, the advocate must present an authentic mandate to the tribunal (cf. *Code of Canon Law*, cc. 1483; 1484 §1).

Clerics who hold Faculties in the Diocese

1.5.13 Every cleric who holds or requests faculties within the Diocese of Crookston, or otherwise requests permission to minister in the diocese, must certify in writing that he is familiar with this document. The cleric's certification will be maintained in the cleric's personnel file.

⁹ Once the judges are assigned to a canonical trial, the Judicial Vicar must appoint substitutes, which he will not do except for a most serious reason (*CIC*, c. 1425 §3, 5). In accord with canon law, a judge or promoter of justice must disqualify him/herself if he/she has an interest in the case due to consanguinity or affinity, close friendship, great animosity, or any of the other reasons listed in canon 1448. If the judge does not voluntarily withdraw in such cases, an objection can be lodged with the Judicial Vicar; an objection may be lodged against the Promoter of Justice or other officers of the tribunal with the Presiding Judge (*CIC*, c 449).

Protocol with Institutes of Consecrated Life, Societies of Apostolic Life, Personal Prelatures, and Public Associations

1.6 The Diocese is to establish a protocol applicable to institutes of consecrated life, societies of apostolic life, personal prelatures, and public associations of the faithful whose members maintain or seek faculties or employment in the Diocese.

1.6.1 The protocol with institutes of consecrated life, societies of apostolic life, personal prelatures, and public associations of the faithful is to require a written statement from the appropriate superior that:

- the members of the institute, society, prelate, or association will abide by these policies and procedures
- no member of the institute, society, prelate, or association working in the Diocese is known to have committed an act of sexual abuse with a minor.

1.6.2 Each institute of consecrated life, society of apostolic life, personal prelate, or public association of the faithful will provide a copy of its own policies and procedures to the Moderator of the Curia.

1.6.3 The Bishop or his delegate is to meet periodically with the major superiors of clerical institutes or their delegates to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in the Diocese of Crookston (USCCB, *Charter*, §15).

The People of God

1.7 In accord with Church law, the People of God, ‘even in their own manner of acting’ are ‘to fulfill the duties which they owe to the universal Church and the particular church to which they belong according to the prescripts of law’ (*Code of Canon Law*, c. 209, §2).

1.7.1 In accord with the *Charter for the Protection of Children and Young People*, the Safe Environment Programs of the Diocese of Crookston and its parishes and parish schools 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’. (USCCB, *Charter*, §12).

Part One: Policies and Procedures

ARTICLE 2

Pastoral Support and Outreach

On Offering Pastoral Support and Outreach

USCCB, *Essential Norms* §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.’

USCCB, *Charter for the Protection of Children and Young People*, §1: “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’. This pastoral outreach by the bishop or his delegate is to also be directed to faith communities in which the sexual abuse occurred¹.

The Work of the Victims’ Assistance Coordinator

2.1 The Victims’ Assistance Coordinator offers pastoral support, outreach, and professional assistance to persons who report having been abused as children by clergy or diocesan or parish personnel or volunteers, to their family members, and to parishes, parish schools, and diocesan institutions affected by a complaint of sexual abuse of a minor.

2.1.1 The Bishop will normally extend an offer to meet personally with persons who claim to have been abused as children or young people by clergy or diocesan or parish personnel or volunteers, as well as with their family members. This offer may be made through the Victims’ Assistance Coordinator.

2.1.2 The pastoral support offered by the Victims’ Assistance Coordinator includes referrals for pastoral counseling, spiritual direction, parish consultation, and retreats.

2.1.3 The outreach conducted by the Victims’ Assistance Coordinator will include disseminating information to increase awareness and understanding of the prevention, identification, and treatment of sexual abuse of minors.

¹ See Pope John Paul II, *Address to the Cardinals of the United States and Officers of the United States Conference of Catholic Bishops* (23 April 2002).

2.1.4 When the person who is reported to have been abused is under age eighteen (18) the offer of assistance will be made to the parent or guardian of that person.

On Professional Assistance to be offered

2.2 The professional assistance offered by the Victims' Assistance Coordinator includes referrals and funding for psychological counseling with a licensed mental health professional.

2.2.1 The standard authorization will support twenty-five sessions of therapy. If, after that time, additional sessions are necessary, a written request from the treating clinician is requested. Requests for ancillary therapies and requests for a psychotropic medication or evaluation will be considered on an individual basis.

2.2.2 The Victims' Assistance Coordinator maintains a list of treatment providers so that a person seeking counseling may choose a licensed mental health professional if a referral is needed. Alternatively, the person may already be in therapy or decide to seek a therapist without referral assistance from the Victims' Assistance Coordinator.

The Initial Interview and Principles of Confidentiality

2.3 The Victims' Assistance Coordinator is to maintain information that is obtained from persons seeking support or assistance in a confidential manner to the extent allowable by law.

2.3.1 At the initial interview, persons seeking support or assistance may be accompanied by a friend or family member. Meetings will take place at the office of the Victims' Assistance Coordinator or at a mutually agreed upon location.

2.3.2 The purpose of the initial interview is to listen to the individual who brings a report of sexual abuse of a minor and to be guided by the needs he/she presents. In the initial interview, the Victims' Assistance Coordinator or designated staff member who conducts the interview will discuss the nature of confidentiality and its limitations. The VAC/staff member will record only limited information. The VAC/staff member will not record a detailed narrative of the complaint.

2.3.3 When required by civil law, the VAC/staff member will explain the legal requirements for reporting sexual abuse of minors to civil authorities, including that staff members are mandated reporters for child abuse and neglect.

2.3.4 When the person presents a danger of harm to self or others, it will be necessary for the VAC/staff member to disclose this information. When feasible, the person will be informed of this disclosure.

2.3.5 At the conclusion of the initial interview, the person seeking assistance will receive a copy of the materials that will comprise his/her record.

Filing a Complaint with Civil and Church Authorities

2.4 The Victims' Assistance Coordinator or other staff member who conducts the interview will ask the person reporting sexual abuse of a minor by a cleric or one of the diocesan or parish personnel or volunteers whether he/she wishes to make a formal complaint to Church authorities, explaining that such a complaint is necessary for the Church to investigate the actions of clergy or parish or diocesan personnel and volunteers.

2.4.1 The VAC/staff member will ensure that this person understands that the offer of pastoral and psychological assistance is not contingent upon willingness to file a complaint and that no information gathered by the Victims' Assistance Coordinator or his/her delegate will be entered into an investigation by the Church without the permission of the person making the complaint or his or her guardian.

2.4.2 When the person chooses to file a complaint, the VAC/staff member will ask him/her to sign a release requesting that the Victims' Assistance Coordinator forward the complaint to the Moderator of the Curia.

2.4.3 When an adult reports having been abused as a child, the VAC/staff member will explain that he/she has the right to make a report to the appropriate civil authorities of the place where the abuse allegedly occurred. When the person does not choose to make such a report, even anonymously, the VAC/staff member will not file such a report without first obtaining the informed consent of the adult (USCCB, *Charter*, §4).

2.4.4 When a person reports sexual abuse of a minor by a member of the clergy or a diocesan or parish employee or volunteer who is currently ministering, working, or serving in the Diocese or one of its parishes or parish schools but does not wish to make a formal complaint for the purposes of an ecclesiastical investigation, the VAC/staff member will inform the Moderator of the Curia that an anonymous allegation has been received by the Victims' Assistance Coordinator. The VAC/staff member will explain to the person that the Diocese cannot normally investigate an anonymous allegation and will attempt to help the person address his/her concerns about participating in an ecclesiastical investigation.

2.4.5 When requested, the Victims' Assistance Coordinator will accompany a complainant to an interview with Church investigators. To the extent possible, such interviews will be conducted in a setting that is comfortable to all parties.

Assistance to Diocesan Institutions

2.5 In cooperation with the Victims' Assistance Coordinator, the Bishop will arrange for pastoral outreach to a parish, parish school, or diocesan institution affected by a complaint of sexual abuse of a minor by clergy or diocesan or parish personnel or volunteers.

2.5.1 The Bishop will ensure that appropriate assistance is offered to the parish, parish school, or diocesan institution, which may include such resources as spiritual and psychological counseling. The Bishop may visit personally or designate a team of persons to meet with the parish, parish school, or institution. This team may include representatives of the diocesan or parish administration and other professionals.

2.5.2 The parish council or equivalent body may be involved in designing a process that will assist the parish or other institution.

2.5.3 The Moderator of the Curia will oversee communications with a parish, parish school, or diocesan institution affected by a complaint of sexual abuse of a minor. He will offer timely and pastorally appropriate information, in accord with these policies and procedures regarding such communications (Article 4).

Part One: Policies and Procedures

ARTICLE 3

Safe Environment Programs

On the Establishment of Safe Environment Programs

USCCB, *Essential Norms*, Preamble: ‘The bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors.’

USCCB, *Charter for the Protection of Children and Young People*, §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’¹.

USCCB, *Charter for the Protection of Children and Young People*, §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.’

USCCB, *Charter for the Protection of Children and Young People*, §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.’

¹ See Part Two of this document, the Code of Ethical Standards for Church Leaders.

Mandated Prevention and Education Programs

3.1 All clergy and parish, school, and diocesan personnel and volunteers who minister, work, or serve in a capacity involving contact with children under age eighteen (18) must complete the prevention and education programs mandated by the Diocese. These programs seek to assist parents in educating and protecting their children and to assist parishes, parish schools, and diocesan institutions to cooperate with parents in developing and maintaining safe and secure environments.

3.1.1 The Safe Environment Program Coordinator is to institute mandated prevention and education programs in parishes, parish schools, and diocesan institutions for preventing the sexual abuse of minors before it occurs and for identifying abuse once it has occurred.

3.1.2 The Safe Environment Program Coordinator is to maintain a list of the prevention and education programs approved by the Bishop. No person is to be permitted to minister, work, or serve in the Diocese in positions that require direct contact with children and young people without having completed the mandated prevention and education programs and appropriate training as outlined in these policies and procedures.

3.1.3 Personal safety programs for children and young people that include information about appropriate behavioral and physical boundaries between adults and children, and what to do if those boundaries are violated, are to be standard, permanent elements of Catholic education in the schools and parishes of the Diocese for all grades.

3.1.4 Similar personal safety programs for children and young people are to be taught in all parish religious education programs. The Office of the Word is to train all catechetical leaders in the programs for child and youth safety mandated by the Diocese. These leaders are to coordinate the Safe Environment Education Programs with the pastor/pastoral administrator of the parish.

3.1.5 The Safe Environment Program Coordinator is to establish school and parish environmental and reporting protocols to enhance the prevention of sexual abuse of minors on Church-owned property and at Church-sponsored events and activities and to ensure that the procedures for reporting allegations of abuse and neglect to civil and ecclesial authorities are clearly defined and understood.

Prevention and Education Programs for Adults

3.2 The prevention and education programs for adults are to work to prevent the sexual abuse of minors by raising awareness of the nature of abuse and its prevalence in all elements of society. Adults are to be trained to recognize the

signs and symptoms of sexual abuse and how to intervene when children and young people are at risk.

3.2.1 The prevention and education programs for adults are to focus on prevention strategies, raising awareness and understanding of abuse issues, and increasing the ability to deal effectively with sexual abuse issues once they arise. They are to include practical procedures for preventing sexual abuse of minors on Church-owned property and at Church-sponsored events and activities.

3.2.2 The prevention and education training in parishes, parish schools, and diocesan institutions are to include instruction in:

- these policies and procedures for the protection of children and young people, including the responsibility to report the sexual abuse of minors to civil authorities and the responsibility to report sexual abuse by clergy and diocesan and parish personnel and volunteers to ecclesiastical authorities;
- the nature of the sexual abuse of minors, signs and symptoms of abuse, types of disclosure, and how to respond appropriately;
- actions to take when a person has reasonable cause to suspect the sexual abuse of a minor and how to gather information appropriately;
- ministering to persons harmed by the sexual abuse of a minor;
- the standard school and parish Safe Environment protocol established by the Safe Environment Program Coordinator.

3.2.3 The Safe Environment Program Coordinator is to ensure that training in prevention and education is available for clergy and diocesan and parish personnel and volunteers who are new to the Diocese. The Pastor in each parish or cluster of parishes is to work with the Safe Environment Program Coordinator to ensure that the required training is provided.

Prevention and Education Programs for Children and Young People

3.3 prevention and education programs for children and young people are to emphasize basic skills for safety from dangerous or abusive situations. These programs focus on enhancing the ability of children and young people to protect themselves and on encouraging safe environments that allow them to communicate any potential endangerment.

3.3.1 The prevention and education programs for children and young people in diocesan or parish schools and religious education classes are to include an age-appropriate personal safety curriculum for students at all levels. Parents, teachers, and students are to be trained in personal safety skills and appropriate adult behavior toward children and young people.

3.3.2 The programs for children and young people are to utilize school and religious education programs to educate children and parents about personal safety and appropriate boundaries between children and adults. These programs

are to assist parents in educating and protecting their children.

3.3.3 The prevention and education programs taught to children are to include instruction on how to:

- communicate any concerns they may have;
- say ‘no’ to unwanted situations;
- identify trusted adults with whom to speak;
- recognize that abusive situations are never the fault of the child;
- recognize and disclose inappropriate or unwanted actions (including improper touching) directed to self or others.

Mandatory Background Checks

3.4 All clergy ministering in the diocese and all parish and diocesan personnel and volunteers must complete the background checks mandated by the Diocese. The Diocese requires full disclosure from all applicants for ministry, employment, or volunteer service in the Diocese. Applicants who refuse to provide authorization for background checks and inquiries will not be considered for any position in a parish, parish school, or diocesan institution.

3.4.1 All persons who apply for entrance into the seminary or permanent diaconate program, for incardination into or other ministry in the Diocese, for employment in a parish, parish school, or diocesan institution, who contract independently with the Diocese or a parish or school, or who wish to volunteer in a position involving regular contact with children under age eighteen (18) must complete the relevant application process mandated by the Diocese. This process may include, but is not limited to:

- completion of an application or permission form mandated by the Diocese
- signed ‘Acknowledgement and Consent Form’;

3.4.2 All clergy and diocesan and parish personnel and volunteers who serve in a capacity involving regular contact with children under age eighteen (18) must sign the ‘Acknowledgement and Consent Form’ yearly. All clergy and diocesan and parish personnel and volunteers must submit to a complete federal criminal background check when required by these policies and procedures. In addition, all applicants for employment must complete the Employment Background Check form.

3.4.3 No person is to be permitted to minister, work, or serve in any Church-related ministry in a diocesan or parish institution in a capacity involving regular contact with children under age eighteen (18) without having submitted to a federal criminal background check as mandated by the Chancery. The Diocese also requires this type of background check for positions that do not serve children directly, but which potentially include unmonitored access to children and young people, as well as positions that include work with the elderly and the

disabled. These positions include, but are not limited to, those found on the ‘Suggested List’ posted on the diocesan webpage. Permission for federal background checks for these persons is to be renewed annually by signing the ‘Acknowledgement and Consent Form’, also available on the diocesan webpage.

3.4.4 The Vicar General/Moderator of the Curia may designate additional diocesan or parish personnel or volunteers who are to be required to sign the ‘Acknowledgement and Consent Form’, and to undergo federal criminal background checks.

Seminary Screening and Formation Program

3.5 As part of the psychological testing required in the screening process for all applicants to seminary and the permanent diaconate program an assessment of their fitness for working with children and young people is to be conducted.

3.5.1 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 (USCCB, *Essential Norms*, Preamble).

3.5.2 The Diocese will require each seminarian or applicant to the permanent diaconate to participate in a training program that addresses issues related to the sexual abuse of minors.

Confidentiality of Information

3.6 The information gained by the Diocese in connection with background checks and screening will be used solely for determining whether the individual is otherwise qualified for the position sought.

3.6.1 The recommended follow-up to all background checks and screening will be communicated confidentially to the appropriate pastor or supervisor of the parish, parish school, or diocesan institution.

3.6.2 This pastor or supervisor will keep the results of the screening in strict confidence and will not disclose the specific contents of the screening to any person other than the applicant and those individuals directly involved in evaluating the individual.

Part One: Policies and Procedures

ARTICLE 4

Principles for Communications

On Communications

USCCB, *Charter for the Protection of Children and Young People*, §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.'

Principles of Transparency and Openness

4.1 Diocesan communications are to reflect transparency and openness, exercised within the context of legitimate protection of the reputation and privacy of persons and the common good of the Church (cf. *Code of Canon Law*, c. 223).

4.1.1 Diocesan communications should promote the development of cooperative and open relationships. To that end, the Diocese will communicate appropriately with the Christian faithful, the general public, and members of the media regarding complaints of sexual abuse of minors.

4.1.2 The Diocese will not enter into any confidentiality agreements except for grave and substantial reasons brought forward by the person seeking assistance and noted in the text of the agreement (USCCB, *Charter*, §3).

4.1.3 The Moderator of the Curia will oversee communications with a parish, parish school, or diocesan institution affected by a complaint of sexual abuse of a minor. The Moderator of the Curia will offer timely and pastorally appropriate information, in accord with these policies and procedures. The Moderator of the Curia will also coordinate contact with the media concerning complaints of sexual abuse of a minor by clergy or diocesan or parish personnel or volunteers. In making these communications, the Moderator of the Curia will consult with the Board of Review.

4.2 The investigation of a complaint of sexual abuse of a minor will be kept as confidential as the circumstances of an individual case allow, in order that the reputation of both the complainant and the accused are protected.

4.2.1 The Diocese will ensure that the complainant and accused person receive appropriate and timely information pertaining to any relevant actions taken by the Diocese.

4.2.2 Due care will be taken so that the good reputation of any person is not endangered by the communication of information during an investigation or canonical process related to a complaint of sexual abuse of a minor. The Diocese will strive to balance its doctrinal and canonical responsibilities to protect the good reputation, rights, and privacy of all persons involved with the common good of the Church (cf. *Code of Canon Law*, cc. 220; 223; 1717 §2). The Diocese will also be mindful of the grave responsibility to avoid anything that might give occasion for others to form false judgments about an accused person, including rash judgment, detraction, and calumny.

4.2.3 The Diocese will not make a public announcement concerning the initial receipt of a complaint of sexual abuse of a minor or the progress of an investigation, canonical trial, or administrative process, unless the Bishop, after consultation with the Board of Review, determines that the public good so requires.

4.2.4 When a complaint becomes public knowledge, the Diocese will offer no comment prior to the completion of its investigation other than a simple confirmation that a complaint has been received, that an appropriate report has been filed with civil authorities, and that the complaint is being investigated in accord with Church law (cf. *Code of Canon Law*, c. 1717 §2; USCCB, *Essential Norms*, §6).

4.2.5 The Diocese will observe Church law on communication concerning a penal process for a delict that is reserved to the Congregation for the Doctrine of the Faith (*Code of Canon Law*, c. 1455 §1, 3; Pope John Paul II, *SST*, §25).

On Confidentiality

4.3 Information generated in connection with an investigation of alleged sexual abuse of a minor will be maintained in a confidential manner to the extent allowable by law.

- 4.3.1 The following persons will have access to the information:
- The delegated investigator and members of the investigative team;

- Members of the Board of Review, tribunal officials, and canonical assessors;
- The proper ordinary of a non-incardinated cleric, member of an institute of consecrated life, society of apostolic life, or personal prelature.

4.3.2 The Diocese will disclose such information as may be required by law, or pursuant to a lawfully issued subpoena or court order.

On Communicating the Results of the Process

4.4 The Diocese will announce the restrictions or penalties lawfully imposed upon a person who is found to have committed an act of sexual abuse of a minor.

4.4.1 At the conclusion of an investigation, canonical trial, or administrative process, the Moderator of the Curia will coordinate the announcement of any lawful restrictions placed on the ministry, work, or service of the accused, after consultation with the Board of Review.

4.4.2 When a person is acquitted following an investigation, the Moderator of the Curia will, again after consultation with the Board of Review, coordinate the announcement of any steps to be taken to restore him/her to ministry, work, or service, and every possible step will be taken to restore the good name of the person falsely accused (USCCB, *Essential Norms*, §13).

Part One: Policies and Procedures

ARTICLE 5

Reporting Sexual Abuse of Minors to Civil Authorities

On Compliance with Civil Reporting Requirements

USCCB, *Essential Norms*, §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.’

From *Current Minnesota Statutes* (2005 edition): Chapter 626.556

Subd. 3. Persons mandated to report. (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in subdivision 2¹, or has been neglected or physically or sexually abused within the preceding three years, shall immediately² report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff if the person is:

(1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, or law enforcement; or

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section [595.02](#), subdivision 1, paragraph (c)³.

¹ *Current Minnesota Statutes* (2005 edition), 626.556 Subd. 2d. “Sexual abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child, as defined in section [609.341](#), or by a person in a position of authority, as defined in section [609.341](#), subdivision 10, to any act which constitutes a violation of section [609.342](#) (criminal sexual conduct in the first degree), [609.343](#) (criminal sexual conduct in the second degree), [609.344](#) (criminal sexual conduct in the third degree), [609.345](#) (criminal sexual conduct in the fourth degree), or [609.3451](#) (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections [609.321](#) to [609.324](#) or [617.246](#). Sexual abuse includes threatened sexual abuse’.

² *Current Minnesota Statutes* (2005 edition), 626.556 Subd. 2e. ‘For purposes of this subdivision, “immediately” means as soon as possible but in no event longer than 24 hours’.

³ *Current Minnesota Statutes* (2005 edition), 595.02 ‘**Testimony of witnesses.** Subd. 1. Competency of witnesses. Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision: (c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the

(b) Any person may voluntarily report to the local welfare agency, agency responsible for assessing or investigating the report, the police department, or the county sheriff if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse.

(c) A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility under sections [144.50](#) to [144.58](#); [241.021](#); [245A.01](#) to [245A.16](#); or chapter 245B; or a nonlicensed personal care provider organization as defined in sections [256B.04](#), subdivision 16; and [256B.0625](#), subdivision 19. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b. A board or other entity whose licensees perform work within a school facility, upon receiving a complaint of alleged maltreatment, shall provide information about the circumstances of the alleged maltreatment to the commissioner of education. Section [13.03](#), subdivision 4, applies to data received by the commissioner of education from a licensing entity.

Subd. 4. Immunity from liability. (a) The following persons are immune from any civil or criminal liability that otherwise might result from their actions, if they are acting in good faith:

(1) any person making a voluntary or mandated report under subdivision 3 or under section [626.5561](#) or assisting in an assessment under this section or under section [626.5561](#);

(2) any person with responsibility for performing duties under this section or supervisor employed by a local welfare agency, the commissioner of an agency responsible for operating or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections [144.50](#) to [144.58](#); [241.021](#); [245A.01](#) to [245A.16](#); or 245B, or a school as defined in sections [120A.05](#), subdivisions 9, 11, and 13; and [124D.10](#); or a nonlicensed personal care provider organization as defined in sections [256B.04](#), subdivision 16; and [256B.0625](#), subdivision 19a, complying with subdivision 10d; and

(3) any public or private school, facility as defined in subdivision 2, or the employee of any public or private school or facility who permits access by a local

confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person'.

welfare agency, the Department of Education, or a local law enforcement agency and assists in an investigation or assessment pursuant to subdivision 10 or under section [626.5561](#).

(b) A person who is a supervisor or person with responsibility for performing duties under this section employed by a local welfare agency, the commissioner of human services, or the commissioner of education complying with subdivisions 10 and 11 or section [626.5561](#) or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions, if the person is (1) acting in good faith and exercising due care, or (2) acting in good faith and following the information collection procedures established under subdivision 10, paragraphs (h), (i), and (j).

(c) This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

Subd. 6. Failure to report. (a) A person mandated by this section to report who knows or has reason to believe that a child is neglected or physically or sexually abused, as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, and fails to report is guilty of a misdemeanor.

(b) A person mandated by this section to report who knows or has reason to believe that two or more children not related to the perpetrator have been physically or sexually abused, as defined in subdivision 2, by the same perpetrator within the preceding ten years, and fails to report is guilty of a gross misdemeanor.

Subd. 7. Report. An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the appropriate police department, the county sheriff, the agency responsible for assessing or investigating the report, or the local welfare agency, unless the appropriate agency has informed the reporter that the oral information does not constitute a report under subdivision 10. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.

5.1 The Diocese requires all clergy and diocesan and parish personnel and volunteers to contact the appropriate civil authorities when a person has knowledge or reasonable cause to suspect that a person under eighteen (18) years of age is being, or has been, sexually abused.

5.1.1 Persons who are obliged by the law of the State of Minnesota and the Diocese of Crookston to report suspected sexual abuse of minors to civil authorities must carry out this duty. Reporting to Church authorities does not excuse any person from this obligation, except as may be allowed by civil law.

5.1.2 The Diocese will support the right of an adult who reports having been abused as a child to make a report to the prosecuting attorney of the place where the abuse allegedly occurred, even anonymously. When the Moderator of the Curia receives notice that such a person chooses not to file a report, he will determine whether or not a current risk exists to children or young people under the age of eighteen (18). If such a risk exists, the Moderator will file a report with the appropriate prosecuting attorney, having first attempted to obtain the informed consent of the adult who reports having been abused.

5.1.3 The Diocese shall not discharge or in any manner discriminate or retaliate against any person who in good faith makes a report of the sexual abuse of minors, testifies or is about to testify in any proceeding involving sexual abuse (*Minnesota Statutes*, 2005 edition, 626.556, Subd. 4a).

5.1.4 A priest who receives a disclosure of sexual abuse of minors during the Sacrament of Reconciliation is exempt from the requirement to report to civil and ecclesiastical authorities if making such a report would mean violation of the seal of confession (*Code of Canon Law*, cc. 983 §1; 1550 §2, 2°; *Minnesota Statutes*, 2005 edition, 595.02c)⁴.

Training Clergy, Diocesan and Parish Personnel and Volunteers in Filing a Report

5.2 The Diocese will train all clergy and diocesan and parish personnel and volunteers to report suspected sexual abuse of minors to the appropriate civil authorities.

5.2.1 The prevention and education programs offered by the Diocese will include instruction on how to report the sexual abuse of minors to civil authorities, how to respond appropriately to persons who may have been harmed by abuse or neglect, and how to gather essential information.

5.2.2 The Safe Environment Program Coordinator will assist persons in the parishes, schools, and institutions of the Diocese to report the sexual abuse of minors to the civil authorities.

⁴ See footnote 3 of this section.

5.2.3 When requested, the Moderator of the Curia will assist clergy and diocesan and parish personnel and volunteers in filing a report with civil authorities.

Part One: Policies and Procedures

ARTICLE 6

Reporting Sexual Abuse of Minors to Church Authorities

On the Responsibilities of the Bishop

Code of Canon Law, Canon 383 §1: “In exercising the function of a pastor, a diocesan bishop is to show himself concerned for all the Christian faithful entrusted to his care, of whatever age, condition, or nationality they are, whether living in the territory or staying there temporarily; he is also to extend an apostolic spirit to those who are not able to make sufficient use of ordinary pastoral care because of the condition of their life and to those who no longer practice their religion.”

Code of Canon Law, Canon 384: “With special solicitude, a diocesan bishop is to attend to presbyters and listen to them as assistants and counselors. He is to protect their rights and take care that they correctly fulfill the obligations proper to their state and that the means and institutions which they need to foster their spiritual and intellectual life are available to them. He also is to take care that provision is made for their decent support and social assistance, according to the norm of law.”¹

Code of Canon Law, Canon 392 §1: “Since he must protect the unity of the universal Church, a bishop is bound to promote the common discipline of the whole Church and therefore to urge the observance of all ecclesiastical laws.”

On the Sexual Abuse of Minors

Code of Canon Law, Canon 1395 §2: “A cleric who...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, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.”²

Pope John Paul II, *Sacramentorum sanctitatis tutela*: “The safeguarding of the sanctity of the Sacraments, especially the Most Holy Eucharist and Penance, and the keeping of the faithful, called to communion with the Lord, in their observance of the sixth commandment of the Decalogue, demand that the Church itself, in her pastoral solicitude, intervene to avert dangers of violation, so as to provide for the salvation of souls ‘which must always be the supreme law in the Church’ (*Code of Canon Law*, c. 1752).”

¹ Concerning the obligations and rights of presbyters, see *CIC*, cc. 273-289.

² The age of a minor for offenses against the sixth commandment was raised to eighteen (18) by a Rescript of the Secretariat of State on 25 April 1994, granting a derogation from the *CIC* to the United States (Protocol Number 346.053). The age of eighteen (18) was instituted for the universal Church by Pope John Paul II in *SST* 4§ 1.

USCCB, *Essential Norms* §8: ‘When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (cf. *Code of Canon Law*, c. 1395 §2).’³

Diocese of Crookston, Part One, Article 8, 8.5: “No person known to have sexually abused a child or young person or to have violated this policy will be permitted to minister, work, or serve in a diocesan institution or parish or parish school. When a person admits to sexual abuse of a minor or to violation of the diocesan policy, or either has been established by a lawful process, the Diocese will immediately remove the person from ministry, terminate the contract of an employee or independent contractor, or dismiss a volunteer, in accord with Church law and these policies and procedures.”

Contacting the Moderator of the Curia

6.1 Any person may make a complaint to ecclesiastical authorities concerning sexual abuse of a minor by clergy or diocesan or parish personnel or volunteers. When a cleric, one of the diocesan or parish personnel or a volunteer receives a complaint of sexual abuse of a minor, he/she will communicate it to the Moderator of the Curia as soon as possible.

6.1.1 When clergy and diocesan and parish or school personnel and volunteers file a report with civil authorities concerning sexual abuse of a minor by a cleric or one of the diocesan or parish personnel or a volunteer, the Moderator of the Curia is to be notified within twenty-four (24) hours and, if possible, supplied with a copy of the written report.

6.1.2 Reporting to the Church does not relieve an individual of the obligation to report sexual abuse of a minor to civil authorities. When a cleric or one of the diocesan, school, or parish personnel or a volunteer receives a complaint of sexual abuse of a minor, he/she will remind a person who is mandated by law that a report must be filed with civil authorities.

6.1.3 Clergy and diocesan, school, and parish personnel and volunteers who are accused directly of sexual abuse of a minor are to notify the Moderator of the Curia immediately.

6.1.4 When the Moderator of the Curia learns through the media or in some other fashion of an allegation of sexual abuse of a minor against a cleric, one of the diocesan, school, or parish personnel, or a volunteer, he will make a report to the Bishop and also to the Board of Review.

³ *Essential Norms* footnote 4 states that ‘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’.

Part One: Policies and Procedures

ARTICLE 7

Principles for Ecclesiastical Investigations of Complaints of Sexual Abuse of Minors

On the Right of the Church to Investigate

Code of Canon Law, Canon 1401: “By proper and exclusive right the Church adjudicates: §1. cases which regard spiritual matters or those connected to spiritual matters; §2. the violation of ecclesiastical laws and all those matters in which there is a question of sin, in what pertains to the determination of culpability and the imposition of ecclesiastical penalties”.

USCCB, *Essential Norms* §11, footnote 7: “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.”

On Investigations

Code of Canon Law, Canon 1717: §1. “Whenever an ordinary has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous. § 2. Care must be taken so that the good name of anyone is not endangered from this investigation. §3. The person who conducts the investigation has the same powers and obligations as an auditor in the process; the same person cannot act as a judge in the matter if a judicial process is initiated later. ”

USCCB, *Essential Norms* §6: “When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (*CIC*, c. 1717; *CCEO*, c. 1468). During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in *CIC*, canon 1722, or *CCEO*, canon 1473,- i.e. withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.”

On the Protection of Rights

Code of Canon Law, Canon 220: “No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her privacy.”

Code of Canon Law, Canon 223; §1: “In exercising their rights, the Christian faithful, both as individuals and gathered together in associations, must take into account the common good of the Church, the rights of others, and their own duties toward others. §2. In view of the common good, ecclesiastical authority can direct the exercise of rights which are proper to the Christian faithful.”

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

Diocesan Investigations

7.1 The Diocese will investigate complaints of sexual abuse of minors in accord with the principles of truth, honesty, openness, and justice, while respecting confidentiality, privacy, and the reputation of persons. The Diocese will cooperate with civil authorities concerning investigations of a complaint of sexual abuse of minors and conduct its own investigations with respect for civil law and the rights of individuals.

7.1.1 The investigation of a complaint of sexual abuse of a minor by a Bishop will be guided by the directives of canon law, which reserves such cases to the Roman Pontiff (cf. *Code of Canon Law*, c. 1405 §1, 3°).

7.1.2 The Diocese will cooperate with civil officials concerning the gathering of information when a civil or criminal investigation is being conducted. The Diocese will not conduct an interview with a complainant, accused person, or potential witness while a criminal investigation is underway without having consulted the appropriate civil authorities.

7.1.3 When a complainant, or the parent or guardian of a minor complainant, requests that the Church investigate a complaint of sexual abuse of a minor, the Diocese will request that this person make available any information generated by an investigation by civil officials.

Gathering Information from Minors

7.2 The Diocese will observe the norms of canon law concerning the gathering of information from minors during an investigation.

7.2.1 Children below fourteen (14) years of age will not normally be permitted to give testimony. Depending upon the civil jurisdiction and its protocols concerning the interviewing of minors, the Bishop may authorize the interviewing of a person under eighteen (18) years of age (cf. *Code of Canon Law*, c. 1550 §1).

7.2.2 When a complaint is received concerning a person presently under the age of eighteen (18), the delegated investigator will contact the appropriate civil authorities relative to obtaining the information needed for the Church's investigation of the complaint.

Due Process Protections

7.3 The Diocese will ensure that the protections of procedural due process (following of proper procedures) and substantive due process (protection against arbitrary or unfair deprivation of basic rights) are provided to all parties.

7.3.1 Competent and unbiased persons (such as court personnel, the Board of Review, etc.) will uphold due process by a fair, objective, and thorough examination of the complaint. The complainant and the person whose conduct is being investigated will receive due notice of investigations and proceedings and their rights to hierarchical recourse and appeal will be protected in accord with the norms of Church law.

7.3.2 To the extent possible, interviews concerning a complaint of sexual abuse of a minor will be conducted in a setting that is comfortable to the parties being interviewed. Whenever possible, the person to be interviewed will have the choice to have either a male or female staff member present during the interview.

7.3.3 In canon law, as in civil law, a person is presumed innocent until guilt has been proven or admitted. When the Moderator of the Curia communicates a complaint to an accused person, he will recommend that the accused retain appropriate legal representation. Whenever a possibility exists that canonical penalties may be applied, information will also be provided to the accused about contacting a canonical advocate.

7.3.4 The Moderator of the Curia will inform the accused that information generated in an investigation by the Church is considered confidential, but it may not be considered privileged by civil authorities. He will point out, therefore, the appropriateness of consulting a civil attorney.

7.3.5 An accused person may bring legal representation to any meeting concerning a complaint of sexual abuse of a minor. It is the personal responsibility of the accused to

retain and render payment to his or her legal representation. In accord with Church law, the Diocese will supply canonical counsel to a priest when necessary (USCCB, *Essential Norms* §8A).

7.4 In order to uphold due process, a person who brings an allegation of sexual abuse of a minor to the Church will be informed that a written and signed complaint is normally necessary before the Church can undertake an investigation.

7.4.1 Normally, it will be necessary that the complaint include:

- the name of the person against whom the complaint is made;
- the name of the complainant;
- a detailed description of the alleged abuse, including relevant dates, times, and circumstances;
- the names and contact information for persons who may have knowledge of the alleged abuse.

7.4.2 When a complaint is made by someone other than the person who has allegedly been abused, the testimony of the complainant will normally be necessary for the Diocese to conduct a thorough investigation.

7.4.3 A complaint may be made by someone chosen by the person who has allegedly been abused, such as a canon lawyer, a civil attorney, a family member, a friend, or a counselor. When requested, the Victims' Assistance Coordinator or the delegated investigator will assist a complainant in preparing the appropriate written statement.

7.4.4 When an adult reports having been abused as a minor by a person who is currently ministering, working, or serving in the Diocese, but does not wish to make a formal complaint for the purposes of a Church investigation, the person who receives the report will inform the Moderator of the Curia that an anonymous allegation has been received. The person who receives the report will first explain to the adult that the Diocese cannot normally investigate an anonymous allegation and that person will attempt to address the concerns of the adult making the report about participating in a Church investigation.

7.4.5 Allegations against laicized, deceased, or retired clergy, diocesan, school or parish personnel or volunteers shall be processed in substantially 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 or she was serving in the Diocese, to facilitate outreach to those affected, and to determine whether minors were and/or are currently at risk.

Part One: Policies and Procedures

ARTICLE 8

Complaints of Sexual Abuse of Minors by Diocesan or Parish Personnel and Volunteers

Pastoral Response to Sexual Abuse of Minors by Diocesan or Parish Personnel and Volunteers

8.1 Sexual abuse of a minor by diocesan, school, or parish personnel or volunteers violates human dignity, accepted professional standards of conduct, the moral teaching of the Catholic Church and the diocesan policy. The Diocese will provide appropriate assistance to those affected by sexual abuse of a minor by a diocesan, school, or parish employee or volunteer.

8.1.1 The Victims' Assistance Coordinator is responsible for coordinating the professional resources, as well as the pastoral care, to be made available to those who have been affected.

Contacting the Accused Person

8.2 Within twenty-four (24) hours of receiving a complaint of sexual abuse of a minor by one of the diocesan, school, or parish personnel or a volunteer, the Moderator of the Curia will contact the Bishop and consult him on the manner in which this information is to be communicated to the accused and any other persons¹.

8.2.1 After consulting the Bishop, the Moderator of the Curia will inform the appropriate Head of Staff. He will then give the complaint to the immediate supervisor of the accused person, who will communicate the complaint to the accused, in writing and as appropriate, within forty-eight (48) hours. When feasible, the complaint will be communicated to the accused in person.

8.2.2 The Moderator of the Curia will consult with the appropriate supervisor concerning an offer of appropriate assistance to the accused person during the investigation.

8.2.3 When the supervisor communicates the complaint, he/she will follow the provisions of these policies and procedures concerning a recommendation that the accused retain appropriate legal representation. The supervisor will direct the accused and his/her agents to have no contact with the complainant, the complainant's immediate family, and/or the person who brought forth the complaint prior to the completion of an investigation.

8.2.4 If the accused is employed by the Diocese or one of its parishes, schools, or

¹ For information about making a complaint to civil or church authorities, please refer back to Articles 5 and 6 of this policy.

institutions, the supervisor will immediately place the accused person on administrative leave, as defined in the personnel policies of the Diocese. Administrative leave includes a prohibition against performing any Church-related duties pending investigation of the complaint, as well as an obligation to remain away from the parish, parish school, or diocesan institution where the alleged abuse occurred. During administrative leave, regular salary and benefits will continue for three (3) months. Thereafter benefits may continue, at the discretion of the Moderator, for a maximum of nine (9) additional months. If, however the person is arrested, the Moderator will review the facts to determine whether the person should continue to receive salary and benefits during the investigation.

Rights and Obligations

8.3 When the Bishop decrees that an investigation be initiated, the Moderator of the Curia will communicate the complaint to the delegated investigator. The delegated investigator will ensure that both the complainant and the accused person are informed of their rights and obligations during the investigation.

8.3.1 The rights and obligations of persons involved in an ecclesiastical investigation include:

- the right to a fair, objective, and thorough examination of the complaint by competent and unbiased persons;
- the right to have one's good name, rights, and privacy protected;
- the right to due notice of proceedings;
- the right to offer evidence;
- the right to know the results of the investigation;
- the right to appeal, in accord with the norms of these policies and procedures;
- the obligation not to interfere with the investigative process;
- the obligation to provide accurate information;
- the obligation to observe any restrictions lawfully imposed.

8.3.2 Further, the rights and obligations of an accused person include:

- the right to know the nature of the complaint and the identity of the person who is alleged to have been harmed, whenever possible;
- the right to be heard in one's own defense and not to be required to implicate one's self;
- the right to examine written records of proceedings and decisions;
- the obligation not to have contact with the complainant during the investigation.

8.3.3 The accused person cannot be required to declare whether the complaint against him/her is true, state whether any elements of the alleged acts are true, or otherwise incriminate himself/herself. The person will not be formally interrogated, unless he/she specifically agrees.

Principles for Investigating the Complaint

8.4 The delegated investigator will undertake an investigation promptly, in collaboration with the Moderator of the Curia. The accused person will be given sufficient opportunity to respond to the complaint.

8.4.1 The delegated investigator, in collaboration with the Moderator of the Curia, will determine the scope of the investigation, when sufficient evidence has been gathered, and when the investigation is to be concluded. If necessary, guidance can be sought from the Board of Review.

Resolution of the Investigation

8.5 No person found to have sexually abused a minor or who has violated this policy will be permitted to minister, work, or serve in a parish, parish school, or diocesan institution. When a person admits to sexual abuse of a minor, or to violation of the diocesan policy, or either has been established by a lawful process, the Diocese will immediately remove the person from ministry, terminate the contract of an employee or independent contractor, or dismiss a volunteer, in accord with Church law and these policies and procedures.

8.5.1 When the delegated investigator has concluded the investigation, he/she will communicate a report to the Bishop.

8.5.2 When the Bishop, after consultation with the Board of Review, determines that the complaint is false or that it cannot be substantiated, administrative leave will be terminated promptly and every effort will be made to return the individual to employment or service in the Diocese.

8.5.3 When a person admits to sexual abuse of a minor or violation of diocesan policy, or either has been established by a lawful process, the Bishop will direct the appropriate supervisor to remove the person immediately from ministry, terminate the contract of an employee or independent contractor, or dismiss a volunteer, in accord with Church law and these policies and procedures.

8.5.4 An accused person who chooses not to contest the complaint will also be dismissed and prohibited from future employment or Church service.

8.5.5 A conviction of a felony sexual offense will result in immediate dismissal of the accused and a prohibition on his/her future employment or Church service.

8.5.6 When a seminarian admits to sexual abuse of a minor or it has been established by a lawful process that he has sexually abused a minor, he will be dismissed immediately from formation.

8.5.7 When a person is to be dismissed as a result of the investigation, the Bishop will direct the appropriate supervisor of the parish, parish school, or diocesan institution to dismiss the person from employment or Church service and to communicate the prohibitions from any future employment or service.

8.5.8 An appeal of a dismissal can be made to the Moderator of the Curia in accordance with the policies and procedures of the Board of Arbitration.

Part One: Policies and Procedures

ARTICLE 9

Complaints of Sexual Abuse of Minors by Clergy- The Preliminary Investigation

On the Responsibility to Conduct a Preliminary Investigation

Code of Canon Law, Canon 1717 §1: “Whenever an ordinary has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous.”

Code of Canon Law, Canon 1719: “The acts of the investigation, the decrees of the ordinary who initiated and concluded the investigation, and everything which preceded the investigation are to be kept in the secret archive of the curia if they are not necessary for the penal process.”

USCCB, *Essential Norms* §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.”

USCCB, *Essential Norms* Preamble: “For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in *CIC*, c. 1395, §2, and *CCEO*, canon 1453, §1 (*Sacramentorum sanctitatis tutela*, article 4 §1)¹.

Initial Response to Receiving a Complaint

9.1 As soon as possible after receiving a complaint of sexual abuse of a minor by a member of the clergy, the Moderator of the Curia will review the accused cleric’s files or background, make appropriate preliminary inquiries about the allegation, and prepare a report of all available information for the Bishop and the Board of Review. The Moderator may also inform the accused cleric of the complaint and request his response.

¹ *Essential Norms*, footnote 2: “If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

Current canonical jurisprudence has indicated that the definition of *delictum cum minore* in the motu proprio *Sacramentorum sanctitatis tutela* ‘...does not mean only physical contact or direct abuse, but includes indirect abuse also (e.g. showing pornography to minors; lewd indecent exposure in front of minors). Included also is the possession of, or downloading from the Internet of, pedophilic pornography...According to the praxis of the CDF such behavior is considered a *delictum gravius*.’ (Msgr. Charles J. Scicluna, Promotor of Justice for the Congregation for the Doctrine of the Faith, 2005).

9.1.1 Following the initial meeting of the Board of Review, the Board will advise the Bishop as to:

- Whether the information received ‘has at least the semblance of truth’ (cf. *Code of Canon Law*, Canon 1717 §1)
- Whether interim actions are required in order to provide for the safety of children and young people,
- Its recommendations concerning the scope and course of the investigation, and
- What, if any, further interim action should be taken with respect to the allegation.

9.1.2 Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Bishop for the sake of the common good (*Code of Canon Law*, c. 223 §2). The alleged offender may be requested to seek, or to voluntarily comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and the accused, as long as this does not interfere with an investigation by civil authorities (cf. USCCB, *Charter §5, Essential Norms §7*).

Initial Contact with the Accused Cleric

9.2 The Moderator of the Curia or his designee will communicate the complaint to the accused cleric, in writing and as appropriate, in a reasonable amount of time following the initial meeting of the Board of Review. When feasible, the complaint will be communicated to the accused in person.

9.2.1 If the accused is a cleric not incardinated in the Diocese of Crookston, the Moderator of the Curia will communicate the complaint to the accused cleric’s Bishop and/or the appropriate local and provincial superiors in an institute of consecrated life, society of apostolic life, or personal prelature. With this communication, the Moderator will request that the Bishop or superior direct the accused cleric and his agents to have no contact prior to the completion of an investigation with the complainant, the complainant’s immediate family, and/or the person who brought forth the complaint.

9.2.2 If the accused is a cleric incardinated in the Diocese, the Moderator of the Curia will offer the accused cleric appropriate help in obtaining assistance.

9.2.3 If the accused cleric is a permanent deacon incardinated in the Diocese, the Moderator will offer appropriate help in obtaining assistance. The response of the Diocese to an allegation against a married permanent deacon will take appropriate account of the effects of an allegation on the spouse and/or children of the deacon.

9.2.4 The person who communicates the complaint to the accused cleric will follow the provisions of these policies and procedures concerning the recommendation that the cleric retain an approved canonical advocate or qualified canonical advisor, as well as appropriate legal representation. The cleric may choose an advocate or advisor from the information provided by the Moderator of the Curia or from other sources. It is the personal responsibility of an accused person to retain and render payment to legal representation. In accord with Church law, the Diocese will supply canonical counsel to a priest when necessary (USCCB, *Essential Norms* §8A).

9.2.5 The person who communicates the complaint to the accused cleric will also normally communicate a precept directing the accused cleric and his agents to have no contact prior to the completion of an investigation with the complainant, the complainant's immediate family, and/or the person who brought forth the complaint.

9.2.6 At the time the Moderator of the Curia or his designee communicates the complaint to the accused, the accused cleric will be informed that a preliminary investigation into the complaint may be or has been initiated. During such an investigation information and proofs will be sought and the right of the cleric to be heard will be upheld (cf. *Code of Canon Law*, canon 50).

Initiating a Preliminary Investigation

9.3 The Bishop will decree the initiation of a preliminary investigation when he determines, after consultation with the Board of Review, that a complaint of sexual abuse of a minor by a cleric has 'at least the semblance of truth', unless such an investigation is clearly unnecessary (*Code of Canon Law*, canon 1717 §1).

9.3.1 The Bishop may determine that a preliminary investigation of a complaint is clearly unnecessary either because the complaint is manifestly frivolous or because the facts and circumstances of the alleged act are already well known. In the latter case, the Bishop will transmit the complaint promptly to the Congregation for the Doctrine of the Faith (cf. *Code of Canon Law*, c. 1717 §1; Pope John Paul II, *SST* §13).

9.3.2 The purpose of a preliminary investigation is to gain as clear and specific an understanding as possible of the facts and circumstances of the alleged act. During the investigation, information will be gathered that indicates whether the alleged action was committed by the accused and whether the action fits the canonical definition of the canonical delict of sexual abuse of a minor. The initiation of a preliminary investigation is not a conviction of the accused cleric.

9.3.3 When a preliminary investigation is to be undertaken, the Bishop will issue a written decree opening the investigation, with the reasons at least summarily expressed (cf. *Code of Canon Law*, canon 51). The decree will also appoint an investigator to conduct the inquiry, and authorize him or her to obtain whatever information or services are necessary and appropriate to conduct a thorough investigation of the allegation.

9.3.4 The Diocese will investigate complaints of sexual abuse of minors in accord with the principles of truth, honesty, openness, and justice, while respecting confidentiality, privacy and the reputation of persons. The Diocese will ensure, to the greatest degree possible that the protections of due process, both procedural and substantive, are provided to complainants and to accused persons.

9.3.5 The Diocese will cooperate with civil authorities concerning investigations of a complaint of sexual abuse of a minor, in accord with these policies and procedures.

Rights and Obligations of the Complainant and the Accused Cleric

9.4 When the Bishop decrees that an investigation be initiated, the Moderator of the Curia will communicate the decree and the complaint to the delegated investigator. The delegated investigator will communicate an authentic copy of the decree to the complainant and the accused cleric, along with an explanation of the rights and obligations of each during the investigation.

9.4.1 The rights and obligations of the complainant and the accused cleric include the following:

- the right to a fair, objective, and thorough examination of the complaint by competent and unbiased persons;
- the right to have one's good name, rights, and privacy protected;
- the right to due notice of proceedings;
- the right to offer evidence;
- the right to know the results of the investigation;
- the right to recourse or appeal, in accord with the norms of canon law;
- the obligation not to interfere with the investigative process;
- the obligation to provide accurate information;
- the obligation to observe any restrictions lawfully imposed.

9.4.2 Further, the rights and obligations of an accused cleric include:

- the right to know the nature of the complaint and the identity of the person who is alleged to have been harmed, whenever possible;
- the right to be heard in one's own defense and not to be required to implicate or incriminate one's self;
- the right to examine written records of proceedings and decisions;
- the right not to be punished with canonical penalties, except in accord with the norm of law (*Code of Canon Law*, c. 221 §3);
- the obligation not to have contact with the complainant during the investigation.

9.4.3 In accord with canon law, an accused cleric cannot be compelled to appear; he is not bound to respond to the complaint nor admit to any offense; and no oath will be administered to him (cf. *Code of Canon Law*, c. 1728 §2). If an accused cleric chooses to

appear, he will not be formally interrogated, unless he specifically agrees (cf. *Code of Canon Law*, c. 50).

Meeting with the Bishop

9.5 As soon as a preliminary investigation is initiated, the Bishop will offer to meet with the accused cleric. As was determined at the time of initial review, for the period of the preliminary investigation the Bishop may request that an accused cleric voluntarily refrain from the public exercise of sacred ministry and/or the exercise of an ecclesiastical office. In light of the seriousness of the alleged actions, the Bishop may issue a precept that includes a prohibition of certain activities² or decree the removal of the faculties of a cleric for the duration of the preliminary investigation³.

9.5.1 An ecclesiastical notary will be present if the Bishop chooses to make an official record of the meeting. At the beginning of the meeting, the Bishop will ensure that the accused cleric understands that anything he says may be introduced as evidence in a canonical or civil court and that, at present, civil authorities do not consider disclosures to the Bishop to be privileged. In accord with canon law, the Bishop cannot require the accused cleric to confess, sacramentally or non-sacramentally, to the complaint (cf. *Code of Canon Law*, Canon 1728 §2).

9.5.2 The accused cleric again may be requested to seek an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and to the accused cleric (cf. USCCB, *Essential Norms* §7). Prior to such a request, the Bishop will ensure that the accused cleric understands the voluntary nature of the request. If psychological testing is performed, the results may not be introduced as evidence without the accused cleric's consent (cf. *Code of Canon Law*, Canon 220).

9.5.3 When an accused cleric is willing to refrain voluntarily from the public exercise of sacred ministry and/or the exercise of an ecclesiastical office, the Bishop will discuss with him consideration for necessary expenses, his residence during the time of the investigation, and how his ecclesiastical responsibilities might be fulfilled. A request by the Bishop that the accused cleric voluntarily refrain from the public exercise of sacred ministry and/or the exercise of an ecclesiastical office is not a determination of guilt, nor is the cleric's acceptance of the request considered an admission of guilt.

² A precept 'is a decree which directly and legitimately enjoins a specific person or persons to do or omit something, especially in order to urge the observance of law' (*CIC*, c. 49).

³ The Bishop may remove any previously delegated faculties administratively (*CIC*, cc. 142 §1; 391 §1) and remove or restrict any *de iure* faculties as provided in law (e.g. *CIC*, c. 974 §1; cf. c. 976), to preach (*CIC*, c. 764), and to officiate at marriages (*CIC*, c. 1111).

9.5.4 At any point, an accused cleric may voluntarily resign from his ministerial position⁴ or request from the Roman Pontiff a dispensation from the obligations of the clerical state⁵ (cf. USCCB, *Essential Norms* §10). If the cleric freely requests dispensation, any precautionary measures employed by the Bishop will remain in effect until the Holy See communicates its wishes in the matter.

Responsibility of the Delegated Investigator

9.6 The delegated investigator will conduct the preliminary investigation, if necessary with the assistance of an investigative team. The results of the preliminary investigation will normally be reported to the Bishop and the Board of Review within six months of the initiation of the investigation.

9.6.1 The delegated investigator is to seek information that indicates whether the alleged act can be canonically proven, whether it is actionable according to the law of the Church, and whether a canonical penalty may be lawfully imposed. If necessary he/she will assemble an investigative team to assist in the preliminary investigation, which may include a canon lawyer, clinical specialists in the field of child sexual abuse, professional investigators, and other appropriate professional or expert assistance.

9.6.2 The age of a minor in canon law today for offenses against the sixth commandment committed by a cleric is eighteen (18) years of age⁶. For an offense committed in the United States prior to 25 April 1994, a minor is defined as a person under sixteen (16) years of age⁷.

⁴ The canonical procedures for voluntary resignation will then be observed (*CIC*, cc. 187-189) and the Bishop will issue a decree that includes specific restrictions for the duration of the investigation and/or penal processes (cf. *CIC*, c. 49).

⁵ A cleric who wishes voluntarily to petition the Roman Pontiff for dispensation from the obligations arising from ordination, also known as ‘laicization’, will receive assistance from the Moderator of the Curia. Once the petition is submitted by the cleric to the Bishop, the cleric must cease from exercising sacred orders until the Holy See makes a final disposition of the petition.

⁶ The age of the person is based on the date on which the alleged offense was committed, or, if the offense occurred over a period of time, the date on which the alleged offense was first committed. The *Rescript of the Secretariat of State* for the United States (25 April 1994) granted a derogation from the *Code of Canon Law* to the United States for a period of five years, raising the age of a minor for offenses against the sixth commandment to eighteen (18) (*Protocol Number* 346.053). This derogation was extended for ten years to take effect on 26 April 1999 (cf. Letter of the Secretariat of State, 4 December 1998, *Protocol Number* 445.119/G.N.). Pope John Paul II made the norm of eighteen (18) years applicable to the universal Church in *SST* 4 §1.

⁷ 1917 *CIC*, c. 2359 §2; 1983 *CIC*, c. 1395 §2.

9.6.3 The canonical statute of limitations, called “prescription,” determines the time within which a criminal action may be prosecuted in an ecclesiastical forum. According to current canon law, the statute of limitations for the delict of sexual abuse of a minor by a cleric intervenes ten (10) years after the minor completes his/her eighteenth year of age⁸. In accord with the *Essential Norms*, the Bishop “may apply to the Congregation for the Doctrine of the Faith for a dispensation from prescription, while indicating relevant grave reasons,” when the case would otherwise be barred by prescription (USCCB, *Essential Norms* §8A).

9.6.4 Information will be sought as to the extent to which the alleged act was placed with use of reason and will. Imputability is presumed for an external violation of a law or precept, unless the contrary is otherwise apparent (*Code of Canon Law*, c. 1321 §3)⁹.

9.6.5 When an accused cleric makes an admission to the delict of sexual abuse of a minor during the preliminary investigation, the delegated investigator will communicate a report to the Bishop. The report will address the imputability of the offense to the cleric.

Contacting the Complainant and the Accused Cleric

9.7 At the earliest possible moment after receiving the decree initiating the preliminary investigation, the delegated investigator will write to the complainant and the accused cleric. The letter will indicate the information that is required for the investigation, how the investigation will be conducted, and certain time limits for introducing information.

9.7.1 The letters from the investigator will be sent by registered mail, together with an authentic copy of the decree initiating the preliminary investigation. When the complainant is a minor, the letter will be sent to the appropriate parent or guardian. When a complainant so requests, the investigator will send the letter to the attorney who represents the complainant.

9.7.2 The complainant will be provided thirty (30) days from the receipt of the letter to introduce information into the preliminary investigation. The investigator may request that specific information be provided to assist the Church in its investigation or that the complainant respond to specific questions concerning the alleged offense. The

⁸ Pope John Paul II, *SST* 5 § 1. In Church law, the statute of limitations begins to run from the day on which a single offense was committed or, if the offense is continuous or habitual, the day on which it ceased (*CIC*, c. 1362 § 2). For sexual abuse of a minor committed before 25 April 1994, the statute of limitations intervenes five (5) years after the person completes his/her eighteenth (18) year of age (*CIC*, c. 1362 §1, 2°). If the offense was committed before 27 November 1983, the norm is five (5) years from the date of the offense (1917 *CIC*, c. 1703, 2°). Also, the 25 April 1994 rescript for the United States stated: “With regard to canon 1362 §1, 2°: in those matters which pertain to the above delict, this norm is to be applied that the criminal action is not extinguished unless the following conditions have taken place: (a) the one who suffered the delict has completed the twenty-eighth year of age; and (b) at least one year has passed from the denunciation regarding the same delict, as long as the denunciation was made before the one who suffered the injury had completed the twenty-eighth year of age” (*Protocol Number* 346. 053).

⁹ Canon 1324 lists circumstances that mitigate the imputability of the offense. Canon 1326 states that a judge can punish more gravely ‘a person who has been established in some dignity or who has abused a position of authority or office in order to commit the delict’ (*CIC*, c. 1326 §1, 2°).

investigator may invite the complainant to meet with him or her and/or an investigative team. The complainant has the right to ask that such a meeting be conducted in a setting that is comfortable to all parties and has the right to bring an advisor to the meeting.

9.7.3 If the complainant does not respond, the delegated investigator will send a second letter offering ten (10) additional days to respond. This second letter will explain the effects of a refusal to participate in the preliminary investigation, which may include an inability to proceed with the investigation due to insufficient evidence.

9.7.4 In the initial letter to the accused cleric, the delegated investigator will request that the cleric and his canonical advocate meet with the investigator and, if applicable, the investigative team as soon as the complainant has completed introducing information. At this meeting, the cleric will be given an opportunity to examine the information that will be included in the proceedings of the preliminary investigation. The cleric will be provided ten (10) business days from the date of the meeting to respond to the complaint.

9.7.5 If the accused cleric does not respond to the delegated investigator's invitation to this meeting, the investigator will send a letter offering five (5) business days to respond. If the accused cleric declines to meet, the investigator will note that fact in the proceedings of the preliminary investigation.

Introducing Information into the Preliminary Investigation

9.8 The complainant and the accused cleric may introduce information into the investigation by means of public and private documents or by witness testimony. The delegated investigator will be attentive to the law of the Church that requires an ecclesiastical notary to witness all documents and testimony that are introduced into a canonical trial.

9.8.1 The information introduced into the preliminary investigation will normally include the testimony of the complainant, or the testimony of the parent or guardian of a complainant who is still a minor. The delegated investigator and/or investigative team may also request testimony or information from persons who make a complaint on behalf of another, or who may have knowledge of the alleged abuse, or who have knowledge about the life, morals, and reputation of the complainant and/or accused cleric (cf. *Code of Canon Law*, canon 1547). The complainant, accused cleric, or Promoter of Justice may introduce the record of a civil proceeding into the preliminary investigation. This record does not represent, however, conclusive proof of the facts found by the civil court.

9.8.2 The delegated investigator will review the accused cleric's official records, including his seminary records, according to the mandate of the Bishop. Any potentially relevant information contained in these records will be communicated to the Bishop promptly, who will determine its value for the investigation.

9.8.3 If the accused cleric presents information that might affirm his innocence, the delegated investigator will attempt to verify this information and will include the information in the proceedings of the investigation.

9.8.4 To the extent possible during the preliminary investigation, an ecclesiastical notary will administer an oath to persons giving testimony to tell the truth or at least to confirm the truth of their testimony, unless a grave cause suggests otherwise (*Code of Canon Law*, canon 1532) or the person refuses to take an oath (canon 1562 §2). The record of a meeting will be signed by those present and notarized by the notary. When the notary uses a tape recorder to ensure an accurate record of the testimony, the person who gives the testimony will be accorded an opportunity to review the transcript of the recording and an opportunity to offer corrections prior to signing the transcription. The recording will be permanently erased promptly after the transcription is signed.

The Report of the Delegated Investigator

9.9 When the evidence required by canon law has been collected, the delegated investigator will communicate a report to the Bishop and the Board of Review, together with the information gathered during the preliminary investigation. The report of the investigator will be included in the proceedings of the preliminary investigation.

9.9.1 The report of the investigator to the Bishop will state his/her opinion, in consultation with the investigative team, concerning the reliability and sufficiency of the evidence gathered during the investigation and the validity of the complaint. This report will include:

- the precise nature of the complaint;
- a summary of the information gathered during the preliminary investigation, including information concerning actions taken by public entities;
- any response made by the accused cleric to the complaint.

9.9.2 The report may also include:

- an initial assessment whether the alleged action is imputable to the accused cleric;
- a description of actions taken by the delegated investigator and the investigative team;
- identification of information requested by the investigator but not made available to him or her;
- a professional assessment of the accused cleric, if available and permitted by the cleric;
- recommendations concerning further steps to be taken by the Diocese.

9.9.3 In cases that would otherwise be barred by the statute of limitations, the delegated investigator's report will address any 'relevant grave reasons' for which a dispensation from the statute might be requested from the Congregation for the Doctrine of the Faith (cf. USCCB, *Essential Norms* § 8A).

The Review for Cause of the Board of Review

9.10 The delegated investigator will forward to the Board of Review his or her report and the proceedings of the preliminary investigation. The Board of Review will meet for a Review for Cause, following which it will offer the Bishop an independent report which may include an assessment of the complaint, an evaluation of the investigator's report, and an evaluation of the conduct of the preliminary investigation. The Board of Review may also address pastoral reasons for seeking dispensation from the canonical statute of limitations or for seeking non-judicial remedies to a complaint.

9.10.1 The Chairperson of the Board of Review will prepare and send a report to the Bishop indicating whether the Board of Review has concluded that there is 'reasonable cause to suspect that the accused engaged in sexual abuse of a minor'. Other possible recommendations that the Board of Review may make are:

- that the complaint appears to have been substantiated and supported by sufficient evidence;
- that the complaint appears to be unfounded or to have been made falsely;
- that it appears that the complaint cannot be substantiated;
- that it appears that the complaint cannot be substantiated, but that the evidence appears to indicate that the accused cleric acted in an unlawful or improper manner.

9.10.2 The Board of Review may also offer recommendations concerning whether:

- the case should remain open pending conclusion of a civil or criminal action;
- further investigation by the investigative team is required;
- pastoral assistance should be offered to parishes, schools, and other diocesan institutions affected by the investigation, especially when a complaint has become known to the public.

9.10.3 When the Board of Review finds that a complaint cannot be substantiated, but that legitimate concerns remain about the future ministry of the accused cleric, the Board will offer recommendations to the Bishop concerning further actions to be taken by the Diocese.

Closing the Preliminary Investigation

9.11 The Bishop will consider the evidence gathered during the preliminary investigation, together with the reports and recommendations of the Board of Review and the delegated investigator. When he determines that sufficient information has been gathered, the Bishop will issue a written decree closing the preliminary investigation, with the reasons for his determination at least summarily expressed.

9.11.1 The Bishop may be assisted by two judges or experts in the law, according to his prudent judgment (*Code of Canon Law*, canon 1718 §3). He will weigh the information gathered during the investigation in light of the facts and circumstances presented, attentive as well to circumstantial evidence that might corroborate information presented by one of the parties.

9.11.2 When the Bishop determines that the information gathered in the preliminary investigation is insufficient or inconclusive, or that the preliminary investigation should remain open pending the conclusion of an investigation conducted by civil authorities, he may instruct the investigative team to continue the preliminary investigation if there is reason to expect that further efforts will provide useful information.

9.11.3 When the Bishop determines that the evidence gathered during the preliminary investigation indicates that the complaint is false, or that the evidence is not sufficient to establish the probability of a delict, he will issue a written decree giving reasons for the finding and declaring the accused cleric to be acquitted of the complaint made against him. Prior to returning the cleric to ministry, the Bishop may consult the Board of Review and request their recommendations. In accord with Church law, “every step possible will be taken to restore the good name of the person falsely accused” (USCCB, *Essential Norms* §13)¹⁰.

9.11.4 When the Bishop determines, after receiving the investigator’s report and the advice of the Board of Review, that the complaint ‘has at least the semblance of truth’, he will close the preliminary investigation and transmit the proceedings of the investigation to the Congregation for the Doctrine of the Faith. The communication of the proceedings to the Congregation for the Doctrine of the Faith is not a finding of guilt or a conviction of the accused cleric (John Paul II, *SST* §13).

9.11.5 At the conclusion of the preliminary investigation, the delegated investigator will notify the complainant and the accused cleric promptly of the results of the investigation. He/she will communicate to the accused cleric by registered mail:

- a copy of the decree closing the preliminary investigation;
- a copy of the report of the delegated investigator;
- a copy of the report of the Board of Review.

¹⁰ Steps for the restoration of the good name of a person falsely accused are listed in the section on ‘Penal and Administrative Processes’.

9.11.6 The proceedings of the preliminary investigation will be placed in the diocesan archives and retained in accord with the norms of canon law (cf. *Code of Canon Law*, cc. 489; 1719)¹¹.

¹¹ In accord with canon law, the proceedings will be retained for ten (10) years from the date on which they were placed in the archives, or from the day on which the appeals of the judicial sentence were exhausted, or they will be destroyed within one (1) year of the cleric's death. At either time, a summary of the case and the text of the definitive sentence or determination will be retained in the same archives (*CIC*, c. 489).

Part One: Policies and Procedures

ARTICLE 10

Complaints Against Clergy- Penal and Administrative Processes

On Penal and Administrative Processes

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

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

Pope John Paul II, *Sacramentorum sanctitatis tutela* 4 §1: “Reservation to the Congregation for the Doctrine of the Faith is also extended to a delict against the sixth Commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years.”¹

Pope John Paul II, *Sacramentorum sanctitatis tutela* 13: “Whenever the Ordinary or Hierarch receives a report of a reserved delict which has at least a semblance of truth, once the preliminary investigation has been completed, he is to communicate the matter to the Congregation for the Doctrine of the Faith, which, unless it calls the case to itself due to particular circumstances, will direct the Ordinary or Hierarch to proceed further, with due regard, however, for the right to appeal against a sentence of the first instance only to the Supreme Tribunal of the same Congregation.”

¹ Pope John Paul II, *SST* 6 §1: “The Congregation for the Doctrine of the Faith is the Supreme Apostolic Tribunal for the Latin Church and for the Eastern Catholic Churches for the judgment of the delicts defined in the preceding articles.”

Pope John Paul II, *Sacramentorum sanctitatis tutela* 17: “The more grave delicts reserved to the Congregation for the Doctrine of the Faith may only be tried in a judicial process.”²

USCCB, *Essential Norms* §6: “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., withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.”

USCCB, *Essential Norms* §8A: “If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons”.

On Unfounded Complaints

USCCB, *Essential Norms* §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.”

On Penalties for the Delict of Sexual Abuse of a Minor

Code of Canon Law, Canon 1395 §2: “A cleric who...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, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.”³

Pope John Paul II, *Sacramentorum sanctitatis tutela* 4 §2: “One who has perpetrated the delict mentioned in §1 [delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years] is to be punished according to the gravity of the offense, not excluding dismissal or deposition.”

² A faculty was granted to the Congregation for the Doctrine of the Faith by Pope John Paul II on 7 February 2003 to dispense from Article 17 in those grave and clear cases which, according to the Particular Congress of the Congregation for the Doctrine of the Faith, (a) may be referred directly to the Holy Father for an *ex officio* dismissal from the clerical state, or (b) may be treated under the summary process of canon 1720 by the ordinary who, in case he is of the opinion that the accused should be dismissed from the clerical state, will ask the CDF to impose dismissal by decree.

³ The age of a minor for offenses against the sixth commandment was raised to eighteen (18) by the *Rescript of the Secretariat of State* on 25 April 1994, granting a derogation from the *CIC* to the United States (*Protocol Number* 346.053). The age of eighteen (18) was instituted for the universal Church by Pope John Paul II in *SST* 4 § 1.

USCCB, *Essential Norms* §8; “When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in 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 (cf. *CIC*, c. 1395 §2; *CCEO*, c. 1453 §1).

USCCB, *Essential Norms* §8B: “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.”

USCCB, *Essential Norms* §9: “At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.”⁴

USCCB, *Essential Norms* §10: “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”.

The Bishop’s “Votum” to the Congregation for the Doctrine of the Faith

10.1 When the Bishop transmits the proceedings of a preliminary investigation to the Congregation for the Doctrine of the Faith, he will send a *votum* to the Congregation that addresses whether a process to inflict a penalty can be initiated, whether a judicial process must be used, or whether the matter should proceed by way of extrajudicial decree.

10.1.1 The *votum* of the Bishop will include:

- personal data and the *curriculum vitae* of the cleric;
- the precise nature of the complaint and authentic copies or notarized summaries of the information gathered during the preliminary investigation, including any response made by the accused cleric to the complaint;

⁴ USCCB, *Essential Norms* footnote 6 references *CIC*, cc. 35-58; 149; 157; 187-189; 192-195; 277 §3; 381 § 1; 383; 391; 1348; and 1740-1747.

- an initial assessment whether the alleged action is imputable to the accused cleric;
- a risk assessment, including summaries of any potentially relevant information contained in the accused cleric’s official records;
- relevant information concerning actions taken by public entities;
- an indication concerning the sustenance being afforded to the accused cleric during the investigation.

10.1.2 The *votum* of the Bishop will also include his opinion:

- whether a process to inflict a penalty can be initiated, attentive to the norms of Church law concerning means other than penalties for the repair of harm, the restoration of justice for the complainant and the Church, and the reform of the offender and to the age, health, or other extenuating circumstances affecting the accused cleric (cf. *Code of Canon Law*, c. 1341);
- whether the matter should be handled according to a judicial penal process, administrative penal process, or by way of extrajudicial decree (cf. *Code of Canon Law*, c. 1718 §1; Pope John Paul II, *SST* § 17);
- concerning the equitable resolution of damages (*Code of Canon Law*, c. 1718 §4);
- concerning pending legal action by civil authorities which might interfere with a tribunal’s ability to question the complainant, accused cleric, or other relevant witnesses.

10.1.3 When the case is beyond the canonical statute of limitations, the *votum* of the Bishop will address whether ‘grave reasons’ exist for requesting a dispensation from the canonical statute of limitations. In determining whether such ‘grave reasons’ exist, the Bishop may consider the following:

- testimony concerning the cleric’s life and ministry since the time of the alleged action;
- harm caused to the complainant;
- harm caused to the ecclesial community by the complaint;
- whether the harm may be repaired by other means.

10.1.4 The report to the Congregation may also include a professional assessment of the accused cleric, if available and permitted by the cleric.

The Precautionary Measures of Canon 1722

10.2 When the Bishop transmits the proceedings of a preliminary investigation to the Congregation for the Doctrine of the Faith, he will apply the precautionary measures of canon 1722 to the accused cleric, pending the outcome of the process. Prior to imposing these measures, the Bishop will consult the Promoter of Justice and cite the accused

cleric. The citation will invite the accused cleric to name a canonical advocate, if he has not yet done so (*Code of Canon Law*, canon 1722).

10.2.1 The precautionary measures of Canon 1722 may include a prohibition on the public exercise of sacred ministry, the exercise of any ecclesiastical office, residence in a given place or territory, and public participation in the Most Holy Eucharist. By law, the effects of the decree imposing the precautionary measures of Canon 1722 cease when all appeals have been exhausted or when the matter is settled by the execution of the judgment or renunciation of the action.

10.2.2 The Bishop will issue a decree listing the reasons that prompted its issuance, which may include the prevention of harm, the protection of the freedom of witnesses, and safeguarding the course of justice. The decree will also list the provisions that will be made for the support of the accused cleric.

10.2.3 The Moderator of the Curia will monitor compliance with the precautionary measures imposed and ensure that an accused cleric receives the stipulated support.

Judicial Penal Trials

10.3 When the Congregation for the Doctrine of the Faith directs the Bishop to conduct a judicial penal trial, he will instruct the Judicial Vicar to constitute a tribunal of at least three judges for a penal trial.

10.3.1 Judicial penal trials will be conducted in accord with the norms of canon law and any particular norms established by the Congregation. It is the responsibility of the tribunal to determine whether a canonical crime was committed by the accused cleric and, if warranted, to impose an appropriate canonical penalty. To the extent possible, a canonical penal process is not to be prolonged beyond one year (*Code of Canon Law*, 1453).

10.3.2 The Bishop will give the acts of the preliminary investigation to the Promoter of Justice, who will present a petition of accusation to the Judicial Vicar⁵. Upon receipt of the petition, the Judicial Vicar will constitute a tribunal of at least three judges.

10.3.3 The Presiding Judge will issue the decree of summons to the Promoter of Justice and the accused within twenty (20) business days of the acceptance of the case (*Code of Canon Law*, c. 1507 §2). In the decree of summons, the Presiding Judge will request that the accused cleric appoint a canonical advocate. If he fails to act, the Presiding Judge will appoint *ex officio* a competent advocate prior to the joinder of the issue. This advocate

⁵ The petition will state that it is being made at the request of the Bishop. It will request that the Judicial Vicar begin a penal trial of the accused for having committed the offense of sexual abuse with a minor and in general terms state the facts, witnesses, and evidence to be used to support the allegations. The petition will be signed by the Promoter of Justice, with the date affixed, and indicate the current address of the accused cleric (*CIC*, cc. 1502; 1504; 1721). The tribunal will decide whether or not to accept the petition within ten (10) days (*CIC*, c. 1506).

will remain in office as long as the accused does not personally appoint another advocate (cf. cc. 221 §1; 1481 §1; 1723).

10.3.4 The Promotor of Justice acts on behalf of the complainant and has the right to be present during all procedural acts. The Promoter is bound by office to provide for the public good and to see that the safeguards and requirements of the law are applied equitably. The trial is invalid if the Promotor was not cited, present, or at least able to inspect the acts prior to the sentence (*Code of Canon Law*, cc. 1430-1434; 1561; 1721).

10.3.5 The Presiding Judge will issue a decree stating the issues to be considered in the trial and setting the time for the Promotor of justice and the accused cleric to present and to complete the evidence they will offer to the tribunal (*Code of Canon Law*, c. 1516)⁶.

10.3.6 During the trial, either party may call witnesses and introduce proofs, documents, and other information into the official acts. A notary will be present during each procedural act and must notarize the written acts (*Code of Canon Law*, c. 1437). The judges must weigh all evidence in light of the facts and circumstances presented, and be attentive to circumstantial evidence that may corroborate the evidence presented by one of the parties (c. 1536). In accord with canon law, the tribunal will take certain factors into consideration when evaluating witness testimony:

- what the condition or reputation of the person is;
- whether the testimony offered by a witness derives from personal knowledge, especially what has been seen or heard personally, or whether from opinion, rumor, or hearsay;
- whether the witness is reliable and firmly consistent;
- whether there are supporting witnesses or support from other sources of evidence (cf. *Code of Canon Law*, cc. 1536; 1572)⁷.

⁶ Canon law requires that a tribunal be composed of at least three clerical judges when it is foreseen that the canonical penalties in the case may include dismissal from the clerical state or excommunication (*CIC*, c. 1425 §1, 2°). When the Bishop judges the case to present especially difficult issues, or to be 'of greater importance' he may constitute a tribunal of five clerical judges (*CIC*, c. 1426). Once the judges are assigned, the Judicial Vicar will not appoint substitutes except for a most serious reason (*CIC*, c. 1425 §3,§5). When possible, the Presiding Judge will be the Judicial Vicar (*CIC*, cc. 1425, §1, 2°, 1426). The collegiate tribunal must proceed as a collegial body and pass its sentences by a majority vote (*CIC*, c. 1426 § 1). One of the judges of the tribunal will normally carry out the instruction of the case (*CIC*, c. 1561). At his own discretion, however, the Presiding Judge may designate an auditor to carry out the instruction, selecting a person approved for this function by the Bishop (*CIC*, c. 1428 §1). The Presiding Judge will assign one of the collegiate judges as the one who reports on the case at the meeting of the judges and puts the sentence into writing (*CIC*, c. 1429).

⁷ Canons 1558-1571 will be observed in taking the depositions of witnesses. The questioning will establish the identity of a witness, his/her relationship with the parties, the sources of the person's knowledge of what is alleged, and the precise time in which the witness learned the information that is alleged (*CIC*, cc. 1547; 1552; 1563). The Promotor of Justice and the accused cleric may submit questions for the examination of witnesses or a judge may permit them to pose questions directly (*CIC*, cc. 1533; 1552 §2; 1561; 1570).

10.3.7 The accused cleric is not bound to admit the offense, nor may an oath be demanded of him (*Code of Canon Law*, c. 1728 §2). If the cleric decides to give testimony, either spoken or in writing, he has the right to do so last, personally or through his advocate or procurator (c. 1725). If it becomes clear to the tribunal, at any point, that the accused cleric did not commit the alleged offense, the tribunal has the duty to declare this fact *ex officio* in a judicial sentence and to acquit the accused (c. 1726).

10.3.8 The tribunal will take due account of any findings by a civil authority or the determination of a civil court. A public document will be trusted concerning every thing it directly and principally affirms, unless contrary and evident arguments show otherwise (*Code of Canon Law*, c. 1541)⁸.

10.3.9 Once all the evidence has been collected, the Presiding Judge will order the publication of the acts⁹. The Promoter of Justice and the accused cleric will then be given an opportunity to propose other evidence. When this process is complete, the Presiding Judge will decree the conclusion of the case. The Promoter of Justice and the canonical representatives of the accused cleric will then present their pleadings and be given the opportunity to reply (*Code of Canon Law*, cc. 1601—1603).

10.3.10 The Tribunal must reach moral certitude of the accused cleric's guilt, based on the material presented at trial (*Code of Canon Law*, c. 1608). The decision of the tribunal will be pronounced in a judicial sentence, which must answer the questions stated in the joinder of issues (c. 1611). If the tribunal finds the accused guilty, the judges will impose a just penalty by a majority vote, including permanent removal from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (USCCB, *Essential Norms* §8; cf. *Code of Canon Law*, c. 1395 §2).

10.3.11 If the majority of judges are unable to arrive at moral certainty that the crime was committed by, and is imputable to, the accused cleric, the tribunal will dismiss him as absolved of all charges (*Code of Canon Law*, cc. 1608—1609).

⁸ The record of a finding by a civil authority or the determination of a civil court does not represent conclusive proof of the facts found by the authority or court. In particular, a canonical tribunal must examine the standards of proof used by the authority or court, because the tribunal must reach moral certitude in order to convict the accused cleric.

⁹ The decree of the Presiding Judge will be issued after the evidence has been collected and, under pain of nullity, will permit the parties and their representatives to inspect the acts not yet known to them at the tribunal office. Each party may then propose additional evidence to the judge (*CIC*, c. 1598 §1). When this evidence has been collected, the Presiding Judge may again issue a decree permitting the parties and their representatives to inspect the acts not yet known to them at the tribunal office (*CIC*, c. 1598 §2).

10.3.12 The sentence is to be published to the Promoter of Justice and the accused as soon as possible, with an indication of the ways in which it can be challenged (*Code of Canon Law*, cc. 1614-1615)¹⁰. The tribunal will send the definitive sentence and the full acts of the case as soon as possible to the Supreme Tribunal of the Congregation for the Doctrine of the Faith (Pope John Paul II, *SST* §13, §17, §22)¹¹.

10.3.13 The acts of the trial will be placed in the archives regulated by *Code of Canon Law*, canons 489-490, and preserved according to the canonical norms.

Administrative Processes

10.4 When a matter does not proceed according to a judicial penal trial, the Bishop may institute an administrative process in accord with the provisions of Church law. In accord with the USCCB, *Essential Norms* §9, the Bishop can exercise his executive power of governance to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry¹².

10.4.1 The Bishop may institute a process for declaring or imposing a penalty, in accordance with Church law (*Code of Canon Law*, cc. 1342 §1; 1718 §1, 3^o; 1720)¹³.

10.4.2 In exceptional cases, the Bishop 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 (USCCB, *Essential Norms* § 10).

10.4.3 The Bishop may request that an offending cleric freely resign from any currently held ecclesiastical office¹⁴. Should the cleric decline to resign and the Bishop judge him to be truly unsuitable for holding an office previously freely conferred, then he may remove the cleric from office, in accord with the required canonical procedures¹⁵.

¹⁰ The tribunal will meet to discuss the individual opinions of each judge and will vote on each of the issues joined (*CIC*, cc. 1608-1609). The sentence must address the questions stated in the joinder of issues and address both the issues of guilt and the punishment to be imposed. The sentence will also indicate the ways in which it is based on the acts of the case and the manner in which it may be challenged (*CIC*, cc. 1614-1615). The sentence is to be published as soon as possible after the decree concluding the case and a copy given to the Bishop, the Promoter of Justice, and the accused cleric.

¹¹ Pope John Paul II, *SST* 22 §1: ‘With due regard for the right to appeal to this Supreme Tribunal, once an instance has finished in any manner before another Tribunal, all of the acts of the case are to be transmitted *ex officio* as soon as possible to the Congregation for the Doctrine of the Faith.’ When a finding of guilt and the imposition of a penalty is upheld by the Supreme Tribunal of the Congregation for the Doctrine of the Faith, the Congregation will direct the Bishop to execute the sentence. The accused cleric will be notified of the executory judicial decree immediately (cf. *CIC*, c. 1651).

¹² The administrative act imposing a penalty must be issued in writing and by means of a decree (*CIC*, cc. 47-58), in order that the cleric may be afforded the opportunity for recourse in accord with canon law (*CIC*, cc. 1734-1739).

¹³ The faculty to dispense from certain provisions in *SST* was granted to the Congregation for the Doctrine of the Faith by Pope John Paul II on 7 February 2003. The Congregation may determine that a grave and clear case may be treated under the summary process of canon 1720 and the Ordinary request that the Congregation impose dismissal from the clerical state by decree.

¹⁴ Resignation from ecclesiastical office is governed by *CIC*, canons 187-189.

¹⁵ Sec *CIC*, cc. 149 §1; 157; 192—195; 1740-1747. A person may be removed from an ecclesiastical office conferred for an indefinite period of time only for grave causes. A person may be removed from an ecclesiastical office held at the discretion of a competent authority for a just cause. The Bishop can remove a cleric from office if he determines that the cleric’s reputation has been irreparably damaged, or that aversion has resulted from his actions, either among the upstanding and serious members of his parish or the Diocese (cf. *CIC*, c. 1741, 3) The Bishop may remove a pastor whose ministry has become “harmful or at least

10.4.4 For a cleric who holds no office in the Diocese, any previously delegated faculties may be administratively removed (*Code of Canon Law*, c. 391 §1; 142 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., *Code of Canon Law*, c. 764).

10.4.5 The Bishop may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a cleric to celebrate the Eucharist with no member of the faithful present (*Code of Canon Law*, c. 906). The Bishop may forbid the cleric to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good. Depending on the gravity of the case, the Bishop 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.

10.4.6 The Bishop may consult with experts concerning the psychological health of the accused cleric. On this basis, he may declare the accused cleric to be impeded from exercising sacred orders due to a psychic illness (*Code of Canon Law*, c. 1044 §2, 2°)¹⁶.

Acquittal of an Accused Cleric

10.5 When an accusation has been proven to be false or unfounded, every step possible will be taken to restore the good name of the cleric who was accused (cf. USCCB, *Essential Norms* §13).

10.5.1 Whenever an accused cleric is to be restored to ministry, the Bishop will invite him to a personal meeting to discuss steps to be taken to restore him to ministry. These steps may include:

- public concelebration of Mass with the Bishop;
- a meeting with a parish, school, or other diocesan institution by a representative of the Diocese;
- a public announcement by the Moderator of the Curia.

10.5.2 The Moderator of the Curia will offer the accused cleric the assistance he needs relative to return to ministry, including pastoral support and professional assistance.

ineffective for any cause” (*CIC*, c. 1740) or for the reasons listed in canon 1741: “(1) a manner of acting which brings grave detriment or disturbance to ecclesiastical communion; (2) ineptitude or a permanent infirmity of mind or body which renders the pastor unable to fulfill his functions usefully; (3) loss of a good reputation among upright and responsible parishioners or an aversion to the pastor which it appears will not cease in a brief time.’ Canons 1740-1752 must then be followed. Those who are removed from ecclesiastical office will be provided with financial support for a suitable transitional period, unless other provision is made (*CIC*, c. 195).

¹⁶ In accord with canon law, a cleric who is affected by “amentia or some other psychic illness” may be judged by an Ordinary to be incapable (*inhibilis*) of rightly carrying out the ministry and declared to be impeded from exercising orders (cf. *CIC* c. 1044 §2, 2). Prior to declaring the impediment, the Bishop will hear the cleric, unless precluded by legitimate reasons (*CIC*, c. 51). The Bishop will request that the cleric seek a psychological assessment and that the cleric permit the release of the information. If the cleric refuses, the Bishop will consult two experts, inviting them to review the proceedings of a canonical investigation and to offer an opinion regarding the cleric’s psychic capacity for rightly carrying out the sacred ministry. The Bishop’s declaration will be issued in the form of a decree, which will include a statement of the facts and reasons that prompted it and the judgment that has been reached.

10.5.3 A cleric is not prohibited by the law of the universal or particular Church from undertaking a civil or canonical action against a person who has made a false accusation.

Conviction of the Accused Cleric

10.6 When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (cf. USCCB, *Essential Norms* §8; *Code of Canon Law*, c. 1395 §2)¹⁷.

10.6.1 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 (USCCB, *Essential Norms* §8B).

10.6.2 If it is determined that an offense against chastity has been committed, but that the offense does not fall within the norms of Canon 1395, the accused cleric may be admonished appropriately, as a means for providing for the public good and for the person's own good. This admonishment can include penal remedies if circumstances warrant it (*Code of Canon Law*, c. 1348).

Right of Appeal and Hierarchical Recourse

10.7 All decisions concerning the disposition of a complaint of sexual abuse of a minor will be issued in written form.

10.7.1 If a decision is rendered by a judicial sentence an appeal may be directed to the Congregation for the Doctrine of the Faith¹⁸.

10.7.2 A person who claims to have been aggrieved by an administrative decree may seek recourse for any just reason to the hierarchic superior of the person who issued the

¹⁷ *Essential Norms* footnote 4 states that: "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."

¹⁸ Pope John Paul II, *Sacramentorum sanctitatis tutela* §16: "The Supreme Tribunal of the Congregation for the Doctrine of the Faith judges in second instance: 1° cases adjudicated in first instance by lower tribunals; 2° cases decided by the same Supreme Apostolic Tribunal in first instance." The parties have fifteen (15) days to lodge an appeal of the sentence, from the day on which the accused cleric is lawfully notified of the publication of the sentence. The Presiding Judge will ensure that the procedures on judicial appeal have been communicated to the parties. An appeal by the accused cleric suspends the effect of any penalty that has been imposed until the appeal is disposed. An appeal by the Promoter of Justice suspends a judgment absolving the accused until the appeal is disposed (*CIC*, cc. 1353; 1614-1615; 1628; 1630 §1; 1638; 1727 §2)."

decree¹⁹. Prior to seeking recourse, a person must seek revocation or amendment of the decree from its author (*Code of Canon Law*, c. 1734 §1, 3)²⁰. Hierarchical recourse may be proposed directly or it can be proposed before the author of the decree who must transmit it immediately to the competent hierarchical superior (c. 1737 §1). In matter concerning the sexual abuse of minors, recourse against a decree issued by the Bishop is to be sent to the Congregation for the Doctrine of the Faith.

Aftercare for Convicted Clergy

10.8 In imposing penalties on an accused cleric, the Bishop will take care that the cleric does not lack what is necessary for his adequate support. Even in cases of dismissal, if the cleric is truly in need, the Bishop will provide for him appropriately (*Code of Canon Law*, c. 1350 §2).

10.8.1 In keeping with the stated purpose of the *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” (USCCB, *Charter for the Protection of Children and Young People* §5).

10.8.2 The Diocese may address the legitimate mental health needs of clergy known to have committed an act of sexual abuse of a minor through services that may include:

- assessment by qualified experts;
- counseling, therapy, and other professional treatment;
- inpatient residential treatment

Transfers for Ministerial Assignments to Another Diocese

10.9 The Diocese will not permit any priest or deacon incardinated in the Diocese of Crookston known to have committed an act of sexual abuse of a minor to be transferred for ministerial assignment to another diocese/eparchy or to an institute of consecrated life, society of apostolic life, or personal prelature. The Diocese will not permit such a priest or deacon to be transferred for residence without having forwarded, “in a confidential manner, to the bishop/eparch 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.” (USCCB, *Essential Norms* §12).

¹⁹ Recourse suspends the execution of a decree by which a penalty is imposed extrajudicially (*CIC*, c. 353). In cases in which the law does not suspend the effects of the decree automatically; recourse does not suspend the effects of the decree (*CIC*, cc. 1732-1739).

²⁰ The request must be made in writing within ten (10) canonical days of legitimate notification of the decree, explaining clearly the reasoning and offering proofs or information in support of the reasoning (cf. *CIC*, c. 1734 §2). The author of the decree has thirty (30) continuous days in which to respond. When the author of the decree communicates a new decree within thirty (30) days from the date on which the petition is received, in which he revokes or amends the original decree or rejects the petition for recourse, the period for hierarchic recourse runs from the date of the legitimate notice of the new decree to the party making the recourse. When the author of the decree does not communicate a new decree within thirty (30) available days from the date on which the petition is received, the period for recourse runs from the thirtieth day (*CIC*, c. 1735).

10.9.1 USCCB, *Essential Norms* §12: “No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment in another diocese/eparchy. Before a 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.”

10.9.2 USCCB, *Essential Norms* §12: ‘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 law 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 and 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. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678, (CCEO, canon 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

Transfers for Ministerial Assignments from another Diocese

10.10 The Diocese will not permit any priest or deacon who has committed an act of sexual abuse of a minor to be transferred to the Diocese of Crookston for ministerial assignment from another diocese/eparchy, institute of consecrated life, society of apostolic life, or personal prelature. The Diocese will not permit such a priest or deacon to be transferred for residence to the Diocese of Crookston without having received “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” from the appropriate local bishop/eparch or religious ordinary (cf. USCCB, *Essential Norms* §12).

10.10.1 An extern priest or deacon who seeks to minister in the Diocese of Crookston must follow the established procedure for requesting permission to minister in the diocese²¹. This includes granting permission for the Diocese of Crookston to request a written statement from his proper ordinary or superior containing all information relative to any act of sexual abuse of minors, including all allegations or complaints made against the cleric, and any other information concerning the cleric’s background or service that would render the cleric unsuitable for working with minors.

²¹ This procedure is outlined in Appendix E.

10.10.2 Pastors, administrators, or directors of all parishes, schools, and other diocesan institutions will not grant permission or delegation for ministry to a non-incardinated priest or permanent deacon without prior written approval of the Bishop or his delegate. An exception will be made for cases of simple concelebration.

Monitoring

10.11 The Diocese of Crookston will make a reasonable attempt to monitor a cleric who has admitted or been found to have committed an act of sexual abuse of a minor. A cleric who has admitted to or been found to have committed an act of sexual abuse of a minor will be subject to such monitoring for the remainder of his life as a cleric of the Diocese of Crookston and his file shall remain open.

10.11.1 The primary purposes of monitoring those who have engaged in sexual abuse of minors are to protect the safety of children and young people and the integrity of the Church.

10.11.2 Monitoring is to be implemented when deemed appropriate at the initial meeting of the Board of Review, when a cleric has been temporarily withdrawn from ministry pending further inquiry or the outcome of a judicial or administrative process, or when a cleric has been permanently removed from ministry but has been allowed to remain a cleric when sexual abuse by the cleric is admitted or is established after an appropriate investigation in accordance with canon law.

10.11.3 Monitoring programs are to be evaluated periodically and reviewed, and should be flexible to acknowledge individual circumstances, and recognize, in an appropriate way, redemption and forgiveness.

10.11.4 Monitoring programs and protocols should be developed and applied on a case-by-case basis but must include the following essential elements:

- continuing oversight by the Moderator of the Curia and the Board of Review, with periodic evaluation and reports to the Bishop;
- 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 eighteen (18);
- periodic physical evaluation and psychological reports as recommended by the Board of Review;
- regular individual spiritual direction;
- a provision requiring clerics who use the Internet to provide the Moderator of the Curia with a monthly print out of Internet sites visited.

10.11.5 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 review and may result in further canonical action or other appropriate measures taken by the Bishop.

Part Two:

**CODE OF ETHICAL STANDARDS FOR CHURCH
LEADERS**

DIOCESE OF CROOKSTON

I. PREAMBLE

As leaders in the Church founded by Christ, those who minister within our parishes and institutions must always seek to uphold Christian values and conduct. In addition to following the Gospel and its mandates, they will want to act properly at all times in the light of contemporary society and its needs. This Code of Ethics does not presume to provide the answers to all the ethical questions facing Church Leaders. What it does establish is a set of general ethical standards for their lives and ministry. These standards will help to delineate boundaries by which ethical questions can be evaluated.

It is intended that this code also will stimulate discussion within the Church community in order to broaden consensus on standards of practice and further refine them. This code is not intended to supersede canon or civil law. This Code will also aid in the training and education of new Church Leaders. Lastly, it will demand accountability from Church Leaders who may fail to live within the ethical standards of the Code.

This code is specifically written for all Church Leaders, whether paid or volunteer. The term “Church Leader” is defined as those individuals who represent the Church by virtue of office or designated position, and includes but is not limited to: catechists, deacons, directors of religious education, parish administrators, pastoral associates, priests, principals, religious, teachers, and youth ministers. This Code of Ethical Standards expresses the core values that must guide the conduct of Church Leaders.

Responsibility for adherence to this Code of Ethical Standards rests with the Church Leaders themselves. It is anticipated, however, that disregard of this Code by Church Leaders will be dealt with by the appropriate employing/appointing organization’s representative (e.g. the pastor/parish administrator, the religious superior, the bishop). Remedial action may take various forms from counseling to removal from ministry.

The conduct of Church Leaders, both public and private, has the potential to inspire and motivate people, or scandalize and tear down their faith. These leaders must be aware of the responsibilities that accompany their work. They also know that God’s goodness and graces support them in their ministry.

II. GENERAL PRINCIPLES

0.0 Five key principles underlie the ethical stance of this Code. The ethical Church Leader is one who embraces the principles of ecclesial commitment, integrity, respect for others, well-being and competence.

0.1 Ecclesial Commitment

Church Leaders embrace the teachings of Jesus and work to promote the Gospel. They shall have intimate knowledge of the scriptures and be able to relate them to day-to-day situations encountered in the parish and community.

Church Leaders shall exhibit a deep commitment to the Church. Loyalty to the traditions of the past, attentiveness to the realities of the present, and readiness/preparedness for challenges of the future should be evident. They are responsible for providing for and nurturing the life of the community, especially its sacramental life. They shall conduct themselves in a manner that is consistent with the discipline and teaching of the Catholic Church.

Church Leaders must show a commitment not only to the parish family, but also to the larger community in which the parish is located. They must show a special care and concern for the needs of the poor and the oppressed of society. Church Leaders shall address community social concerns by active reflection on Catholic social teachings. Church Leaders shall share the spirit of ecumenism in their interactions with other community religious groups.

0.2 Integrity

Church Leaders are expected to be persons of integrity and must conduct themselves in an honest and open manner, free from deception or corruption. They shall handle the responsibilities of their office in a conscientious fashion. Leaders in a Church that sets high moral standards for its members have a responsibility to lead by example. Church Leaders witness in all relationships to the chastity appropriate to their state of life, whether celibate, married or single.

0.3 Respect for Others

Church Leaders shall respect the rights, dignity and worth of each member of the Church community. Church Leaders respect each individual as a creation of God without regard to his/her economic status or degree of participation in parish life. Church Leaders refrain from physically, sexually, verbally or emotionally abusing or neglecting a minor or adult.

Church Leaders strive to be sensitive to cultural differences among people and appreciate the opportunities that diversity brings. Church Leaders take the time to understand the collective journeys of their congregations and understand the role of history in parish development.

Church Leaders are aware that issues of aging, gender, race, religion, sexual orientation, physical and mental disabilities, and language all affect how the message of the Gospel is received and interpreted.

0.4 Well Being

Church Leaders are expected to attend to their own human, spiritual, intellectual, and pastoral well-being.

0.4.1 Human Well-Being

Church Leaders have a duty to be attuned to their physical, mental and emotional health. They should be aware of warning signs in their behavior and moods that can indicate conditions that can be detrimental to their health. Inappropriate use of alcohol or misuse of prescription drugs are examples. Church Leaders should immediately seek help when they identify warning signs in their professional or personal lives.

Church Leaders should be supportive of one another, in terms of both affirmation and holding one another accountable for their physical and emotional well-being.

Church Leaders should determine healthy limits in their work environment and live within these limits as much as possible. They should make use of allotted time for vacation and days away from the work environment.

0.4.2 Spiritual Well-Being

Church Leaders have a duty to stay attuned to their own spiritual health. Church Leaders must maintain and nurture an ongoing prayer life. Church Leaders need to address their own spiritual needs in order to remain focused in the faith. Regularly meeting with a spiritual director is highly recommended. Church Leaders need to take advantage of time provided for an annual retreat and days of reflection.

0.4.3 Intellectual Well-Being

Church Leaders have a responsibility to attend to their ongoing intellectual development. Church Leaders should participate annually in seminars and workshops in areas that are relevant to their current ministry. Church Leaders should stay current through reading of both religious and secular sources. Church Leaders should participate in a regular process of evaluation of their effectiveness in ministry. Diocesan instruments and procedures should be used where these exist. Church Leaders should make use of the time and funding provided for ongoing formation.

0.4.4 Pastoral Well-Being

Church Leaders are responsible for providing for and nurturing the life of the parish community. They should know and respect the people to whom they have been given in ministry. As appropriate to their ministry, they should celebrate the sacraments with decorum, in fidelity to the official rites of the Roman Catholic Church. Church Leaders should know and respect the policies and procedures of the Diocese. Church Leaders should nurture in themselves the pastoral heart necessary to lead their people in word, worship and service.

0.4.5 Competence

Church Leaders shall maintain high levels of professional competence in their particular ministry. Training, education and experience all contribute to make them competent and credible in their areas of expertise. Church Leaders shall not attempt to provide services in those areas in which they lack competence; competence also means knowing one's limitations.

III. NINE ETHICAL STANDARDS IN PROFESSIONAL RELATIONSHIPS

1. Administration

Church Leaders exercise just treatment of employees and volunteers in the day-to-day administrative operations of their ministries.

1.1 Church Leaders shall seek to relate to all people with respect, sensitivity and reverence. Meetings are to be conducted with patience and courtesy toward the views of others, in an environment where it is safe for others to offer constructive criticism.

1.2 Church Leaders seek to empower others, supporting each person to live the life to which God calls him/her. They are to seek to work in ways that respect the different talents people bring to the Church.

1.3 Church Leaders exercise responsible stewardship of all parish resources. They must also ensure that whatever their area of ministry, there is a clear accounting of all parish funds.

1.4 Church Leaders ensure that systems are in place to protect both the Church and the individual from financial mismanagement. Independent audits of financial operations are to be conducted on a regular basis.

1.5 Personnel and other administrative decisions made by Church Leaders should not only meet civil and Canon Law obligations, but should reflect Catholic social teachings.

1.6 All Church Leaders who receive financial recompense for their ministerial service under stipulated contract terms or diocesan scales may not receive dual reimbursement for work that falls ordinarily under the scope of their pastoral assignment or ministry (e.g. a pastor who teaches religious education may not receive both a pastor's salary and that of a director of religious education, etc.).

1.7 Pastors and Pastoral Administrators will provide guidelines for volunteers who work with young people.

1.8 Driving a church or school vehicle is prohibited unless prior authorization has been received and the appropriate license or certification has been obtained.

1.9 Church Leaders are not to entrust young people with keys to church facilities.

2. Conduct in Counseling

Church Leaders who conduct counseling for families, individuals, or groups, must respect their rights and advance the welfare of each person.

2.1 Church Leaders should not step beyond their competence in counseling situations. The parameters for Church Leaders are dictated by their training or certification from a recognized professional association of peers, or licensure from the State of Minnesota.

2.2 If conducting group sessions, Church Leaders must insure that no individual is subject to trauma or abuse resulting from group interactions. The Church Leader must state to group participants the nature of the group, and the parameters of confidentiality of all individual disclosures.

2.3 Church Leaders do not disclose information learned from counseling sessions. In beginning what is clearly a counseling relationship, the Church Leader should inform the counselee that confidentiality is limited when there is clear and imminent danger to the client or to others as well as in cases where there is abuse of minors or vulnerable adults. In such cases, the Church Leader must contact the necessary authorities or other professionals.

2.4 In cases where the counselee is already in a counseling relationship with another professional, the Church Leader should make clear what they can provide to the counselee. Generally, this should be confined to spiritual assistance.

2.5 Church Leaders who move to another parish while conducting counseling with parishioners should help make appropriate referrals for continued care.

2.6 Church Leaders ordinarily do not begin a counseling relationship with someone with whom they have a preexisting relationship (i.e., employee, professional colleague).

2.7 Church Leaders do not engage in sexual intimacies with those whom they counsel.

2.8 Physical contact with the counselee can be misconstrued and should generally be avoided.

2.9 It should always be clear to both the Church Leader and the counselee that a counseling relationship is in process. This can best be done when the counseling, especially if extended, is conducted in an appropriate setting and at appropriate times. Counseling should thus not be done in private living quarters or at places or times that would be ambiguous or misleading to the counselee.

2.10 Church Leaders should be cognizant at all times of the significance of boundaries in all counseling relationships. During the course of the counseling relationship, Church Leaders ordinarily do not socialize with counsees.

2.11 Church Leaders who conduct counseling should hold themselves accountable in that activity. This may be accomplished by engaging in professional peer consultation and/or supervision as appropriate. They should keep a calendar of times and places of contacts, especially in the case of more frequent meetings with the same person.

2.12 When a Church Leader's independent judgment is impaired (for example, by prior concurrent personal or professional relationships, where he or she becomes personally involved, or where he or she becomes an advocate for one person against another), the Church Leader should advise the party/parties that he or she can no longer provide counseling and refer him/her/them to other counselors.

3. Conduct With Minors

Church Leaders working with minors should use appropriate judgment to insure trusting relationships marked by personal and professional integrity.

3.1 Church Leaders must be aware of their own vulnerability and that of any individual minor with whom they may be working. In every instance possible, a team approach to youth ministry activities should be considered. Church Leaders should avoid establishing any exclusive relationship with a minor and exercise due caution when they become aware of a minor desiring a relationship. Both the participants and members of the church community can misunderstand such relationships.

3.2 Physical contact with minors can be misconstrued by both minors and other adults, and should only occur under appropriate public circumstances.

3.3 Church Leaders do not use or supply alcohol and/or illegal drugs when working with minors.

3.4 Church Leaders do not provide any sexually explicit, inappropriate, or offensive material to minors.

3.5 Providing overnight accommodations in rectories or other personal residences for parish minors, or other minors with whom the Church Leader may have other than a close familial relationship, is prohibited.

3.6 Church Leaders should know and understand diocesan policies and procedures concerning allegations of sexual misconduct involving minors and the developmentally disabled.

3.7 Church Leaders will be held to a policy of zero tolerance in regards to the sexual abuse of minors.

3.8 Touching must be age-appropriate and based on the need of the young person, not the need of the adult.

3.9 Engaging in physical discipline of a young person is unacceptable. Discipline problems are to be handled in according parish or school policy.

3.10 Church Leaders should not be alone with young people in areas inappropriate to a ministry relationship.

3.11 Church Leaders are prohibited from taking overnight trips alone with a young person from the parish or school community who is not a member of their immediate family.

3.12 Church Leaders do not share beds with anyone except their spouse. If attending a parish or school sponsored event that requires a stay in a hotel the adult must sleep in a separate room.

3.13 Topics, vocabulary, recordings, films, games, computer software, or any other form of personal interaction or entertainment that could not be used comfortably in the presence of parents must not be used with young people. Pornographic material is prohibited.

3.14 Administering medication of any kind is prohibited.

3.15 If inappropriate personal or physical attraction develops between a Church Leader and a young person, the adult is responsible to maintain clear professional boundaries.

3.16 If one-on-one pastoral care of a young person should be necessary, avoid meeting in isolated environments. Schedule meeting at times and location that create accountability. Limit both the length and number of sessions, and make appropriate referrals. Notify parent of the meetings.

3.17 Church Leaders are prohibited from permitting children to cross a road by themselves while the children are their custodial care.

3.18 Taking photos of young people while they are unclothed or dressing is prohibited.

3.19 Prior to any planned discussion or session on human sexuality, Church Leaders are to send a communication to parents who then have the option to withdraw their child from the session.

4. Sexual Conduct

Church Leaders do not exploit the trust of the parish community for sexual gain or intimacy.

4.1 Church Leaders must never exploit person for sexual purposes.

4.2 It is the personal and professional obligation of the Church Leader to be knowledgeable about what constitutes sexual exploitation of another and to be familiar with the laws of the State of Minnesota and the Safe Environment Policy regarding sexual exploitation, sexual abuse, and sexual assault.

4.3 Church Leaders who have made a commitment to celibacy are called to witness this in all relationships. Likewise, those who have made a marital commitment are called to witness to this fidelity in all their relationships.

4.4 Any allegations of sexual misconduct will be taken seriously and reported according to the Diocesan Misconduct Policy.

4.5 Church Leaders should be knowledgeable of the State of Minnesota Child Abuse regulations and know the proper reporting requirements. Church Leaders also comply with all mandatory reporting requirements except if the information was received under the seal of the confessional. In such cases, no reporting can occur.

4.6 In order to witness to Catholic values and social teachings, Church Leaders should strive to move beyond simply meeting the mandatory requirements. Church Leaders should also seriously consider their obligations to engage in permissive or optional reporting, as described under Minnesota law.

5. Professional Behavior

Church Leaders do not engage in physical, psychological or verbal harassment of employees, volunteers, or parishioners, and will not tolerate such harassment by other church employees or volunteers.

5.1 Church Leaders are committed to providing a professional work environment for their employees, which is totally free from such harassment. This commitment continues the diocesan policy of fair and equal employment to every person regardless of race, religion, color, sex, sexual orientation, national origin, age, marital status, arrest or conviction record, veteran, handicap status or any other status protected by law. Church Leaders should provide a work environment that is free from intimidation and harassment based on any of these factors.

5.2 Harassment encompasses a broad range of physical or verbal behavior, which can include, but is not limited to, the following:

- Physical or mental abuse;
- Racial insults;
- Derogatory ethnic slurs;
- Unwelcome sexual advances or touching;
- Sexual comments or sexual jokes;
- Requests for sexual favors used as a condition of employment or affecting any personnel decision such as hiring, promotion, or compensation;
- Display of offensive materials.

5.3 Harassment can occur as a result of a single severe incident or a pattern of conduct, which results in the creation of a hostile, offensive, or intimidating work environment.

5.4 Church Leaders are to follow the established procedure for reporting of harassment, and are to ensure that no retaliation for bringing forward a claim of harassment will be tolerated.

5.5 Church Leaders are to insure that there is a clear policy on reporting harassment for both employees and volunteers.

6. Confidentiality

Information disclosed to a Church Leader during the course of counseling, advising, spiritual direction and any other professional contact shall be held in strictest confidence.

6.1 Parishioners and other persons who come to the Church Leader should feel that they are entering a relationship marked by respect, trust and confidentiality.

6.2 The Church Leader is also bound to safeguard the confidentiality of any notes, files, or computer records pertaining to professional contact with individuals.

6.3 If consultation with another professional becomes necessary, utmost care should be taken to do so only by using non-identifying information; when this is not possible, the other professional must be bound to the same degree of confidentiality as the Church Leader. If the other professional is not so bound, the disclosure should not be made.

6.4 When consultation is necessary, the Church Leader must exercise great care to limit the content of the information to be shared. The Church Leader must first determine: what is the precise information that the Church Leader needs to have shared; with whom is the information to be shared; and why does it need to be shared.

6.5 Knowledge that arises from professional contact may be used in teaching, writing and preaching or other public presentations only when effective measures have been taken to absolutely safeguard individual identity and confidentiality.

6.6 Except as provided above with respect to consultation, confidential information can be disclosed only with the written, informed consent of the individual. In legal proceedings in which the Church Leader is a defendant and the allegations stem from a professional contact, the disclosure of confidential information gained in that contact is permitted only to the minimum necessary to achieve the purpose of defense.

6.7 When entering into a counseling relationship, Church Leaders instruct the counselee from the outset regarding several exceptions to the ordinary rights of confidentiality: threats of self-inflicted harm to the counselee and threats against others because of the counselee's emotional status or behavior. Threats of self-harm may also include suicidal ideation with a plan to commit the act and/or plans to commit violence against another. In these situations, which pose a grave risk for the counselee's welfare and the welfare of others, communication of information to a parent or legal guardian (in cases when the counselee is a minor) and to the civil authorities should occur expeditiously with or without the consent of the counselee. The Church Leader must exercise great care and judgment in determining the appropriateness of this kind of disclosure and in balancing the ultimate welfare of the counselee with the duty to warn.

6.8 These obligations are independent of and supplementary to the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure, even indirect, of information received through the confessional.

7. Records and Information

Appropriate confidentiality shall be maintained in creating, storing, accessing, transferring and disposing of parish or institutional records.

7.1 Sacramental records shall be regarded as confidential. When, for valid Church reporting or parish statistical purposes, information from these records is made public, great care must be taken to preserve the anonymity of individuals.

7.2 A trained staff member who is authorized to locate the requested information or supervise the use of such records shall handle requests for all records.

7.3 Parish financial records are to be held as confidential unless an appropriate governmental agency or office requires review. The Office of Administration should be contacted regarding the release of all financial records.

7.4 The records of individual contributions to the parish shall be regarded as private and therefore shall be used only as necessary.

8. Conflicts of Interest

Church Leaders should avoid putting themselves in a position that might present a conflict of interest, since the existence, or even the appearance, of a conflict of interest can call into question one's integrity and professional conduct.

8.1 The potential for a conflict of interest exists in many circumstances. Examples of such behavior by a Church Leader include: conducting private business or other dealings with the Church or any of its members; accepting substantial (non-token) gifts for services or favors; employing or engaging in transactions with his or her friends or relatives; acting with partiality toward employees or church members; or violating a confidence of another for personal gain.

8.2 Disclosure of all relevant factors can in some circumstances lessen the potential for a conflict of interest.

9. Reporting Misconduct

Church Leaders have a responsibility to report ethical misconduct on the part of other Church Leaders.

9.1 In cases where there are clear indications of illegal actions by a Church Leader, notification should be made immediately to the proper civil and Church authorities.

9.2 In cases where there are clear indicators of unethical, but not illegal actions by a Church Leader, notification should be made to the proper Church authorities.

9.3 When Church Leaders believe that one of their colleagues may have violated this Code of Ethical Standards, they should attempt to resolve the issue, if possible, by bringing it to the attention of the individual. If this fails, the Church Leader shall take further action by reporting to the supervisor or next higher authority, or by referral to the Chancery Office.

9.4 All accusations and concerns, either past or present, involving the sexual abuse of a minor and/or adult sexual exploitation, as defined by Minnesota law, must be reported promptly according to our Safe Environment Policy.

9.5 When Church Leaders are uncertain whether a particular situation or course of conduct would violate this Code of Ethical Standards, they should consult with peers knowledgeable about ethical issues and this Code, or the Chancery Office, in order to determine the proper response.

9.6 When a Church Leader witnesses anyone (adult or minor) abusing a young person. The Church Leader is to immediately take appropriate steps to intervene and to provide a safe environment for the young person and report the misconduct to the proper authorities.

RESOURCES

- Code of Canon Law (1983)
- Diocesan Policy Manual
- Sexual Misconduct Policy of the Diocese of Crookston
- Grateful acknowledgment is extended to the Archdiocese of Milwaukee
- Creating Safe and Sacred Places by Gerard J. McGlone, SJ PhD, and Mary Shrader, St. Mary's Press, 2003

GLOSSARY OF TERMS

Diocesan: For the purposes of this policy, the word ‘diocesan’ is meant to include all entities operating under the auspices of the Diocese of Crookston, a diocesan corporation pursuant to Minnesota Statute 315.16.

Diocesan clergy: Clergy are the ordained ministers of the Catholic Church, including bishops, priests, transitional deacons, and permanent deacons.

Diocesan personnel include: lay persons employed by the Diocese and its institutions on a full time, part time, or seasonal basis, or on a regular basis as independent contractors; seminarians and those enrolled in the Permanent Diaconate Formation Program.

Diocesan volunteers: A volunteer is any person who performs a Church-related service of his/her own free will without monetary compensation, including but not limited to catechists, coaches, youth ministers, lectors, extraordinary ministers, ushers, etc.

Parish: For the purposes of this policy, the word ‘parish’ is meant to include all independent entities classified as non-profit parish corporations pursuant to Minnesota Statute 317A. Each parish corporation has its own Board of Directors and corporate officers pursuant to Minnesota law. In addition to the operation of a Catholic parish as defined above, a parish corporation may operate a parish school.

Parish personnel: lay persons employed by the parish and/or its school on a full time, part time, or seasonal basis, or on a regular basis as independent contractors.

Parish volunteer: A parish volunteer is any person who performs a Church-related service for the parish corporation of his/her own free will without monetary compensation, including but not limited to catechists, coaches, youth ministers, lectors, extraordinary ministers, ushers, etc.

Minor: The term ‘minor’ in these *Policies and Procedures for the Protection of Children and Young People* refers to a person under eighteen (18) years of age. The terms “child,” “youth,” and “young person” also refer to a person under eighteen (18) years of age, unless otherwise specifically noted.

Sexual Abuse of a Minor- Civil Law: *Current Minnesota Statutes* (2005 edition), 626.556 Subd. 2d. “Sexual abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child, as defined in section [609.341](#), or by a person in a position of authority, as defined in section [609.341](#), subdivision 10, to any act which constitutes a violation of section [609.342](#) (criminal sexual conduct in the first degree), [609.343](#) (criminal sexual conduct in the second degree), [609.344](#) (criminal sexual conduct in the third degree), [609.345](#) (criminal sexual conduct in the fourth degree), or [609.3451](#) (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor

which constitutes a violation of prostitution offenses under sections [609.321](#) to [609.324](#) or [617.246](#). Sexual abuse includes threatened sexual abuse’.

Sexual Abuse of a Minor- Church Law: USCCB, *Essential Norms* Preamble: “For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in *CIC*, c. 1395, §2, and *CCEO*, canon 1453, §1 (*Sacramentorum sanctitatis tutela*, article 4 §1)...“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.

For the purposes of this policy, sexual abuse of a minor also includes ‘indirect abuse... (e.g. showing pornography to minors; lewd indecent exposure in front of minors). Included also is the possession of, or downloading from the Internet of, pedophilic pornography’.

Complainant: The complainant is the person alleged to have been abused.

Complaint: A complaint is a formal accusation in written form, signed by the person making the complaint.

Dismissal from the clerical state: Dismissal from the clerical state is a penalty imposed upon a cleric that prohibits him from exercising sacred orders and from holding an ecclesiastical office. Judicial dismissal does not include dispensation from the obligation of celibacy.

Laicization: The term “laicization” refers to a voluntary petition submitted by a cleric to the Roman Pontiff for dispensation from the obligations arising from ordination. The granting of such a petition is a favor, not a penal action, and it includes dispensation from the obligation of celibacy.

Supervisor: A supervisor is a person to whom an individual is directly responsible, such as the pastor for parish employees and volunteers, the school principal for school employees and volunteers, or the program director for those who are employed by or volunteer in that program.

Protocol Applicable to Institutes of Consecrated Life, Societies of Apostolic Life, Personal Prelatures, and Public Associations of the Faithful

Article 1

Each institute of consecrated life, society of apostolic life, personal prelature, or public association of the faithful will provide a copy of its own policies and procedures to the Moderator of the Curia.

Article 2

The presenting community shall provide a written statement about the status, background, character and reputation of each cleric presented for faculties for the Diocese, 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 Bishop a comprehensive report of the allegation and its disposition.

Article 3

If a religious cleric exercising public ministry or an apostolate in the Diocese of Crookston is accused of sexual abuse of a minor, the Bishop and the competent religious superior shall confer with each other. Concerning withdrawal from ministerial functions, the Diocese 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 Diocese determines that a religious cleric may no longer exercise such ministry in the Diocese, 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 a psychological assessment, treatment and aftercare for the accused cleric.

Article 4

If sexual abuse of a minor is alleged to have occurred involving a religious priest or deacon ministering in a parish, parish school, or an entity under the auspices of the Diocese of Crookston, the Diocese retains the right to initiate the process of investigation and follow-up with the Board of Review and take whatever action it deems appropriate. Since religious are also subject to their own proper superiors and 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, the cleric's diocesan faculties will be revoked. However, any determination regarding return to ministry and restoration of diocesan faculties will be made according to the diocesan policies and procedures.

Article 5

If a religious cleric exercising a ministry strictly internal to the religious community without diocesan 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 diocesan faculties is subject to diocesan policies and procedures. In any case, the Diocese retains the right for a most grave cause to prohibit a member of a religious institute from residing in the Diocese or at any particular location in the Diocese.

Article 6

The major superior of the clerical institute with members ministering or residing in the Diocese, or his delegate, will meet periodically with the Bishop of Crookston or his delegate to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in the Diocese.

+ Victor H. Balke
Bishop of Crookston

Major Superior of Clerical Institute

Date

CONTACT INFORMATION

If you were a victim of sexual abuse as a minor, or if you are the parent of a child or young person who has been sexually abused, and your complaint involves a priest, deacon, or an employee or volunteer of the Diocese of Crookston or its parishes, institutions, or schools, please contact the Victims' Assistance Coordinator (for pastoral care) and/or the Moderator of the Curia (for making a report to Church authorities).

**The Victims' Assistance Coordinator.....218-281-7895
(private and confidential)**

Moderator of the Curia... ..218-281-4533

If you need to report actual or suspected abuse of a child or young person, please contact the appropriate social service agency, law enforcement agency, or dial 911.

**Polk County Department of Social Services (for reporting suspected child abuse)
.....218-281-3127**

(for a list of other county departments, please visit the website of the Minnesota Department of Human Services, Office of Child Protection (www.dhs.state.mn.us) or consult your local telephone book.

If you have questions or concerns regarding the Safe Environment Program in the Diocese of Crookston, please contact the Safe Environment Program Coordinator.

The Safe Environment Program Coordinator.....218-281-4533

LIST OF ABBREVIATIONS

BRPCYP	Board of Review for the Protection of Children and Young People
c., cc.	canon, canons
CDF	Congregation for the Doctrine of the Faith
cf.	confer
<i>Charter</i>	USCCB, <i>Charter for the Protection of Children and Young People</i>
<i>CIC</i>	<i>Codex Iuris Canonici, or Code of Canon Law</i>
<i>CCEO</i>	<i>Codex Canonum Ecclesiarum Orientalium, or Code of Canons of the Eastern Churches</i>
<i>Essential Norms</i>	USCCB, <i>Essential Norms for Diocesan/Eparchial Policies Dealing With Allegations of Sexual Abuse of Minors by Priests or Deacons</i>
<i>SST</i>	Pope John Paul II, <i>Sacramentorum sanctitatis tutela</i>
USCCB	United States Conference of Catholic Bishops
VAC	Victims' Assistance Coordinator

PERMISSION TO MINISTER FOR A VISITING CLERIC

Clerics from other dioceses are welcome in the Diocese of Crookston. Prior to the beginning of their ministry here, whether it is a single event (i.e. to witness the marriage of a friend or relative) or a lengthy substitution, they must be given permission for their ministry by the Bishop of Crookston.

The following is the procedure to request permission to minister in the Diocese of Crookston. In order to allow for the time necessary to fulfill the requirements of this policy, and if at all possible, the visiting cleric should make his request for permission to minister one month prior to the ministry.

Note: in the exercise of some ministries, as in a visiting cleric witnessing a marriage, the pastor must still give his delegation.

Permission for simple concelebration can also be given at the discretion of the pastor.

Procedure

1. The visiting cleric must request permission to minister from the Bishop of Crookston. (See sample letter online at www.crookston.org)
2. The cleric requesting permission to minister is asked to access and read the policies and procedures for the protection of children and young people, available on-line at www.crookston.org.
3. The cleric is asked to download from the diocesan website two documents, fill them out, and send them to the chancery;
 - Certification of Non-Conviction Policy, Acknowledgement, and Agreement/ Authorization for Background Check
 - Background Questionnaire Concerning Sexual Abuse, Acknowledgement of Receipt
4. The chancery will
 - A. request a testimonial from the bishop/superior of the place of incardination of the cleric;
 - B. permission to minister will be offered or denied to the cleric in writing, with a copy of the letter being forwarded to the pastor;
 - C. approval for ministry in the Diocese of Crookston will be for a specified period of time, to be determined in the letter of approval, for up to one year.

Request for Permission to Minister

SEND TO:

Bishop Michael Hoepfner
1200 Memorial Drive
P.O. Box 610
Crookston, MN 56716

Dear Bishop Hoepfner:

I write to request permission to minister in the Diocese of Crookston.

1. Personal Contact Information

My name _____

Ecclesiastical Office _____

Address _____

Telephone _____

FAX _____

E-mail _____

2. Diocese/Institute of Incardination

Place of incardination _____

Name of Bishop/Superior _____

Address _____

Phone _____

Fax _____

3. Occasion of my ministry in the Diocese of Crookston is (substitution, wedding, et cetera)

including dates:

4. Length of time

I expect to be ministering in the Diocese of Crookston from

(date)_____ to (date)_____

5. Residence during Ministry

I expect to be staying at (name of rectory or address)

With my signature below I give you permission to contact my Bishop/Superior for a recommendation. I understand that I am accountable for the information contained in the *Safe Environment Policy*, which includes the *Code of Conduct* of the Diocese of Crookston, available at www.crookston.org. I enclose with this acknowledgement that I am accountable for this material, along with the consent form for a criminal background check.

Sincerely,

SIGNATURE

DATE