

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

## **Introduction**

*These policies and procedures represent the promise of the Archdiocese of Chicago to provide healing and reconciliation to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago.*

*The policies recognize that sexual abuse of minors is a special problem with a profound impact on the lives of those affected. In the case of sexual abuse of a minor by a cleric, the integrity of the priesthood, the diaconate and the Church itself as the servant of the people of God is damaged as well. Because sexual abuse of a minor by a cleric affects the whole Church; the solution to this problem must involve the whole Church. These policies and procedures reflect the Archdiocese's continuing effort to provide for the safety of the people among whom it carries on its pastoral mission while protecting the reputation of clerics who may be subject to inaccurate or false allegations. The success of the policies and procedures depends, to a great extent, on cooperation by people of good will.*

*In 1992 the Archdiocesan process began when Cardinal Bernardin's Commission on Clerical Misconduct presented its report recommending the establishment of comprehensive policies and procedures to address and respond to allegations and issues related to sexual abuse by clerics with minors. This resulted in the first edition of these Policies and Procedures. It was recognized from its inception that the general process for reviewing these policies would be ongoing and would be undertaken on a periodic basis. In June of 2002, the United States Conference of Catholic Bishops (USCCB) approved a Charter for the Protection of Children and Young People and Essential Norms that address the Church's commitment to deal appropriately and effectively with allegations of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). In 2003, Cardinal George directed that the policies and procedures of the Archdiocese of Chicago be amended so as to incorporate the provisions of the Charter and Essential Norms. Many of the provisions of the USCCB's Charter and the Essential Norms have been contained in the Archdiocese of Chicago's policies and procedures since 2002. After a timely revision and having received again the recognition of the Apostolic See, the Charter and Essential Norms were promulgated on May 5, 2006 and for a second time became particular law for the dioceses, eparchies, clerical religious institutes and societies of the apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States.*

## §1101 GENERAL PROVISIONS

*Section 1101 contains general statements of policy from which specific procedural recommendations follow. Section 1101 recognizes the Archdiocese's responsibility to establish appropriate educational programs for seminarians and clerics about the nature and effect of sexual abuse of minors*

### §1101.1. Establishment of Policy

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

- (1) The primary purposes of these policies and procedures are the safety of children, the well being of the community, and the integrity of the Church. The policies and procedures shall be fair and responsive to the pastoral needs of the victim, the victim's family, the community, and the cleric. The policies and procedures shall facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations of sexual abuse.
- (2) The Archdiocese shall cooperate with the Illinois Department of Children & Family Services (the DCFS), the Cook and Lake Counties State's Attorneys and other appropriate public authorities in the conduct of investigations and actions to enforce the law and to protect minors and communities affected by sexual abuse of a minor.
- (3) The Archdiocese shall continue to make its policies and procedures related to sexual abuse of minors available in published form and as the subject of periodic public announcements so that those affected can readily seek and receive the assistance which the policies provide. (Cf. *USCCB Charter*, art. 2)

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<sup>1</sup> Per note, *USCCB Charter* and Preamble, *USCCB Essential Norms*: "Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (*Code of Canon Law*, c. 1395, §2). Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (*Code of Canon Law*, c. 1395, §2) need not be a complete act of intercourse. Nor to be objectively grave, does an act need to involve force, physical contact, or a discernable harmful outcome. Moreover, 'imputability [moral responsibility] for a canonical offense is presumed upon an external violation ... unless it is otherwise apparent' (*Code of Canon Law*, c. 1321, §3). Cf. *Code of Canon Law*, cc. 1322-1327. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified Review Board, to determine the gravity of the alleged act."

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

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

### **§1101.2. Funding, Staff and Facilities**

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

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

**1101.3. Policy** The seminaries of the Archdiocese shall establish appropriate programs about the nature and effect of sexual abuse of a minor for the education of seminarians, deacon aspirants and deacon candidates and for the continuing education of clerics and other church personnel.

### **§1101.4. Review and Amendment**

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

## §1102 ASSISTANCE TO THOSE AFFECTED

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

### §1102.1. Assistance to Those Affected

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

### §1102.2. Assistance to Alleged Victim

**1102.2. Policy** The first obligation of the Church with regard to the victims is for healing and reconciliation. The Archdiocese shall designate an Assistance Minister who shall minister to the victim, victim's family or other persons affected, doing so with a sincere commitment to their spiritual and emotional well-being. The minister shall identify professional and other resources and make them available to aid in the pastoral care of a victim or his/her family member. In the case of any disclosure of sexual abuse of a minor, the Assistance Minister shall report the fact in writing to the Director of the Office for Child Abuse Investigations & Review (hereafter the "Director"). (Cf. *USCCB Charter*, articles 1 & 2, and *USCCB Essential Norms*, #3) The Assistance Minister shall comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in their investigation. The Archdiocese shall not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim and noted in the text of the agreement. (Cf. *USCCB Charter*, art. 3) Through pastoral outreach to victims and their families, the Archbishop or his representative shall offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the Archbishop or his delegate shall also be directed to faith communities in which the sexual abuse occurred or the alleged perpetrator served. (Cf. *USCCB Charter*, art. 1)

### §1102.3. Assistance to Community

**1102.3. Policy** The Archdiocese shall develop and maintain "safe environment" programs and programs for outreach to communities affected. The programs shall promote the safety of minors, healing and understanding. The Archdiocese shall cooperate with parents, civil authorities, educators, and community organizations in order to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children and youth. The Archdiocese shall make clear to clerics and all members of the community the standards of conduct for clerics and other persons in positions of trust with regard to sexual abuse. (Cf. *USCCB Charter*, art.

12) As part of this process, clerics and employees and volunteers who work with minors shall follow the Safe Environment Compliance Policy found in §603 of Book Two, including reading the Code of Conduct and signing the Code of Conduct Acknowledgement form.

### §1102.4. Assistance to Clergy

**1102.4. Policy** In the case of any disclosure of sexual abuse of a minor by a cleric, the Vicar for Priests or Vicar for Deacons shall report the fact in writing to the Director. The Vicar for Priests and the Vicar for Deacons shall comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in their investigation. These Vicars are the representatives of the Archbishop who minister to the clergy of the Archdiocese by providing care, advice and support; and by facilitating referrals to secular and canonical legal resources and other professionals. An accused priest or deacon shall be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention. (Cf. *USCCB Charter*, art. 5)

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

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

**1103.1. Policy** The Archdiocese shall evaluate the background of all Archdiocesan personnel who have regular contact with minors. Specifically, they shall utilize the resources of law enforcement and other community agencies. In addition, they shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513). The Archdiocese shall review and augment on-going programs for the screening and education of seminarians and deacon candidates and the continuing education of clerics in matters related to sexuality and sexual abuse. (Cf. *USCCB Charter*, art. 13) Candidates who provide false information in their applications, including purposefully omitting required information, will automatically be disqualified from entering or remaining in the seminary or diaconate formation process.

#### *Procedures*

- a) **Psychological Profile.** Consistent with applicable ethical, canonical and legal principles and as soon as may be appropriate, a full psychological profile of each seminarian and deacon candidate shall be obtained. In addition to general psychological fitness for ordination and ministry, the profile should seek to identify tendencies of pedophilia or ephebophilia. The psychological profile shall be maintained as part of the seminarian's or candidate's education or formation file, as applicable, until the seminarian or deacon candidate is ordained or for one year after a seminarian or deacon candidate withdraws or is dismissed from the seminary or diaconate formation program and may only be disclosed to those authorized under the applicable civil and criminal laws.. The profile may be updated as necessary or appropriate.
- b) **Developmental Programs.** The Archdiocesan seminaries and formation programs shall offer, as part of their formation programs, age appropriate courses and components that deal in depth with psychological development, including both moral and deviant sexual behavior, with emphasis on the implications of making moral choices in accord with Church teaching and clerical commitment. While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized Archdiocesan standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with minors. (*USCCB Charter*, art. 6) As part of this process, seminarians along with clerics and employees and volunteers who work with minors shall follow the Safe Environment Compliance Policy found in §603 of Book Two, including reading the Code of Conduct and signing the Code of Conduct Acknowledgement form and participating in Mandated Reported training (as applicable).

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

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

### **§1103.2.1. Clerics of the Archdiocese of Chicago**

**1103.2.1. Policy** No Archdiocesan cleric against whom an allegation of sexual abuse of a minor has been substantiated may be transferred for ministerial assignment to another ecclesiastical jurisdiction. Before an cleric may be transferred for residence to another diocese/eparchy or religious province, the Archbishop or his delegate shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any substantiated allegation of an act of sexual abuse of a minor and any other information indicating that he would be unsuitable to work with minors. This shall apply even if the cleric shall reside in the local community of an institute of consecrated life or society of apostolic life. (Cf. *USCCB Charter*, art. 14, and *USCCB Essential Norms*, #12)

### **§1103.2.2. Religious Congregations and Clergy of Other Dioceses**

**1103.2.2. Policy** No religious or extern cleric against whom an allegation of sexual abuse of a minor has been substantiated may be transferred for residence or ministerial assignment in the Archdiocese of Chicago without the consent of the Archbishop. Before a cleric can be transferred for residence or ministry in the Archdiocese, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the Archbishop or his delegate any and all information concerning any act of sexual abuse of a minor and any other information indicating that he would be unsuitable to work with minors. This shall apply even if the priest or deacon shall reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of a religious, in a secular institute, or in another form of consecrated life or society of apostolic life. (Cf. *USCCB Charter*, art. 14, and *USCCB Essential Norms*, #12)

### **§1103.3. Relationship with Religious Congregations**

**1103.3. Policy** Religious congregations whose cleric members maintain or seek faculties to minister in the Archdiocese shall abide by the Archdiocesan policies and procedures including but not limited to those relating to sexual abuse of minors.

#### ***Procedures***

- a) The congregation must provide a copy of its own policies and procedures for preventing and dealing with allegations of sexual abuse of minors to the Vicar for Religious.
- b) The presenting congregation shall provide a written statement about the status, background, character and reputation of each cleric presented for faculties in the Archdiocese, as provided in the model promulgated by the Archbishop's Delegate for Extern and International Priests. In the case of any allegation of sexual abuse of a minor by such cleric, the presenting congregation shall submit to the Archbishop's Delegate for Extern and International Priests a comprehensive report of the allegation and its disposition. (See §1103.5.1)

- c) If a religious cleric exercising public ministry or an apostolate in the Archdiocese of Chicago is accused of sexual abuse of a minor, the Archbishop's delegate and the proper religious superior shall confer with each other as soon as reasonably practicable. Concerning withdrawal from ministerial functions, the Archdiocese shall determine whether or not the cleric may continue to exercise a ministry that involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (cf. cc. 392 and 678, §1). If the Archdiocese determines that a religious cleric may no longer exercise such ministry in the Archdiocese, his faculties will be withdrawn, and his proper religious superior shall be requested to recall the cleric immediately. The religious congregation retains its rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as psychological assessment, treatment and aftercare for the accused cleric, and for the pastoral care and just treatment of alleged victims of sexual abuse.
- d) If sexual abuse of a minor is alleged to have occurred involving a religious cleric ministering in a parish, school or other entity under the auspices of the Archdiocese of Chicago, the Archdiocese retains the right to initiate the process of investigation and follow-up with the Director of the Office of Child Abuse Investigations and Review ("Director") and Review Board and take whatever action it deems appropriate. The Archdiocese likewise retains the right to address the pastoral needs of any alleged victim of sexual abuse by a religious cleric within the Archdiocese. Since religious clerics are also subject to their own proper superiors and to the discipline of their institute (c. 678, §2), the religious congregation may also choose to review the allegation in keeping with its own policies and procedures. If the religious superior removes the religious cleric from the office entrusted to him after having informed the Archbishop (c. 682, §2), the cleric's Archdiocesan faculties shall be withdrawn. However, any determination about return to ministry in the Archdiocese and restoration of Archdiocesan faculties shall be made according to Archdiocesan policies and procedures in this regard.
- e) If a religious cleric who is permanently residing in the Archdiocese or exercising a ministry strictly internal to the religious congregation, in each case, without Archdiocesan faculties is accused of sexual abuse of a minor, the religious congregation may choose to review the allegation in keeping with its own policies and procedures. Any subsequent presentation for Archdiocesan faculties is subject to Archdiocesan policies and procedures. In any case, the Archdiocese retains the right to prohibit a member of a religious institute from residing in the Archdiocese or at any particular location in the Archdiocese. If the cleric's major superior has not made provision after having been informed; such matters are to be referred to the Holy See (c. 679).

#### §1103.4. Extern Priests

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

#### *Procedures*

- a) If an extern priest or deacon exercising public ministry or an apostolate in the Archdiocese of Chicago is accused of sexual abuse of a minor, the Archdiocese must confer with the competent Ordinary. The Archdiocese will determine whether or not the priest or deacon may continue to exercise a ministry that involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (cf. cc. 392 and 678, §1). If the Archdiocese determines that an extern priest or deacon may no longer exercise any ministry in the Archdiocese, his faculties shall be withdrawn, and his proper Ordinary shall be requested to recall the priest immediately or inform the deacon that his permission to serve in the Archdiocese of Chicago is withdrawn.
- b) If sexual abuse of a minor is alleged to have occurred, the Archdiocese retains the right to initiate the process of investigation and follow-up with the Director and Review Board and take whatever action it deems appropriate. Any determination about return to ministry and restoration of faculties shall be made according to Archdiocesan policies and procedures.

## **§1103.5. Deacons**

### **§1103.5.1. Archdiocesan Deacons**

**1103.5.1. Policy** The Archdiocese shall maintain and periodically review its policies affecting deacons who maintain faculties in the Archdiocese.

### **§1103.5.2. Extern Deacons**

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

## **§1103.6. Assignment Review for Priests**

1103.6. *Policy* The Executive Secretary of the Diocesan Priests' Placement Board, or an appropriate representative of that Board, shall submit to the Vicar General, Vicar for Priests, and the Chancellor the names of all candidates who apply to or are brought by the Diocesan Priests' Placement Review Board for ministerial assignment or reassignment.

### *Procedures*

- a) The Vicar for Priests shall consult with the Diocesan Priests' Placement Board about assignment of priests accused of sexual abuse of minors including their residence arrangements.
- b) The Vicar General shall review the name or list of names and delete any individual who is the subject of a proceeding before the Review Board, including any restrictions or supervision under these provisions.
- c) The Executive Secretary or representative shall return the application of any such applicant.

## §1104 REVIEW PROCESS

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

### §1104.1. Establishment of Process

**1104.1. Policy** Determinations and recommendations regarding the continuation of ministry of any cleric who is the subject of an allegation of sexual abuse of a minor shall be made to the Archbishop according to the consultative and advisory process established in Section 1104. When even a single act of sexual abuse of a minor by a cleric is admitted or is established after an appropriate process in accordance with Canon Law, the cleric shall be removed permanently from ecclesiastical ministry (USCCB Essential Norms #8, CIC c. 1395 §2, CCEO c. 1453 §1).

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

**1104.2. Policy** In every instance, the Archdiocese shall advise and support every person's right to make a report to civil authorities. (Cf. *USCCB Essential Norms*, #11 and §§1104.4.3(2) and 1104.7.1) of these policies) All Archdiocesan personnel are expected to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in their investigation. Further, all Archdiocesan clerics and all religious, employees, and volunteers working for the Archdiocese shall comply fully with the letter and spirit of this process. In addition to reports required by civil law, these personnel are expected to promptly report allegations of a cleric's sexual abuse of a minor to the Director unless prohibited by applicable Church law (Canon 983, §1). Other clerics and religious working in the Archdiocese are expected to cooperate with the process consistent with their particular status within the Archdiocese. All persons who may relate to the process described herein are asked to do so with understanding and sensitivity for its goals. The Archdiocese shall take all appropriate steps to protect the good name and reputation of all persons involved in this process. (Cf. Canon 220 and *USCCB Essential Norms*, #6). Retaliation in any form against someone who reports the sexual abuse of a minor by a cleric shall be strictly prohibited.

### ***Procedures***

- a)** As defined by the Abused And Neglected Child Reporting Act, all mandated reporters shall make their first report to DCFS.
- b)** 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 sexual abuse of minors.(Cf. *USCCB Essential Norms*, endnote 7)
- c)** Ordinarily, the information received by the Director shall include the name of the cleric who is the subject of the allegation, the name or names of the alleged victim or victims, an accurate description of the alleged abuse, the relevant dates, times and circumstances in which the abuse allegedly occurred, and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged abuse.
- d)** Allegations that a cleric of the Archdiocese of Chicago engaged in sexual abuse of a minor may be received from any number of sources: e.g., a meeting in person with the Director, a telephone call, written communication, email, a personal appointment, the media, public authorities, etc.
- e)** Any notification from DCFS that it has initiated a formal investigation that a minor may have been sexually abused by a cleric, or from law enforcement authorities that they are investigating whether a minor was sexually abused by a cleric, shall be considered an allegation.
- f)** An allegation against a cleric who has retired from an official assignment shall be processed in the same manner as any other allegation to the extent necessary to make a determination whether there is reasonable cause to believe that the retired cleric engaged in sexual abuse of a minor and whether minors are currently at risk.

- g)** An allegation of sexual abuse of a minor against a cleric who (i) has voluntarily withdrawn from active ministry, or is laicized, or is deceased and (ii) has not been previously determined to have engaged in the sexual abuse of a minor by the Review Board or similar administrative process shall be processed by the Director and presented to the Review Board in the same manner as any other allegation. The person making the allegation shall be referred to the Office of Assistance Ministry for appropriate pastoral care.

If the whereabouts of an accused cleric who has voluntarily withdrawn from active ministry or who has been laicized is known, the Vicar for Priests or the Vicar for Deacons will attempt to contact the accused cleric to inform him of the allegation and request that he attend a meeting with the Vicar and the Director so that the Director could present the allegation and request his response to the allegation and to any other allegations of sexual abuse of minors in his file. In the event there are further canonical proceedings, the withdrawn cleric shall also be provided with the opportunity for canonical counsel, as in other cases.

If the whereabouts of the accused cleric remains unknown, or if he is deceased, a canonical counsel will be appointed to act before the Review Board for the accused cleric and take other such actions as the canonical counsel deems warranted to protect the good name and reputation of the cleric.

Following an investigation and review of the accused cleric's file and any other relevant information, the Review Board shall determine whether, during the time the accused was serving as a cleric of the Archdiocese, (i) there is reasonable cause to believe that the accused had engaged in the sexual abuse of a minor; or (ii) there is not a reasonable cause to believe that the accused had engaged in the sexual abuse of a minor; or (iii) the Review Board is unable to determine that there is a reasonable cause to believe that the accused had engaged in the sexual abuse of a minor. The Review Board will present its conclusions to the Archbishop.

- h)** Anonymous allegations, allegations by third parties or allegations that contain insufficient information ordinarily shall be processed by the Director in the following fashion:
- 1)** Based on the limited data available, request the Vicar for Priests and other appropriate Archdiocesan agencies to forward for review by the Director all relevant files, and any other pertinent information, so that the allegation can be investigated to the degree possible,
  - 2)** If the cleric can be identified, determine whether or not to inform him and offer him the opportunity to respond,

- 3) Report all such allegations to the Review Board at its next regularly scheduled meeting so that the Review Board may review such allegation, the Director's action and recommend further action as it deems appropriate.

### **§1104.3. Protection of Rights and Unfounded Allegations**

**1104.3. Policy** Care shall be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the accused cleric. When the accusation has proved to be unfounded, every step possible shall be taken to restore the good name of the cleric falsely accused. (*USCCB Essential Norms #13*)

#### **§1104.4. Archdiocese of Chicago Review Board**

**1104.4. Policy** The recommendations described in Section 1104.1 shall be made to the Archbishop by the Review Board, which shall function as a confidential consultative body to the Archbishop in discharging his responsibilities (cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, #4):

##### **§1104.4.1. Membership**

**1104.4.1. Policy** The Review Board shall be appointed by the Archbishop and consist of nine to eleven members of outstanding integrity and good judgment in full communion with the Church. Six members shall be lay Catholics who are not employees of the Archdiocese, and three members shall be clerics. At least one of the clerical members shall be a priest who is an experienced and respected pastor of the Archdiocese. Three of the lay Catholics shall include a psychiatrist, a psychologist or social worker, and an attorney. The three representatives of the Church at large shall include a parish council member, a parent, and a victim or parent of a victim of child sexual abuse. The Archbishop, in consultation with the Review Board, may also appoint one or two additional lay Catholic members to the Review Board; such additional members shall be considered “at large”, that is, they need not possess any specific educational, vocational or other background. At least one of the members should have particular expertise in the treatment of the sexual abuse of minors. (Cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, #5)

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

- a) **Full Communion** “Those baptized are fully in the communion of the Catholic Church on this earth who are joined with Christ in its visible structures by the bonds of profession of faith, the sacraments, and ecclesial governance” (*Code of Canon Law*, c. 205; cf. Vatican II, Dogmatic Constitution on the Church *Lumen Gentium*, 14).
- b) **Nominating Committee** The Archbishop may appoint a Nominating Committee to propose the names of candidates for the Review Board. The Nominating Committee shall consist of respected persons with sound judgment. For the nomination of the clerical members of the Review Board, the Nominating Committee should consult with the Vicars for Priests or the Vicar for Deacons and the Executive Committee of the Presbyteral Council. For the nomination of the Review Board member who is a victim or parent of a victim of child sexual abuse, the Nominating Committee will consult with the Assistance Minister. For the other Review Board positions, the Nominating Committee may at its discretion consult with appropriate professional societies, advocacy groups and other consultative bodies, such as the Archdiocesan Pastoral Council. The

Archbishop's Delegate to the Review Board will convene the Nominating Committee with staff assistance from the Director.

- c) Review Board Member Orientation In order to familiarize the Review Board members with their duties as well as with the pertinent policies and procedures, there should be a Review Board Member Orientation conducted periodically with input from appropriate Archdiocesan officials and outside consultants as necessary or desirable.
- d) Compensation None of the members of the Review Board shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.

#### **§1104.4.2. Term**

**1104.4.2. Policy** Appointments to the Review Board shall be for staggered terms of five years, which terms may be extended year to year thereafter and shall continue until a successor is appointed. Any Review Board member who desires to resign from the Review Board shall, if at all possible, give the Review Board six months advance notice of the effective termination date. (Cf. *USCCB Essential Norms*, §5, Canon 186.)

#### **§1104.4.3. Officers**

**1104.4.3. Policy** The Archbishop shall designate one Review Board member as chairperson and one Review Board member as vice chairperson for fixed terms, not to extend beyond the term as a member of the Review Board.

#### ***Procedure***

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

#### **§1104.4.4. Relationship with Archbishop**

**1104.4.4. Policy** The Review Board shall serve as the principal advisor of the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. The Review Board is not accountable to other officials of the Archdiocese except as may be necessary for the efficient administration of its business. (Cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, #4)

### §1104.4.5. Quorum and Majority for Doing Business

**1104.4.5. Policy** A majority of the members of the Review Board appointed to serve at that time, plus one additional member, shall constitute a quorum of the Review Board, and the concurrence of not less than a majority of such members of the Review Board shall be necessary to a determination or recommendation, three of whom must be lay members of the Review Board.

### §1104.4.6. Meetings

**1104.4.6.1. Policy** The Review Board shall conduct its business at meetings, which shall be scheduled to occur monthly or as often as necessary to perform its duties. The meetings shall reflect the pastoral character of this process that is consultative and advisory, not adversarial and adjudicative. The meetings are not hearings. They are sessions at which the Review Board receives and considers information, deliberates, and formulates its determinations and recommendations. The Review Board may, in its discretion, limit the information it receives or considers, and the rules of evidence shall not strictly apply.

#### *Procedures*

- a) Ordinarily, the Review Board shall meet in person but by exception may meet by telephone conference call or video conference. The members of the Review Board shall not discuss the business of the Review Board or information presented to the Review Board outside Review Board or Committee meetings, except that the Director may communicate with Review Board members as required by this process or as otherwise appears appropriate.
- b) The Archbishop, the Archbishop's delegate, other persons designated by the Archbishop, and the Director may attend those portions of meetings during which information is presented to the Review Board and the Review Board makes its recommendations. They may attend other portions of the meetings subject to the discretion of the Review Board. All other persons may attend meetings only upon the invitation or with the consent of the Review Board and subject to such limitations as the Review Board might require. It is desirable that the Promoter of Justice participate in the meetings of the Review Board. . (Cf. *USCCB Essential Norms*, §5) Since the Promoter of Justice is responsible to the prosecution of any penal trial before a canonical tribunal, he may attend the Review Board meetings with voice in the discussions, but with no vote in the Review Board's determinations and recommendations. After the Review Board process is completed and, if warranted by the outcome, after the Congregation for the

Doctrine of the Faith is notified, the Promoter for Justice shall proceed as instructed by the Archbishop in accord with directions from the Congregation for the Doctrine of the Faith, unless the Congregation calls the case to itself because of special circumstances. (Cf. *USCCB Essential Norms*, #8A)

- c) The Chairperson, with the consent of the Review Board, may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill its purpose. However, the power to make a definitive recommendation following a Review Board meeting may not be delegated to any such committee.

**1104.4.6.2. Policy** Both the person making an accusation and the accused cleric have a right to meet with the Review Board before the Review for Cause is concluded, subject to such reasonable limitations as to time the Review Board may establish. The Review Board shall exercise reasonable discretion in permitting such appearances and in establishing reasonable time limitations for such appearances.

***Procedure***

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

**1104.4.6.3. Policy** Nothing in these policies and procedures shall be interpreted as to abridge an individual's right to legal or canonical counsel.

***Procedures***

- a) The Vicar for Priests/Vicar for Deacons shall encourage the accused cleric to retain the assistance of civil and canonical counsel. When necessary, the Archdiocese shall supply canonical counsel to the priest or deacon. (*USCCB Charter, art. 5, and USCCB Essential Norms, ##6 and 8.A*)
- b) Any person appearing before the Review Board may do so with counsel or, in the Review Board's discretion which shall be exercised liberally, with such other adviser for whom the person may, in advance of the meeting, request the Review Board's consent. The Review Board shall not permit the participation of counsel or other adviser unduly to delay this process. Attorneys licensed to practice civil law, but not Canon Law, serving as counsel to the person making the allegation or the person accused, may attend such meetings, subject to the Review Board's discretion, and advise their clients involved in these ecclesiastical processes, with the understanding that such proceedings are conducted according to these

policies and procedures and the provisions of Canon Law; they are not hearings subject to the rules of civil law.

#### §1104.4.7. Duties

**1104.4.7. Policy** The Review Board shall have the duty to:

- (1) recommend to the Archbishop a candidate or candidates for the position of Director;
- (2) supervise the Director in cooperation with the Director of the Office for the Protection of Children and Youth (OPCY);
- (3) advise the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry (Cf. *USCCB Charter*, art. 2, and *USCCB Essential Norms*, §4.A.);
- (4) offer advice on all aspects of these cases, whether retrospectively or prospectively (Cf. *USCCB Essential Norms*, §4.C.);
- (5) make such other recommendations that the Review Board in its sole discretion determines to be appropriate to reduce the risk to minors;
- (6) recommend guidelines for the inquiries of the Director and the proceedings of the Review Board;
- (7) review these policies and procedures for dealing with sexual abuse of minors; (Cf. *USCCB Essential Norms*, §4.B);
- (8) cooperate with the the Office for the Protection of Children and Youth, the Vicar for Priests, the Vicar for Deacons, and other appropriate officials in developing and implementing educational programs for themselves and those participating in this process; and
- (9) seek the advice of such experts and consultants as the Review Board deems necessary and appropriate.

#### **Procedure**

If a cleric admits to the truth of an incident of sexual abuse with a minor or personally reports such an allegation to the Archbishop or his representative, while it is not necessary for the Review Board to advise the Archbishop regarding the semblance of truth of the incident, the matter shall be reported to the Review Board.

## **§1104.5. Director of the Office for Child Abuse Investigations and Review**

**1104.5. Policy** The Director shall assist the Review Board in the performance of its duties.

### **§1104.5.1. Qualifications**

**1104.5.1. Policy** The Director shall be a lay Catholic professional who maintains appropriate qualifications and substantial experience in investigation and analyzing allegations of sexual abuse of minors.

### **§1104.5.2. Appointment and Conditions of Employment**

**1104.5.2. Policy** The Archbishop shall appoint and may remove the Director with the advice of the Review Board.

#### ***Procedure***

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

### §1104.5.3. Duties

**1104.5.3. Policy** Under the supervision of the Review Board the Director shall have the duty to:

- (1) receive information and allegations of sexual abuse of a minor by a cleric
- (2) report to the civil authorities any allegation (unless canonically privileged) of sexual abuse of a person who is a minor, cooperate with civil authorities about reporting in cases when the person is no longer a minor, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question. In every instance, the Director shall advise accusers of their right to make a report to civil authorities and will support this right. (Cf. *USCCB Charter*, art. 4, and §§ 1104.2 and 1104.7.1 of these policies).
- (3) promptly ensure the accuser and the accused are interviewed in accord with canonical practice, which includes committing the information to written form and allowing the person interviewed to review, edit and sign what has been committed to writing;
- (4) communicate in an appropriate manner with the accuser or person making an allegation, the Assistance Minister, the affected cleric, the Vicar for Priests, Vicar for the Deacons, the Archbishop, the Review Board and such other persons as the Archbishop or Review Board may designate;
- (5) assist the Review Board by preparing and submitting reports pertaining to allegations and requests and such other information as may be appropriate;
- (6) make and document such investigations of all allegations of sexual abuse of a minor as the Archbishop or Review Board deems useful in making the determinations required by this Section 1100 et seq.
- (7) assist the Archbishop and his Delegate by preparing and submitting reports summarizing the allegations, the responses of accused clerics, and the Review Board's determinations and recommendations;
- (8) perform such other duties as may be prescribed by the Archbishop, his Delegate, or Review Board.

#### ***Procedure***

The Case Manager of the Prayer and Penance Program shall work with the Vicar for Priests to ensure the compliance of the cleric with the program of prayer and penance; this program is to include treatment, rehabilitation and supervision. The Case Manager, Vicar for Priests or Vicar for Deacons shall work cooperatively in the selection of professionals and institutions to evaluate, diagnose and treat cleric. The Vicar for Priests is primarily responsible for The Vicar for Priests is primarily responsible for pastoral and spiritual life concerns and treatment questions that require a sensitivity to confidences.

## **§1104.6. Receipt of Information**

**1104.6. Policy** To assist the Director, the Archdiocese shall establish and publicize a separate telephone number to facilitate receipt of information. The Director will answer calls during business hours and an appropriate recording system shall be used at other times.

## **§1104.7. Confidentiality and Disclosure of Information**

**1104.7. Policy** Information generated in connection with the process set forth in Sections 1104.4 and 1104.5 shall be maintained in a confidential manner and may only be disclosed as determined by the Review Board.

### ***Procedures***

- a) The Director is the custodian of all information described in Sections 1104.4 and 1104.5 and shall develop an appropriate record keeping system to ensure accountability for and security of the information in accordance with Archdiocesan Record Keeping Policies and in consultation with the Archdiocese of Chicago's, Archives and Records Center.
- b) The Director shall maintain the information in a confidential fashion and may not disclose such information except as follows:
  - 1) the Director shall provide the accused cleric with information sufficient to enable the cleric to respond to the allegation; either party may have access to his or her own statements pertaining to the allegation or response and may offer them to be incorporated into the record; the Director may provide both the person making the allegation and the accused cleric with such additional information as necessary to process the allegation;
  - 2) after the Archbishop has made a decision in a matter brought before the Review Board, the Director shall provide the person making the allegation and the accused cleric with appropriate and timely information about the Review Board's determinations and recommendations and the Archbishop's actions;
  - 3) the Director shall provide access to information to the Review Board, the Archbishop, the Archbishop's delegate and other persons the Archbishop may designate;
  - 4) the Director shall provide access to information to the proper Ordinary in connection with allegations about a member of a religious congregation or another diocese;
  - 5) the Director shall disclose such information as may be required by law; and

- 6) the Archdiocese shall develop a communications policy that reflects its commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved (*Code of Canon Law c. 220*), the Archdiocese will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors. (*USCCB Charter, art. 7*)

#### **§1104.8. Immediate Inquiry and Actions**

**1104.8.1. Policy** Upon receipt of the allegation of sexual abuse of a minor by a cleric who has faculties from the Archdiocese of Chicago, the Director shall promptly report such allegation to the civil authorities, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, and will cooperate in their investigation in accord with the law of the jurisdiction in question. The Director shall also provide the person making the allegation with a statement containing information about the right to make a report of such allegations to civil authorities and will support this right. (Cf. *USCCB Charter, art. 4, USCCB Essential Norms #11, and §§1104.2 and 1104.4.3(2) of these policies*).

***Procedures:***

- a) The Director shall promptly report the allegation of sexual abuse of a minor by a cleric to the Archbishop and to the Vicar General, the Archbishop's delegate to the Review Board, the Director of the Office for the Protection of Children and Youth, the Chancellor, the Vicars for Priests or Vicar for Deacons, General Counsel of the Archdiocese, the Director of the Office of Assistance Ministry, the Director of Communications and Public Relations, the Chairperson of the Review Board and such other persons that the Archbishop may designate.
- b) The Director shall as promptly as possible make and document such investigations of all allegations as the Archbishop or Review Board shall deem useful, which shall include without limitation review the accused's files, solicit whatever other information about the cleric that may be directly available, make appropriate inquiries about the allegation, interview the appropriate parties and prepare a report of all available information for presentation to the Review Board.

**1104.8.2. Policy** The Director shall promptly assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop. If there is reason to suspect that the accused abuse of a minor, the interim action will include requiring the accused to step aside from public ministry.

***Procedures:***

- a) In making an assessment and recommendation for interim action, the Director shall consult with those designated by the Archbishop who are involved in administering issues related to the allegation.
- b) Interim action may include temporary withdrawal from ministry<sup>4</sup>, restrictions or other actions deemed appropriate by the Archbishop. If the ministry of the cleric who is the subject of interim action involves contact with children or is located at a site where children are present, such as a school or religious education program, the appropriate personnel shall be notified of the fact of the allegation and its circumstances; they will be consulted on the interim action to be taken.
- c) The Vicar for Priests or the Vicar for Deacons shall inform the cleric of the allegation, make certain that he is advised to seek canonical and civil legal counsel and arrange for his interview by the Director. The accused cleric may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation mutually acceptable to the Archdiocese and the accused, so long as this does not interfere with the investigation by civil authorities. (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms*#7)

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<sup>4</sup> In accord with Canon 223, §2 and in the spirit of *USCCB Essential Norms* #9, temporary withdrawal is an immediate action of the Archbishop done for the safety of minors, the protection of the cleric and the well being of the Church. The purpose of temporary withdrawal is to provide quickly an opportunity to assess the risk to minors, the situation of the cleric and the urgent needs of the Church. It involves the cleric removing himself at once from a ministerial site, and may also involve other specifications, such as elements of supervision. It is for a determined period of time and is in effect only until the Review Board can meet to evaluate the allegation as an Initial Review. It is not a judgment of guilt, and it is not equivalent to a canonical suspension or any other penal sanction. It does not affect any ecclesiastical office that the cleric may hold, and it does not affect his salary. It will be done in a written form that contains the reasons for the withdrawal (Canons 37, 51). At the time of his withdrawal, the cleric will be temporarily dispensed from any obligations that he might be unable to fulfill during his withdrawal (Canon 87, §1). At the time of this action by the Archbishop, the cleric will be apprised of his canonical and civil legal rights (*USCCB Essential Norms* #6). At the time of the action, some individuals in positions of responsibility in the parish or institution will be informed of the Archbishop's request and stipulations. Should there be any publicity associated with a temporary withdrawal, every effort will be made not to harm illegitimately the good reputation of the cleric nor to injure his right to protect his own privacy (Canon 220, *USCCB Essential Norms* #13). Should the cleric not cooperate with the temporary withdrawal, at all times, the Archbishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry (Cf. cc. 35- 58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348 and 1740- 1747).

## **§1104.9. Initial Review**

**1104.9. Policy** The Review Board shall meet to conduct an Initial Review within 90 days after the Director has received the allegation. With the advice of the Director, the Review Board may delay scheduling the Initial Review for a good reason, such as to await the completion of action by civil authorities. However an Initial Review shall not be postponed because of long and unnecessary delays (e.g., Canons 1593 & 1622, 3°). Notwithstanding the policy, if interim action has been deemed necessary, the matter shall be presented to the Review Board for an Initial Review on an expedited basis.

### ***Procedure:***

Upon receiving the allegation, the Director shall obtain the pertinent information from the accuser or other responsible source(s) within 30 days. The accused shall be given an ensuing 30 days to respond to the allegation. Ordinarily, all information and responses shall be in the form of signed statements.

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

**1104.9.1. Policy** At the Initial Review meeting, the Review Board shall advise the Archbishop:

- (1) whether the information received warrants investigation and a canonical Preliminary Investigation should begin (cf. Canon 1717, §1);
- (2) whether the interim actions recommended by the Director were appropriate to provide for the safety of minors;
- (3) of its recommendations regarding the scope and course of the investigation;
- (4) whether the Archdiocesan investigation should be deferred, partially or entirely, for a reasonable period of time so as not to interfere with the investigation conducted by civil authorities; and
- (5) what further interim action should be taken, and
- (6) whether the allegations warrant no further investigation and the matter and the file should be closed.

### ***Procedure***

- a) The Review Board shall consider the Director's investigative report, information provided by the Archbishop's delegate or other persons identified by the Archbishop, and any other information that the Review Board believes helpful and is able to obtain. In situations where the accused has access to minors, the absence of signature shall not unnecessarily delay the consideration of an allegation.
- b) If the Review Board determines that the matter bears further investigation and the Initial Review, such action shall not be construed as an indication that the allegation against the cleric is meritorious or deemed to reflect adversely, in any manner, on the

cleric. Rather, such action shall only signify the Review Board's duty to fully obtain all available facts and information regarding an allegation prior to reaching a final determination in the matter.

### **§1104.9.2. Recommendations**

**1104.9.2. Policy** The Review Board shall make recommendations to the Archbishop about the following:

- (1) if the cleric has already temporarily withdrawn from ministry pending inquiry, whether such withdrawal should continue as a canonical removal under Canon 1722;
- (2) if the cleric has not temporarily withdrawn from ministry, whether he should be canonically removed under Canon 1722;
- (3) if the cleric's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action is warranted and suggestions as to such action; and
- (4) other recommendations that the Review Board may feel necessary.

### **§1104.9.3. Preliminary Investigation**

**1104.9.3. Policy** If the Archbishop accepts the Review Board's determination from the Initial Review that the information received warrants further investigation, a canonical Preliminary Investigation, in harmony with Canon Law, shall be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric's admission of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms* #6)

#### ***Procedures***

- a) The Director shall promptly notify the Archbishop of the Review Board's determination. Upon receipt of the Archbishop's acceptance or rejection of the Review Board's determination, the Director shall as soon as possible notify the accuser and the accused of the Review Board's determination and the Archbishop's acceptance thereof, and if the matter warrants further investigation, request each party submit within 30 days any additional information available to such party that will aid the Review Board in reaching its final determination in the matter.
- b) The Archbishop shall appoint a lay auditor (cf. canon 1428) to conduct the Preliminary Investigation in accord with Canon 1717. The Director shall automatically serve as the Auditor unless the Archbishop appoints another to do so. Because a canonical Preliminary Investigation has been decreed, the continuation, or

initiation, of the removal of the cleric from a ministerial site shall be done according to the norm of Canon 1722.

- c) The further investigation recommended by the Review Board and the instruction of the Preliminary Investigation shall be done concurrently.
- d) Under the supervision of the Archbishop or his delegate and in cooperation with the Review Board, the auditor may retain whatever professional assistance is necessary and appropriate to conduct a thorough investigation of an allegation.
- e) The Auditor conducting the Preliminary Investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process and the Review Board to complete their duties. These reports should include descriptions of actions taken by the Director, such additional inquiry as may be required, and identification of information that was not available to the Director and why that information was not available.

#### **§1104.10. Review for Cause**

**1104.10. Policy** A Review for Cause shall ordinarily be initiated and scheduled, subsequent to the Initial Review, no later than 60 days after the Initial Review. The Review Board may delay scheduling the Review for Cause for a good reason, such as to await the completion of action by civil authorities.

##### **§1104.10.1. Questions for Review**

**1104.10.1. Policy** At the Review for Cause the Review Board shall determine whether there is reasonable cause to believe that the accused has engaged in sexual abuse of a minor.

### **§1104.10.2. Recommendations**

**1104.10.2. Policy** The Review Board shall make appropriate recommendations to the Archbishop about the following:

- (1) if it has found that there is reasonable cause to believe that the accused has engaged in sexual abuse of a minor, thereby removing the cleric from ministry, whether supervision and other restrictions should be put in place pending the canonical conclusion of the matter;
- (2) if it has been found that there is not reasonable cause to believe that the accused has engaged in sexual abuse of a minor,
  - i) whether the file should be closed at this stage of the proceedings;
  - ii) whether the file should be held open for some reason;
  - iii) if the cleric's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action appears warranted and suggestions as to possible action; and
  - iv) such other matters as the Review Board deems appropriate.

### **§1104.11. Withdrawal from Ministry**

**1104.11. Policy** When, in accordance with Canon Law, there is reasonable cause to believe that the accused has engaged in sexual abuse of a minor, the Congregation for the Doctrine of the Faith shall be notified. If it has not already been done, the Archbishop shall apply the precautionary measures provided for in Canon 1722, i.e., remove the accused from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public celebration of the most Holy Eucharist pending the outcome of the process. (Cf. *USCCB Essential Norms* #6)

#### ***Procedure***

Before initiating a judicial or administrative process to impose or declare penalties, the Archbishop should seek the cleric's voluntary cooperation to avoid or repair scandal, restore justice and reform the offender through various means of pastoral solicitude. (see c. 1341)

### **§1104.12. Supplementary Review**

**1104.12. Policy** The Review Board, solely at its discretion, may conduct such Supplementary Reviews as it deems necessary to discharge its duties. A request for a Supplementary Review may be made to the Review Board by the Archbishop or his delegate, the Director or, a person making the allegation or the accused cleric.

## Questions for Supplementary Review

**1104.12.1. Policy** The Review Board shall consider new and previously unavailable information about a determination or recommendation made in connection with a prior review, exercise its responsibility as described in Sections 1104 and 1105.

### §1104.12.2. Requesting the Supplementary Review

**1104.12.2. Policy** Requests for Supplementary Review shall be made in writing to the Director, and shall include the new information that was not previously considered by the Review Board, as well as a statement of the applicant's position with respect to the matter and any supporting explanation.

#### ***Procedures:***

In determining whether or not the Supplementary Review is to be conducted, the Review Board shall assess among other things:

- 1) whether the information presented was not previously available to the Review Board;
- 2) whether the information is new and was not available to the individual requesting the Supplementary Review at the time the matter was considered by the Review Board;
- 3) whether the new information is material to the allegation; and
- 4) whether the request for the Supplementary Review was made in a timely manner.

**1104.12.3. Policy** If the Review Board determines that it shall conduct a Supplementary Review, it shall review all information, newly acquired as well as that considered at the earlier Review for Cause. The Supplementary Review shall be scheduled no later than sixty (60) days after such determination. In conducting the Supplementary Review, the same practices and protocols as a Review for Cause shall be observed. The applicant may request to meet with the Review Board during a Supplemental Review which the Review Board may grant at its discretion.

#### ***Procedure***

In determining that it will conduct a Supplementary Review, the Review Board may request further information and investigation.

#### **§1104.12.4. Determinations and Recommendations**

**1104.12.4. *Policy*** In conducting a Supplementary Review, the Review Board may make the same kinds of determinations and recommendations as in the prior Review for Cause, and make such other determinations and recommendations as it deems appropriate.

## §1105 CANONICAL RESOLUTION AND CONCLUSION

*Section 1105 recognizes that a cleric who has admitted or been found to have engaged in sexual abuse of a minor may never return to ministry. We repeat the words of His Holiness John Paul II in his Address to the Cardinals of the United States and Conference Officers: "There is no place in the priesthood or religious life for those who would harm the young."*

### §1105.1. Permanent Removal from Ministry

**1105.1. Policy** When even a single act of sexual abuse by a cleric is admitted or is established after an appropriate process in accord with Canon Law, the offending cleric shall be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (c. 1395, §2). The policy shall be to apply for the penalty of dismissal from the clerical state. If after considering the danger of scandal to the community, dismissal from the clerical state is not done for reasons of advanced age or infirmity, the offender is to lead a life of prayer and penance. While affording every opportunity to the offender for conversion of heart and forgiveness through sacramental reconciliation, and recognizing the abundant mercy of God's infinite graces, the Church also acknowledges that: the safety of the vulnerable requires that certain measures be taken, the integrity of the Church must be preserved, the need to do penance for one's sins is part of forgiveness and that there are consequences for wrongful actions. Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as suffering from a sexual disorder that requires treatment. (cf. 2006 *USCCB Essential Norms*, §8, footnote 4).

In every case involving canonical penalties, the processes provided for in Canon Law must be observed, and the various provisions of Canon Law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; *Graviora Delicta*, Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it shall direct the Archbishop how to proceed (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis* tutela, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Archbishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Archdiocese shall supply canonical counsel to a cleric. The provisions of canon 1722 shall be implemented until all canonical processes have been concluded. Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (c. 1395, §2) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of Canon Law, the Archbishop shall exercise this power of governance to ensure that any cleric who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry. (2006 *USCCB Essential Norms*, #9, especially footnote 6)

## §1105.2. Laicization

**1105.2. Policy** After even a single act of sexual abuse by a cleric is admitted or is established to have taken place by a process completed in accord with canon law, every effort shall be made to encourage him to request laicization. Should he not do so, the Archdiocese shall pursue his involuntary laicization unless for reasons of advanced age or infirmity, he shall lead a life of prayer and penance.

## §1105.3. Life of Prayer and Penance

**1105.3.1. Policy** After a single act of sexual abuse by a cleric is admitted or is established by a process completed in accord with Canon Law, if for some reason dismissal from the clerical state has not been applied for, the cleric shall live a life of prayer and penance. He shall be subject to supervision for the remainder of his life as a cleric of the Archdiocese and his file shall remain open. Clerics under supervision are canonically assigned full time to a supervised monitoring program in an approved residence which requires a transparency of lifestyle and behavior, as well as accountability, to the Case Manager of the Prayer and Penance Program (Canon 274, §2). If the cleric refuses to accept and fulfill this assignment, he shall be removed permanently from the ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (2006 USCCB Norms, #8).

### *Procedure*

Treatment of those who have engaged in the sexual abuse of minors is considered, in the light of the experience and research presently available, an ongoing and lifelong process.

**1105.3.2. Policy** The program of supervision for those who have admitted to or established by a process in accord with Canon Law that they have engaged in sexual abuse of minors shall be conducted by the Case Manager for the Prayer and Penance Program under the oversight of the Director of the Office for the Protection of Children and Youth. The protocols, procedures and practices of the program must reflect the primary goals of protecting minors and the integrity of the church. The protocols, procedures and practices must also emphasize accountability.

### *Procedure*

The primary purposes of supervising those who have engaged in sexual abuse of minors are the safety of children and the integrity of the Church. The programs need to be flexible to recognize individual circumstances and the fact that knowledge and insight continue to develop. They should be evaluated periodically for this reason. This program should also recognize, in an appropriate way, redemption and forgiveness and seek to provide hope for those dealing with the dysfunction that causes sexual abuse. It must be consistent and fair, and the application in a given case not be arbitrary, but recognize individual circumstances.

**1105.3.3. Policy** The protocols, procedures and practices of the supervision program shall be applied on a case-by-case basis but must include certain essential components. Implementation of each case shall be documented and retained in the appropriate file.

***Procedures***

The essential components of supervision shall include, but not necessarily be limited to:

- 1) report to the Archbishop and the Review Board on a regular basis for each cleric under supervision;
- 2) a written protocol signed by the cleric which sets forth the particulars applicable to him;
- 3) restriction from being alone with anyone under the age of 18;
- 4) withdrawal of all archdiocesan canonical faculties, as well as a penal precept admonishing him not to celebrate Mass or the sacraments publicly, not to wear clerical garb and not to present himself as a priest or deacon and, with respect to a deacon, to not engage in any diaconate ministry, liturgically or otherwise;
- 5) periodic psychological and physical evaluations;
- 6) regular individual spiritual direction, as well as a commitment to prayer for victims of sexual abuse;
- 7) full communication with program Directors and others as appropriate in the cleric's residence in order that they are apprised and able to assist in the program; and
- 8) an annual meeting of the cleric, the Director, the Case Manager of the Prayer and Penance Program, and the Vicar for Priests to review the protocols of the particular supervision program.

**1105.3.4. Policy** Failure to cooperate with a protocol, procedure or practice of the supervision program shall result in an appropriate consequence, which may be canonical, financial or otherwise.

## §1106 CLERGY RECORDS

*Section §700 Archdiocese of Chicago Unified Priest Personnel Record Keeping Policies requires the Archdiocese to maintain a unified priest personnel record keeping system to enable accountability for the assignments and full ministerial record of a priest. The policies similarly apply to the Permanent Deacons of the Archdiocese of Chicago. Under the unified system, the record of a cleric shall commence upon his entry into training and is maintained throughout his career. In the event of an allegation of sexual abuse of a minor, all files, information and records pertaining to the accused cleric are subject to review.*

### §1106.1. Status of Files, Information and Records

**1106.1. Policy** As stated in the general policies, all files and records of the Archdiocese of Chicago of any cleric are canonically external forum. In addition, the files, records and information shall be considered confidential and restricted; disclosure shall be made only in accord with Archdiocesan policies and Canon Law (e.g., Canon 489, §1). All such disclosures shall be made in a manner consistent with the privileges or other legal restrictions. All other requests for files, records and information about a cleric shall be considered by the Chancellor, in consultation with those affected by such a disclosure. In the event of an allegation of sexual abuse of a minor all files and records of a cleric shall be disclosed by the Chancellor to the Archbishop and:

- (1) to the Director, upon request, as contemplated in Sections 1104 and 1105 of these policies and procedures;
- (2) upon request of the cleric, to him as well as to his civil attorney and his Advocate; and
- (3) upon receipt of an allegation of sexual abuse of a minor by the cleric, to civil legal authorities upon appropriate request and subject to appropriate confidentiality.

#### ***Procedures:***

- a) All requests for records must be made in writing to the Chancellor. It is the responsibility of the Chancellor to have the material reviewed for compliance with legal practice and to structure the sharing of the material.
- b) Whether through file transfer, duplication or any other means, the sharing or dissemination of any file material must be noted in the file in writing.
- c) In the event that the file material is shared or disseminated, the cleric shall be so advised.

- d) Should the cleric be accused of sexual abuse of a minor, in order to provide for his defense, all applicable material not prohibited by law may be duplicated and retained by the cleric, as well as by both his civil attorney and advocate. Before duplication, the requesting party shall be required to sign a prepared agreement which sets forth the confidentiality associated with the material and the terms of the use, including the return or destruction of the duplicates.
- e) The Chancellor shall determine the extent of the duplication of the material that is done and the assignment of the costs of the duplication.

## **§1107 VULNERABLE ADULTS**

**1107.1. Policy** The policies and procedures provided for in this Section 1100 shall also apply to allegations of sexual abuse of vulnerable adults by clerics as contemplated by the Charter, where applicable.