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## POLICY IN RESPONSE TO COMPLAINTS OF SEXUAL ABUSE

This document contains the policy of the Diocese of Camden concerning allegations of sexual abuse, including allegations involving minors as required by *Norm 2 of the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. (hereafter, *Norms*).

The only purpose of this *Policy* is to set forth a particular, but crucial, element of the salvific mission which Christ entrusted to the Church. In accordance with New Jersey law, it does not establish any legal right or entitlement in any person or entity and does not constitute an employee handbook or contract.

### 1. Definitions.

For the purposes of this *Policy* the following are defined:

“Diocesan Response Officer” means that person designated by the Diocese to: 1) receive the complaint, 2) notify the designated liaison and ecclesiastical authorities, and 3) notify the Assistance Coordinator who provides for the immediate pastoral care of persons who claim to have been sexually abused. These three functions can be undertaken by such individuals as the Bishop shall designate.

“Employee” means someone who is employed by the Diocese or a subdivision thereof.

“Liaison” means the person who has been designated in accordance with the *Memorandum of Understanding* to serve as the primary contact between the diocese/eparchy and prosecuting authorities. (*Memorandum of Understanding*, Article 4.).

“*The Memorandum of Understanding among Certain Organizations and the County Prosecutors Regarding the Reporting of Certain Offenses*” (*Memorandum of Understanding*) was signed by the Diocesan Bishops/Eparch and the Attorney General and respective County Prosecutors in December 2002 and broadly requires the diocese/eparchy to report allegations of sexual abuse to the appropriate county prosecutor.

“Other Church Personnel” means an employee, independent contractor, volunteer or other individual who is engaged in any type of ministry, work, employment or service of any type, kind, nature or description for, by, on

behalf of, or in conjunction with the Diocese and/or any entity associated or affiliated with the Diocese.

“Priests” and “Deacons” means men ordained as Catholic priests and deacons.

“Sexual Abuse” means any of the following offenses under New Jersey law, or an attempt or conspiracy to commit any of the following offenses:

- Sexual assault and aggravated sexual assault, as defined in N.J.S.A. 2C:14-2;
- Criminal sexual contact and aggravated criminal sexual contact, as defined in N.J.S.A. 2C:14-3;
- Child abuse, as defined in N.J.S.A. 9:6-1, 9:6-3 and 9:6-8.21. The term child abuse includes any act constituting the offense of endangering the welfare of a child, as defined in N.J.S.A. 2C:24-4, including, but not limited to, sexual conduct which would impair or debauch the morals of the child, the offense of photographing or filming a child engaged in a prohibited sexual act as defined in N.J.S.A. 2C:24-4b(3), the offense of distribution of child pornography as defined in N.J.S.A. 2C:24-4b4(a), the offense of knowing possession or viewing of child pornography as defined in N.J.S.A. 2C:24-4b4(b), the offense of luring or enticing a child as defined in N.J.S.A. 2C:13-6, and the offense of lewdness as defined in N.J.S.A. 2C:14-4b where the offense involves a victim who at the time of the offense was less than 18 years of age. (See *Memorandum of Understanding*).

“Sexual abuse” is described within the Church as “sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification.” (*Norms, Preamble.*) 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. (*Norms, Preamble.*)

“Assistance Coordinator” means the person who has been designated to coordinate assistance for the immediate care of persons who claim to have been sexually abused.

- 2. Whether the victim is an adult or a minor, all complaints of sexual abuse by priests, deacons and other church personnel will be forwarded to the Diocesan Response Officer.**
  - a. Every allegation of sexual abuse will be presumed deserving of investigation when the Diocesan Response Officer receives it.
  - b. To aid in assessing the allegation, the Diocesan Response Officer will maintain a written record of each allegation.

3. **The Diocesan Response Officer’s name and contact information will be readily accessible to the general public.**
4. **The Diocesan Response Officer will forward all complaints to the designated liaison, who will forward the complaints to the County Prosecutor in accordance with the *Memorandum of Understanding*.**
  - a. “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.” (*Norm 11*).
5. **The Diocesan Response Officer will forward all complaints to the Assistance Coordinator who will ensure that appropriate assistance is offered for the immediate care of persons who claim to have been sexually abused.**
  - a. “Dioceses/eparchies will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being.” (*Charter, Article 1*) This outreach will include an offer of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy. (*Charter, Article 1*).
  - b. At the appropriate time, “through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative will offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the ‘profound sense of solidarity and concern’ expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the bishop or his delegate will also be directed to faith communities in which the sexual abuse occurred.” (*Charter, Article 1*).
6. **The Diocesan Response Officer will forward all complaints to the Bishop and the Diocesan Review Board.**
  - a. 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 the Review Board may include:
    1. advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;

2. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors;
    3. offering advice on all aspects of these cases, whether retrospectively or prospectively; and
    4. at the discretion of the bishop/eparch, advising him in his assessment of allegations of sexual abuse of adults.
  - b. The Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church.
  - c. The majority of the Review Board members will be lay persons who are not in the employ of the diocese/eparchy.
  - d. At least one member will be a pastor.
  - e. At least one member will have particular expertise in the treatment of sex abuse of minors.
  - f. The Bishop, the Bishop's delegate, and other persons designated by the Bishop, 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. 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 (*Norm 5*). Since the Promoter of Justice is responsible for the prosecution of any penal trial before a canonical tribunal, he may attend the Review Board meetings with a voice in the discussions, but with no vote in the Review Board's determinations and recommendations.
  - g. Appointments will be for terms of five years, which can be renewed, and anyone who is appointed will continue as a member of the Review Board until a successor is appointed. The Bishop may appoint alternates, on an *ad hoc* basis, in conformance with the abovementioned criteria, to take the place of members who are unable to attend a particular meeting of the Review Board.
- 7. The Diocesan Review Board will assess the allegations and offer its advice to the Bishop.**
- a. Unless the prosecuting authority requests otherwise, the Review Board will meet in a timely manner to assess the allegations.

- b. In making its assessment, the Review Board may consider any information and evidence collected during any review of the allegation.
  - c. The accused is not required to meet with the Review Board and any refusal to meet will not be interpreted as an admission of guilt.
  - d. For the sake of due process, from the moment he is officially informed of the allegation against him, the accused is to be encouraged to retain the assistance of civil and canonical counsel. (*Norm 6* and *Norm 8a.*) The accused also has the right, if he so chooses, to appoint for himself in writing a procurator who may be the same person as his counsel or another person. (CIC, canons 1481, 1482 and CCEO, canons 1139, 1140).
  - e. In assisting the Bishop in his assessment of an allegation, the Review Board will offer advice as to whether there is “sufficient evidence” to warrant a process to impose a penalty with respect to the accused. (CIC canon 1718 and CCEO c. 1469). It is not the role of the Review Board to make a determination that an allegation is substantiated. Any final decision regarding the guilt and responsibility of the accused cleric and whether or not a penalty can be imposed falls to the Bishop, or to an ecclesiastical tribunal that ultimately must determine whether or not the guilt of the accused has been demonstrated with *moral certitude*.
8. The Bishop will consider the Review Board’s advice, and if necessary, conduct his own investigation.
9. Before closing the preliminary investigation, (CIC. canon 1719 and CCEO, canon 1470), the Bishop is to hear the Promoter of Justice (CCEO, canon 1469.3), the accused, personally or through a delegate, if he has not yet had the opportunity to be heard (CCEO, canon 1469.3), and two or more judges or others expert in the law, if he prudently sees fit to do so. (CIC, canon 1718.3 and CCEO, canon 1469.3).
10. In the case of sexual abuse of a minor, when the Bishop finds that there is sufficient evidence to warrant a process to impose a penalty on the accused, he will notify the Congregation for the Doctrine of the Faith and apply precautionary measures. (*Norm 6*).
- a. The precautionary measures include: removal of the accused from the sacred ministry or from any ecclesiastical office or function, imposition or prohibition of residence in a given place or territory and prohibition against public participation in the Most Holy Eucharist pending the outcome of the process. (*Norm 6*). Additionally, the Bishop may remove any previously delegated faculties and restrict or remove those *de jure* faculties for which he is the competent authority, and he may instruct the cleric not to wear clerical attire, for the good of the Church and his

own good, pending the outcome of the process. (*Norms* 8b and 9).

- b. If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense the Bishop will apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. (*Norm* 8a).
  - c. Each of the aforementioned procedures will be taken in writing and by means of decrees so that the cleric affected is afforded the opportunity of recourse in accord with canon law. (CIC, canons 1734ff; CCEO, canons 999ff).
  - d. The alleged offender may be requested to seek, and may be urged to voluntarily comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused, so long as this does not interfere with the investigation by civil authorities. (*Norm* 7 and *Charter*, Article 5).
- 11. In the case of sexual abuse of a minor, the Congregation for the Doctrine of the Faith will either call the case to itself, or in the alternative, will direct the Bishop how to proceed.**
- a. The Congregation for the Doctrine of the Faith will determine whether there is sufficient evidence for the Bishop to proceed either with a trial or by decree to impose a penalty. (See Appendix for a general description of the procedures provided by canon law).
- 12. 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. (CIC, canon 1395 §2; and CCEO, canon 1453 §1) and (*Norm* 8).**
- a. “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.” (*Charter*, Article 5).
- 13. At all times, the Bishop 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. (*Norm* 9).**
- 14. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. “In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or**

deacon.” (Norm 10).

15. Complaints of sexual abuse of adults will be handled in accordance with canon law, civil law, and *The Memorandum of Understanding*. The Diocese may respond to such complaints in accord with Sections 1 through 7 of this Policy.
16. The Diocese is to be open and transparent in communicating about the sexual abuse of minors while always respecting the privacy and the reputation of those involved. (*Charter*, Article 7).
17. 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 the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused. (Norm 13).
18. There will be clear and well-publicized diocesan standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people. (*Charter*, Article 6).
19. The Diocese will establish “safe environment” programs, and will make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse. (*Charter*, Article 12).
20. “Dioceses/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination.” (National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513).”
21. It is forbidden to transfer for ministerial assignment any priest or deacon who has committed an act of sexual abuse against any person. Transfer of such a priest or deacon for residence, temporary or otherwise, is subject to conditions.
  - a. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred even temporarily for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and

religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This will apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (*Norm 12*).

22. **“Diocesan/Eparchial Bishops and major superiors of clerical institutes or their delegates will meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.” (*Charter, Article 15*).**
23. **This Policy will be subject to periodic re-evaluation by the Bishop.**
  - a. To assist the Bishop in preparing for the evaluation proposed in Norm 1, this Policy will be evaluated one year from its effective date.
  - b. The policies and procedures specified in this document can be revised at any time in whole or in part by the Bishop with such revisions being filed with the United States Conference of Catholic Bishops within three months of such modifications. (*Norm 2*).
24. **This policy will be published and made available to the general public.**

## APPENDIX

### GENERAL PROCEDURES PROVIDED BY CANON LAW

- a. In a trial the evidence collected in the preliminary investigation is presented in a complaint or indictment, called a *libellus*, to a group of at least three priest judges appointed for this particular trial. At this point, the accused has the right: to know, at least in a general way, the nature of the behavior alleged to be sexual abuse and the evidence or proofs offered in support of this allegation (CIC canon 1504, 2°; and CCEO, canon 1187 2°); to be represented by counsel; to be heard at the appropriate times, to offer evidence in his own behalf, and to act otherwise in accord with the procedural norms of the canons.
- b. The case is prosecuted by the Promoter of Justice and the accused is represented by an Advocate whom he appoints or whom the judges must appoint if the accused fails to do so. The victim, the accused, and other persons may be asked to give testimony to the judges, who may also seek other proofs that they deem necessary to reach a decision. The judges have to consider whether the evidence presented establishes, with moral certainty, the fact of the sexual abuse of a minor, whether the accused actually committed the abuse, and the extent to which the guilt of the accused is increased or mitigated by the circumstances. The judges are required to reach a decision whether and to what extent the accused is guilty and, if guilty, what penalty is to be applied. Both the Promoter of Justice and the accused have the right to appeal a decision about guilt and about penalty. The appeal is taken immediately and only to the Congregation for the Doctrine of the Faith. Even if there is no appeal the decision of the judges must be submitted to the Congregation for the Doctrine of the Faith for approval.
- c. The Congregation may direct the bishop to proceed administratively, that is, by a decree, if the accused has admitted responsibility for the acts of which he was accused, and if dismissal from the clerical state is not being sought as a penalty for those acts. The accused should be advised to obtain canonical counsel if he has not already done so. The bishop in this process is to inform the accused of the accusation and proofs if this has not been done and to provide the accused with the opportunity for self-defense (CIC, canon 1720, and CCEO, canon 1486). The Promoter of Justice and an ecclesiastical notary who is a priest are to be present when the bishop/eparch or his delegate meets with the accused (CCEO, canon 1486). The bishop/eparch considers the matter with the assistance of two assessors (Canon 1720) and then issues a

decree, explaining the reasons in law and in fact, to impose the penalty. The accused then has recourse against the decree only to the Congregation for the Doctrine of the Faith. Recourse must be taken within ten available days of receipt of the decree (CCEO, canon 1486, CIC, canon 1734).