



REVISED GUIDELINES OF THE DIOCESE OF CAMDEN FOR DEALING WITH ALLEGATIONS OF SEXUAL ABUSE

CONTENTS

Section

- A. Scope
- B. Application of the Revised Guidelines
- C. Initial Administrative Actions/Investigation
- D. Personnel Files
- E. Communications
- F. Protection of, and Assistance to, the Victim
- G. Protection of the Accused
- H. Outreach to Affected Faith Communities
- I. Disposition of Accusations
- J. Confidentiality Agreements
- K. Prevention
- L. Actions at Variance with these Guidelines
- M. Review

PREAMBLE

The Catholic Church believes that all human suffering, as well as the weaknesses and imperfections of human beings, deserve a response rooted in love, compassion and concern. The Diocese of Camden recognizes that cases involving allegations of morally inappropriate conduct perpetrated by adults against minors require actions that are sensitive, loving and compassionate toward the minor, while being fair to the accused, and sensitive to the good of the community. These *Revised Guidelines* are adopted to better assist the Diocese in achieving these goals.

The Diocese encompasses the Roman Catholic Diocese of Camden, New Jersey in accord with canon 369 of the Code of Canon Law and it includes all parishes and their operations, and all other canonical juridic persons whose competent ecclesiastical superior is the Bishop of Camden or the Administrator of the Diocese of Camden, as well as all other civil corporations having the Bishop of Camden or the Administrator of the Diocese of Camden as their presiding

officer. “The Diocese” is to be interpreted herein as encompassing such parishes, juridic persons and civil corporations.

These *Revised Guidelines* are intended to assist the Diocese in implementing the provisions contained in the *Charter for the Protection of Children and Young People* and the corresponding *Essential Norms*. It must be recognized, however, that extraordinary circumstances may necessitate actions unforeseen in these *Revised Guidelines*. Their only purpose and function is to assist the Diocese of Camden and its people in protecting the children whom our Lord claims as His own. Therefore, they must always be interpreted and applied within the framework of that mission, and also within the context of the canon law of the Church. They are not intended to, and they do not, create rights or establish responsibilities.

A. SCOPE

1. These *Revised Guidelines* apply in the case of any allegation of abuse of a minor on the part of a priest or deacon of the Diocese of Camden, or a member of a religious community who is engaged in ministry within the Diocese, or any other person who is employed or engaged by, under contract with, or a volunteer in any of the entities encompassed by the Diocese. (For ease of reference, each such person will be referred to as “the accused”).

2. For the purposes of these *Revised Guidelines* an allegation of the abuse of a minor would involve the sexual abuse of minors, any criminal activity involving or posing a threat to minors, or any such action contrary to Church law or teachings as defined and applied by the Bishop of Camden.

B. APPLICATION OF THE REVISED GUIDELINES

1. The *Recommendations of the Committee to Review the Policies of the Diocese of Camden for the Protection of the Children*, which were made to Bishop Nicolas DiMarzio on October 3, 2002, and accepted by him for implementation on October 7, 2002, stated that “it is essential that a victim know how to report abuse and to whom such a report is to be made.” Since April of 2002 the Diocese has maintained a toll-free number (1-800-964-6588) where allegations of abuse can be made. These allegations are reported to the local county prosecutor and to the Diocese. Reporting is also facilitated by reference to the web site of the Diocese which lists the reporting numbers for the Division of Child Protection and Permanency, as well as the numbers for the local county prosecutors.*

2. Additionally, in accord with the *Memorandum of Understanding*

* *Editor’s Note:* The Division of Child Protection and Permanency was formerly the Division of Youth and Family Services.

between the Catholic dioceses of New Jersey and the county prosecutors, the Diocese has designated a liaison to whom reports of abuse can also be made and who, in turn, will convey such reports to the local prosecutor. As explained in the Diocese of Camden's *Commentary on the Memorandum of Understanding*, this will facilitate the dioceses of New Jersey working with local law enforcement agencies to protect minors from abusive or harmful situations and to facilitate the reporting to law enforcement authorities any sexual assault of minors or adults.

3. All of these efforts, some of which were implemented prior to the adoption of the *Charter for the Protection of Children and Young People*, meet the mandate of the *Charter* that procedures for making a complaint about the abuse of a child should be "readily available."

C. INITIAL ADMINISTRATIVE ACTIONS AND INVESTIGATION

1. Upon receipt of a complaint or allegation from any person or source claiming that someone who is a minor has been abused the Diocese shall:

- a. take all necessary steps to see to it that the matter has been referred to the toll-free number and the designated liaison in order to ensure that all appropriate law enforcement and child protective agencies have been informed of the complaint or allegation and that there has been compliance with all applicable reporting statutes;
- b. formally refer the matter, through the Coordinator/Vice Chancellor, to the Bishop, the Victim Assistance Coordinator, the Vicar for Clergy and diocesan counsel;
- c. unless particular circumstances make it clearly unnecessary, make immediate arrangements, when the accused is under the jurisdiction of the Diocese, to remove the accused from further contact with the person making the accusation, the alleged victim, and all minors;
- d. comply with the directive of the *Recommendations* that the matter be "immediately" referred to the Diocesan Review Board;
- e. if the accused is a religious, contact the individual's Provincial or other superior and seek compliance with these *Revised Guidelines* by the religious congregation, and
- f. implement, where appropriate, a parish outreach program so as to alleviate the impact of a situation where it is necessary to remove someone from ministry.

2. In accordance with the *Recommendations for the Protection of Children*, upon receipt of an allegation or complaint and its referral to the Diocesan Review Board the accused, if a priest or deacon, is to be removed from ministry for a period of three business days unless the Diocesan Review

Board determines that the accusation is patently incredible. If the accused is an employee, independent contractor or volunteer such individual is to be removed from such position for a period of three business days unless the Board determines that the accusation is patently incredible. The period of administrative leave is to continue for a period of fourteen days during which the Board members are to meet, and make their recommendation to the Bishop as to their assessment of the allegation. During any such period of administrative leave, the individual is to receive all regular remuneration and benefits. The application of this provision is to be governed by the terms and conditions of any collective bargaining agreement applicable to those who are not clerics or religious which is then in effect.

3. Those who deal with the accused upon behalf of the Diocese and/or the Diocesan Review Board shall make clear that they do not act as counselors or confessors and that communications to them are not to be considered privileged. In accordance with Section 6 of the *Essential Norms* the accused will be encouraged to retain the assistance of civil and canonical legal counsel; and in accordance with Section 8.A the Diocese, when necessary, will supply canonical counsel to the accused.

4. The purpose of the Diocesan Review Board is set forth in both the *Essential Norms* and the *Recommendations for the Protection of Children*. Section 4 of the *Norms* states that it is to serve as a “confidential consultative body” which is to advise the Bishop “in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry.” As the *Recommendations* note, it is to provide advice to the Bishop “as to the individual’s fitness for continued ministry.” The Review Board of the Diocese of Camden has been constituted - and it functions - in accordance with the requirements of the *Norms* and the conclusions of the *Recommendations*.

5. All contacts by members of the Diocesan Review Board, or anyone acting upon its behalf, with the victim and the accused shall be separate and apart from any pastoral outreach or spiritual counseling. If necessary, the Review Board shall advise the victim and the accused of its particular function.

6. In accordance with the requirements of applicable civil law, the Diocese will continue to report incidents where there is reasonable cause to believe that a minor has been subjected to abuse to the appropriate governmental authorities. Additionally, reports made to the Diocese through the toll-free number - even reports from those who are no longer minors - are referred to the appropriate county prosecutor as a matter of course. *The Memorandum of Understanding* with the county prosecutors, to which the Diocese is a signatory, further facilitates the reporting of any act of child abuse to local law-enforcement authorities. The Diocese will fully cooperate with all investigations of abuse consistent with the law.

7. The Bishop or his delegate shall make all information available to the Diocesan Review Board unless restricted by canon or civil law. In the event that such restrictions can be waived by the accused the Bishop shall request that the accused do so; if the accused refuses to so waive such restrictions the Bishop is to so advise the Review Board.

8. With attentiveness to the legal rights of all involved the Diocesan Review Board shall utilize all reasonable available means to obtain information regarding an allegation which is necessary to enable it to provide the requisite advice to the Bishop, provided that it shall not take any action which would impede a criminal investigation or prosecution. The Board shall, where appropriate and where possible, solicit the cooperation of governmental authorities and shall cooperate with such authorities in the provision of non-privileged information.

9. The Diocesan Review Board shall recognize that the failure of any party to cooperate with the investigation may be due to unavoidable circumstances or civil legal or canonical advice. By itself, failure to cooperate with the Board shall not give rise to any inference or presumptions.

10. Records of the Administrative Action and Investigation shall be maintained by the Diocese.

D. PERSONNEL FILES

Personnel files of Church employees are confidential to the maximum extent permitted by canon law and civil law. These files are private records and are not available to anyone, except an official of the Diocese, without the permission of the person who is the subject of such file and the permission of the diocesan bishop, or without an appropriate order of a civil court of competent jurisdiction, or when necessary in a canonical proceeding.

E. COMMUNICATIONS

1. In accordance with Article 7 of the Charter for the Protection of Children and Young People 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.

2. In this context, transparency and openness refers to the Diocese's willingness to share information - with parishioners, the community and/or to them through the media - unless there is a serious reason to maintain confidentiality. Matters in litigation, unsubstantiated allegations, and information which a victim has asked the Diocese to keep private would be examples of this.

3. For the purpose of sharing information with the media, the Diocese has designated a single spokesperson who can forthrightly and accurately convey all appropriate information.

4. In every case care will always be exercised to protect the victim, to be fair to the accused, to protect the confidentiality and privacy rights of all individuals who might be involved, and to insure the integrity of any investigation, whether ongoing or pending, by the civil authorities or by the Diocese.

F. PROTECTION OF, AND ASSISTANCE TO, THE VICTIM

1. When there is reasonable cause to believe the allegations, Christian compassion requires that primary attention be given to the person alleged to have been offended, especially if such person is a minor.

2. If the alleged victim is a minor, then a report must be made to the Division of Child Protection and Permanency as required by law. In order to facilitate the reporting of any type of abuse of a minor, reports can also be made to the Diocesan Liaison (cf. *Memorandum of Understanding* between the Diocese and county prosecutors) or to the county prosecutor directly. The telephone numbers of the local offices of the Division of Child Protection and Permanency and the county prosecutors can all be found on the web page of the Diocese of Camden. Of course, contact can also be made with the local police department through use of the 911 emergency telephone number and in any type of emergency, such as a kidnapping or other type of urgent situation, the 911 number is to be utilized.

3. Consistent with the *Essential Norms* and the *Recommendations for the Protection of Children* a Victim Assistance Coordinator has been appointed. Any report of abuse received by the Diocese or any of its affiliated entities should be immediately referred to the Victim Assistance Coordinator for immediate outreach to the victim and the provision of counseling services by a licensed professional where appropriate. The assistance to be provided, as noted in the *Charter for the Protection of Children and Young People*, can take various forms, “counseling, spiritual assistance, support groups and other social services.” Such outreach should not be initiated, as the *Recommendations* point out, when “doing so would interfere with a criminal investigation.”

4. The Diocese should bring the healing ministry of the Church to any person who has made an allegation of abuse and to his/her family. As the *Recommendations for the Protection of Children* note, “we cannot lose sight of the need for spiritual intervention and assistance which is so often a part of the healing process” and “where pastoral assistance is appropriate the Victim Assistance Coordinator is to be able to call upon the necessary resources of the Diocese of Camden to provide such assistance.” Such pastoral assistance can

often include a meeting with the leader of the Church in a particular locale; hence the *Charter* calls for the “bishop or his representative” to offer to meet with victims, and to “listen with patience and compassion to their experiences and concerns.” While, as the *Recommendations* state, “the Bishop’s pastoral responsibility is of the greatest importance” in this regard, “the arrangements for such meetings will necessarily differ from case to case and must protect the legal rights of all concerned.”

5. A Clinical Advisory Panel has been organized to undertake the work of the board suggested in the *Recommendations*. The Panel, which consists of experienced professionals, will conduct reviews as needed with the Victim Assistance Coordinator of whatever assistance is being provided to those who have been victimized in order to ensure that the level and quality of care being provided to the victim meets the victim’s needs.

6. The diocese will take appropriate action to protect the privacy rights of all individuals.

G. PROTECTION OF THE ACCUSED

1. Justice is due to anyone who has been accused or suspected of morally inappropriate conduct. While the presumption of innocence is to prevail, and the accused’s reputation is to be treated accordingly, the presumption of innocence does not preclude the diocese from taking prudent action before the investigation is concluded. In accord with canon law and civil law the provisions of Section C-2 of these *Revised Guidelines* shall be invoked and the Bishop shall take such other steps as are warranted consistent with canon law and civil law.

2. The diocese shall designate a priest who is not involved in the matter in any other capacity to be available to the accused for confidential pastoral or spiritual counseling. If the accused requests a particular priest as spiritual counselor, the diocese shall make every effort to accede to the request.

3. If the accusation proves to be unfounded every effort shall be made, in accordance with the provisions of the *Charter for the Protection of Children and Young People*, to restore the good name of the accused.

H. OUTREACH TO AFFECTED FAITH COMMUNITIES

The *Recommendations for the Protection of the Children* recognize the “effect that the removal of a cleric can have on a parish,” and note that the effect “is exacerbated when he is removed for any type of misconduct involving a minor.” In accord with the *Charter for the Protection of Children and Young People* and the *Recommendations* the Diocese has developed a

format for a parish outreach program to deal with any faith community confronted with a situation in which the removal of a cleric assigned to that community becomes necessary.

I. DISPOSITION

1. The disposition of an accusation against a cleric or a religious, insofar as continued ministry and status, shall be in accordance with applicable provisions of ecclesiastical law and if, in the judgment of the Bishop any canonical process is to be initiated, it will be implemented in accordance with the provisions of canon law.

2. The disposition of an accusation against an employee, volunteer or independent contractor who is not a cleric or a religious shall be in accord with civil law and any applicable collective bargaining agreement then in place.

J. CONFIDENTIALITY AGREEMENTS

Article 3 of the *Charter* provides that confidentiality agreements upon the resolution of a claim are not to be entered into “except for grave and substantial reasons” that have been “brought forth” by the victim. The *Recommendations for the Protection of Children* further provide that no such agreement ought to be entered into “unless specifically requested by the victim,” that any such agreement should state that it is being entered into at the request of the victim, and that any such agreement should also provide that it “can be unilaterally canceled by the victim upon the provision of notice to the Diocese of his or her intent to do so.”

K. PREVENTION

1. The policy of requiring criminal history background checks, is delineated in the *Policy of the Diocese of Camden Regarding Criminal History Background Checks for Employees and Volunteers who have Contact with Children or Young People*. Safe environment programs will be incorporated into the curriculum of Catholic schools and parish catechetical programs in the Diocese. Further, training and education programs on preventing, recognizing and reporting child sexual abuse will be provided on a regular basis for adults who have regular contact with children. The *Standards for Ministerial Behavior* (Section I) also set forth boundaries for those engaged in such work.

2. In further support of the Church’s teaching as to the respect owed to every person the Diocese has updated its *Policy on Sexual Harassment* “to make clear that unwelcome sexual overtures and conduct, either physical or verbal, and regardless of the gender of the person or persons involved, are viewed as a form of misconduct and will be dealt with accordingly.”

3. In order to heighten awareness of the Diocese's efforts in this regard the pertinent documents will be widely disseminated.

L. ACTIONS AT VARIANCE WITH THESE GUIDELINES

When individual circumstances prescribe a course of action that is in any way at variance with these *Revised Guidelines*, those circumstances supporting such action will be documented.

M. REVIEW

1. These *Revised Guidelines* should be reviewed by the members of the Diocesan Review Board on an ongoing basis.

2. This review shall include an assessment of the adequacy of these *Revised Guidelines* measuring progress and accountability in order to make recommendations for amended measures.