

## 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.”<sup>1</sup>

*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.”<sup>2</sup>

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).”

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

<sup>2</sup> 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).’<sup>3</sup>

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.

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<sup>3</sup> *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’.