

# DIOCESE OF JOLIET

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## PASTORAL POLICY REGARDING SEXUAL ABUSE OF MINORS

July 1, 2008

### I. INTRODUCTION

On June 14, 2002, the United States Conference of Catholic Bishops approved the *Charter for the Protection of Children and Young People*. On December 8, 2002, the *Essential Norms for Dealing with Allegations of Sexual Abuse of Minors* were approved by Pope John Paul II. In June of 2005, the Charter and the Norms were revised in order to re-affirm the deep commitment of the Church to create a safe environment for children and youth.

The Diocese of Joliet first promulgated a policy regarding sexual abuse of minors on June 14, 1990. Revisions were made in September of 1993, in June of 1997, and in June of 2003. As with the previous edition, this policy includes provisions from the *Charter for the Protection of Children and Young People* and from the *Essential Norms for Dealing with Allegations of Sexual Abuse of Minors*.

This policy is designed to ensure appropriate responses to allegations of sexual abuse of minors and vulnerable adults by clergy, seminarians, religious, employees and volunteers. It addresses preventing sexual abuse through education and screening, reporting abuse, providing pastoral assistance to persons affected by abuse and the processing of allegations by the Review Committee.

A copy of this policy is to be given to all clergy and seminarians as well as to all employees and volunteers who will sign an acknowledgement of its receipt.

### II. DEFINITIONS

#### A. Sexual Abuse

Sexual abuse is any sexual conduct with a minor or a vulnerable adult which is either unlawful and/or contrary to the moral teaching of the Church, which is engaged in by an adult employee/volunteer of the Diocese or a parish. It also includes any sexual conduct engaged in by diocesan or parish personnel who have a therapeutic/counseling relationship with another adult.

#### B. Ministerial Relationship

A ministerial relationship is established between persons when care or services are given. Persons in a ministerial relationship with others include clergy, seminarians, diaconal candidates and religious, as well as employees and volunteers.

#### C. Employee

An employee is a person who is compensated for services to a diocesan agency, parish or school.

#### D. Volunteer

A volunteer is a person who functions without compensation in any role within a diocesan agency, parish or school.

#### E. Minor

A person who has not reached his or her 18<sup>th</sup> birthday is defined as a minor.

#### F. Vulnerable Adult

A person is termed a vulnerable adult who, because of intellectual deficits, physical disability, spiritual needs, and/or mental illness, is incapable of exercising prudential judgment or self-regulation in maintaining appropriate boundaries in relationships. It also includes a person experiencing acute or chronic stress of such severity that he/she is significantly unable to perform routine daily tasks of self care and/or manage occupational/vocational responsibilities.

### **III. EDUCATION**

The Virtus education program, *Protecting God's Children*, is the primary means of educating clergy, religious and laity regarding safe environment. It includes information about child sexual abuse, its identifying signs, controlling access to children, appropriate boundaries in relationships, reporting sexual abuse and the effects of abuse on victims.

Prior to beginning service, all clergy, seminarians, diaconal candidates and employees are required to present proof of attendance at a Virtus *Protecting God's Children* program. This requirement applies to all volunteers who are involved with minors on a regular, recurring basis and those who may have an opportunity to be alone with children during parish, school or religious education sponsored events. The program is also available to parents and guardians.

Children and youth are to receive instruction appropriate to their age level (*USCCB Charter 12*).

Prior to beginning service, all clergy, seminarians, religious and employees are to receive a copy of the *Standards of Behavior for Those Working with Minors*, and are to sign an acknowledgement of its receipt. The *Standards of Behavior* includes information about appropriate boundaries for those who have regular contact with children and young people (*USCCB Charter 6*). This requirement also applies to all volunteers who are involved with minors on a regular, recurring basis, and those who may have an opportunity to be alone with children during parish, school or religious education sponsored events.

Procedures for reporting abuse are to be readily available in printed form and are to be the subject of periodic public announcements (*USCCB Charter 2*).

The Presbyteral Council is responsible for providing programs of human formation for chastity and celibacy that will assist priests in living their vocation in faithful and integral ways. (*USCCB Charter 17*).

### **IV. SCREENING**

Prior to beginning service, all clergy, seminarians, diaconal candidates and employees are required to undergo a criminal background check. This requirement also applies to all volunteers involved with minors on a regular recurring basis and those who may have an opportunity to be alone with children during parish, school or religious education sponsored events. Backgrounds are evaluated using the resources of law enforcement or other agencies (*USCCB Charter 13*).

All seminarians, extern priests, diaconal candidates, and new diocesan and parish employees must be fingerprinted for the purpose of obtaining a criminal background check. Fingerprints are submitted to the Illinois State Police and the Federal Bureau of Investigation for clearance as a condition of employment.

Fingerprinting is administered by a vendor approved by the Diocese of Joliet. Prior to the individual being permitted to begin service, results are evaluated by the Diocese with its legal counsel when appropriate.

Name-based background checks are used only for volunteers or for renewals of employees who were screened through that type of background check.

Anyone with a substantiated allegation of sexual abuse may not minister, be hired or volunteer in a diocesan agency, parish or school.

#### **A. Employees**

Any prospective diocesan, parish or school employee must complete an application that includes:

1. Employment history, indicating positions held, dates of employment, name(s) of the immediate supervisor, phone number(s), and reason(s) for cessation of employment;
2. Any allegations of physical or sexual abuse made against him/her, which may/may not have involved civil or criminal complaints;
3. A signed authorization to release the applicant's employment history to the prospective employer.

#### **B. Volunteers**

All volunteers are to complete an informational questionnaire provided by the entity for which they are intending to volunteer.

### **C. Businesses Furnishing Personnel**

Any business supplying personnel for janitorial services, etc., is required to provide the diocese/parish/school with a copy of the criminal background checks of those persons who will be working at the facility. The business is also to provide a written guarantee that such personnel have never been arrested or convicted of any crime, that they are not aware of any complaint or allegation relating to sexual abuse or substance abuse, and that they are suitable to work in an environment where there may be contact with minors. Such information must be kept in a secure file along with the background checks of other employees and volunteers.

### **D. Members of Religious Orders**

When any religious is presented for assignment or residence in an institution or parish, the appropriate religious superior is to provide the Bishop with a written statement about the person's suitability for ministry including information regarding allegations of sexual abuse.

### **E. Priests/Deacons**

When a priest/deacon seeks an assignment in the Diocese, his diocesan bishop or religious superior is to provide the Diocesan Bishop with a written statement of suitability for ministry including information regarding allegations of sexual abuse.

No priest/deacon who has a substantiated allegation of sexual abuse or who has committed sexual abuse may be transferred for an assignment to another diocese.

### **F. Candidates for Priesthood and the Diaconate**

The Diocese uses adequate screening and evaluations in determining the fitness of candidates for admission to the seminary or to the diaconate. Additional evaluations are conducted during the years of formation. A comprehensive psychological profile of each seminarian/diaconal candidate must be obtained before anyone is admitted to the priesthood or diaconate.

## **V. REPORTING**

All persons, whether parishioners, employees or volunteers of the Diocese, who have reasonable cause to suspect an incident of sexual abuse by anyone including clergy, seminarians or employees have a serious moral obligation to report the incident or allegation to civil officials (*USCCB Charter 4*).

Under Illinois law, certain personnel (including school, child care and recreational program personnel) are considered mandated reporters and must report to the Department of Children and Family Services (DCFS) any situation in which they have reasonable cause to suspect physical or sexual abuse of a minor. Clergy are mandated reporters as to child sexual abuse. Reporting abuse of a vulnerable adult is made to the appropriate state agency.

Reports of abuse should also be made to the Victim Assistance Coordinator. Complaints against members of religious orders are to be reported to the Victim Assistance Coordinator as well as to the respective superior.

Procedures for making a complaint are available on the diocesan website, at parishes or diocesan offices, and are the subject of periodic public announcements.

When a person reports an allegation of sexual abuse, the person will be received with the utmost respect and pastoral sensitivity. Victims are advised of and supported in their right to report abuse to civil authorities (*USCCB Charter 4*).

## **VI. VICTIM ASSISTANCE COORDINATOR**

The Victim Assistance Coordinator, appointed by the Bishop, coordinates pastoral assistance for persons who claim to have been sexually abused as minors or as vulnerable adults by clergy, seminarians, employees or volunteers (*USCCB Charter 2, Norms 3*).

The Victim Assistance Coordinator is to:

- Receive allegations of sexual misconduct.
- Listen with compassion to the experiences and concerns of victims.
- Advise victims of their right to report to civil authorities and inform them they will be supported in the exercise of that right.
- Report allegations of sexual abuse to civil authorities.
- Inform the Bishop and the Review Committee of allegations.

- Report any anonymous allegations or allegations that do not contain sufficient information to permit reasonable inquiry by the Review Committee.
- Coordinate arrangements for the victim to appear before the Review Committee.
- Provide the victim with appropriate and timely information about the Review Committee's determinations and recommendations and the right to request a Supplementary Review.
- Maintain case files including correspondence, assessments, interviews, referrals and conclusions.

## **VII. PASTORAL ASSISTANCE**

### **A. Assistance to Victims**

The Diocese of Joliet is to assist the healing process of the abused. For this reason, it seeks to treat all allegations of sexual abuse with a prompt, direct, thorough and confidential pastoral response. The Victim Assistance Coordinator will provide for the immediate pastoral care of victims. Appropriate assistance is offered to victims in accord with recommendations of the Review Committee. This may include counseling, spiritual direction, support groups or other social services (*USCCB Charter 1*).

### **B. Assistance to the Accused**

Appropriate steps are to be taken to protect the reputation of the accused during an investigation of sexual abuse. The accused will be encouraged to retain the assistance of civil and/or canonical counsel. When the preliminary investigation of a complaint so indicates, a priest/deacon may be referred for appropriate medical and psychological evaluation, as long as this does not interfere with the investigation by civil authorities.

### **C. Assistance to Communities**

In faith communities in which the sexual abuse occurred or where a priest/deacon has been removed, a meeting is held between a representative of the Pastoral Response Team and representatives of the affected community. If requested, the Pastoral Response Team offers pastoral assistance (spiritual and psychological) to the affected faith community.

Pastoral Response Team membership includes the Bishop or his representative, and may include the following individuals or their delegates: Superintendent of Schools, Director of Religious Education, pastor/head of institution, religious superior, as well as experts in trauma response/intervention services.

## **VIII. REVIEW COMMITTEE**

The Diocesan Review Committee has the primary responsibility to evaluate allegations and to advise the Bishop concerning the assessment of allegations of sexual abuse by clergy, religious, employees or volunteers. (*USCCB Charter 2, USCCB Norms 4, 5.*)

### **A. Membership**

The Review Committee, whose members are appointed by the Bishop, is composed of not less than nine or more than eleven members of outstanding integrity and good judgment. The majority of members are laypersons, none of whom are diocesan employees.

Members are to have expertise in one of the following areas: social work, civil law, treatment of sexual abuse of minors, clinical treatment of sexual disorders. One member should be the parent of a minor and one member should be a pastor. When possible, one member is a victim/survivor of child sexual abuse or a parent of the same.

Annually members select a chairperson and a vice-chairperson from among themselves.

Consultants to the Committee may include a representative of the Bishop, a canon lawyer, the Chancellor, the diocesan attorney and the Victim Assistance Coordinator.

### **B. Terms**

Members are appointed for a term of five years, which may be renewed (*USCCB Norms 5*). The Bishop has the right to terminate the appointment of a member at any time.

### **C. Meetings**

The Review Committee meets at least six times per year unless there is no business to be conducted. It will ordinarily meet in person, but members may participate by conference call. The Committee may use any means at its disposal to reach a solution including a meeting with the alleged perpetrator or victim.

#### **D. Duties**

- Report allegations of sexual abuse to civil authorities and cooperate with them.
- Conduct any inquiries in a professional manner and in accord with Canon Law. This may include the use of professional investigators with expertise in analyzing allegations of abuse.
- Analyze and assess whether allegations of sexual misconduct of minors and vulnerable adults made against employees, volunteers, clergy and religious can be substantiated.
- Make recommendations to the Bishop regarding action to be taken with the accused.
- Maintain records regarding the allegations and subsequent recommendations.
- Conduct a formal review of the diocesan policy for dealing with sexual abuse every two years. Make recommendations to the Bishop for any changes.
- Provide new members with an orientation to the Committee including a copy of the *Pastoral Policy Regarding Sexual Abuse of Minors*, a copy of the *Charter for the Protection of Children and Young People* as well as other appropriate materials.

#### **E. Findings and Recommendations**

At the time of the findings, a majority of the then current membership of the Review Committee needs to concur in its findings and recommendations.

#### **F. Communication**

The Review Committee will report the status of its proceedings only to the Bishop through its chair or secretary. Thereafter, the Bishop will insure that the victim is informed through the Victim Assistance Coordinator and the accused will be informed by the person's superior or supervisor.

### **IX. REVIEW PROCESS**

The accused will be informed of the allegation by the Bishop or his delegate, by his/her religious superior or supervisor. The person will receive a copy of the allegations and be asked for a response.

Prior to or at any time during the review process, the Bishop has the discretion to remove the accused at anytime from ministry/employment. The Bishop may also elect to put a safety plan into place for the accused. The accused is to be informed that there is to be no contact with the alleged victim or the alleged victim's family.

In the case of a priest/deacon, the Bishop may refer the accused for appropriate medical and psychological evaluation if such does not interfere with any investigation being conducted by civil authorities (*USCCB Charter 5*).

In the review process, the safety and well being of all, respect for the rights of persons making allegations and the rights of the accused are of primary concern. The review must proceed in harmony with canon law (*USCCB Norms 6*).

The accused and the accuser will be kept informed of the status of the review process.

#### **A. Preliminary Review**

The Review Committee will begin a Preliminary Review as soon as possible upon being notified of an allegation. It will conclude that review promptly, unless delayed for a good reason, such as a concurrent investigation by law enforcement authorities. All deliberations of the Committee are confidential.

A Preliminary Review consists in 1) reviewing the allegation and all information available; 2) determining if additional information ought to be obtained; 3) evaluating the safety of children or vulnerable adults; 4) determining whether there is need for the temporary removal of the accused from ministry or from employment; 5) ensuring compliance with mandated reporting laws and notification of law enforcement authorities.

#### **B. Comprehensive Review**

Unless delayed for good reason, a Comprehensive Review is begun upon conclusion of the Preliminary Review. For this review, the Review Committee gathers any and all possible information required to determine whether or not the allegation of sexual abuse can be substantiated.

The accuser is offered an opportunity to appear in person before the Review Committee to present his/her allegation. Arrangements are made by the Victim Assistance Coordinator. The accused is also offered an opportunity to appear in person before the Review Committee to respond to the accusation. Arrangements are made through the Chancellor of the Diocese.

While each person may be accompanied by someone who would supply emotional support, that person is not permitted to address the Review Committee. Civil attorneys are never permitted to appear before the Committee on behalf of the accused or the accuser. In addition to, or in lieu of anyone appearing in person, the Committee may consider information in writing or recorded form.

When the Review Committee has concluded its investigation and before it makes a finding, it releases all relevant records to the accused who signs a document to use the information only for investigative purposes or for a canonical or civil proceeding. The accused may submit a written response to the Review Committee relating to any of the materials furnished.

In order to substantiate an allegation, there must be a preponderance of evidence. The criteria for substantiating an allegation is, considering all the evidence presented, whether the allegation is more probably true than not true.

The Committee makes a recommendation to the Bishop, based on its findings, that is consistent with the *Charter for the Protection of Children and Young People* regarding suitability for ministry/employment.

### **C. Supplementary Review**

After the Review Committee has made a final determination and recommendation to the Bishop, the accused and the person who made an allegation will be informed that they may petition the Review Committee in writing for reconsideration. The petition would include a statement of the question or point for review, and any supporting explanation or information. The Committee may accept or decline the petition.

The Bishop or the Review Committee may also initiate a Supplementary Review.

If the Committee proceeds with a Supplementary Review, it examines past information and considers any new evidence in order to determine whether prior recommendations or determinations should be modified and whether other actions or recommendations are warranted.

## **X. RESPONSE TO FINDINGS**

Once the Review Committee has concluded its process, it makes a recommendation to the Bishop regarding the person's suitability for ministry/employment/volunteering.

### **A. Substantiated Allegation**

When an allegation has been determined to be substantiated, the person is permanently removed from all employment. Priests/deacons are removed from public ministry and the matter is referred to the Congregation for the Doctrine of the Faith at the Vatican for a final determination of the disposition of the case (*USCCB Norms 8*).

### **B. Non-substantiated Allegation**

When the Review Committee concludes that an allegation of sexual abuse has not been substantiated, the Bishop may reinstate the person to his/her former position and responsibilities. However, the Bishop may decide that it would be in the best interests of everyone if the person were not reinstated to his/her former position but would receive another assignment. Other steps may be taken if the conduct of the accused was inappropriate but does not constitute sexual abuse.

The Diocese provides pastoral assistance, including psychological counseling, to a person whose allegation was not substantiated.

### **C. False Allegation**

The Diocese provides pastoral assistance, including psychological counseling, to a person falsely accused. Assistance also includes reimbursing reasonable attorney fees for a priest/deacon who has been falsely accused. All efforts are made to restore the good name of the accused (*USCCB Norms 13*).

## **XI. CONFIDENTIALITY AGREEMENT**

The Diocese does not enter into a confidentiality agreement except for grave and substantial reasons brought forward by the victim. Such reasons are noted in the text of the agreement (*USCCB Charter 3*).

## **XII. RECORDS AND REPORTS**

The Chancellor maintains written and electronic documentation regarding all information acquired by the Review Committee, its deliberations and decisions.

All of the above records are confidential. However, law enforcement officials receive whatever information is necessary for them to carry out their duties. The accused also receives information as set forth above in the Review Process.

Information and records generated by mental health practitioners, including those of alcohol and substance abuse treatment providers, are retained or released in accordance with the provisions of Illinois and Federal laws.

The Diocese communicates transparently and openly about issues of sexual abuse within the parameters of legally mandated confidentiality and privacy especially to the faith communities directly affected (*USCCB Charter 7*).

The Diocese publishes an annual public report on the progress made in implementing this policy and cooperates with audits conducted by the National Review Committee.

## **XIII. POLICY SUBMISSION**

A copy of this policy as well as any revisions to the policy is filed with the United States Conference of Catholic Bishops within three months of its effective date (*USCCB Norms 2*).