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INTRODUCTION

COMMITTMENT
All Church personnel commit themselves to treating every person with the dignity that comes from being created in the image of God.

PREAMBLE
The Diocese of Lincoln is committed to proclaiming Jesus Christ to others. That mission includes establishing and maintaining a respectful, safe environment for children and youth in all diocesan schools, parishes, agencies, institutions, and programs. Members of the Church have the privilege and responsibility to protect and care for any minor brought into the physical and spiritual care of the Church from the evil of abuse, in any of its forms. It is toward this end that the Diocese has established these policies – to assist administrators, leaders, and other personnel in cultivating a diocesan-wide culture of child safety, where every adult in the service of Christ and His Church is a guardian and protector of children.

PURPOSE
1. To establish and maintain a safe and secure environment for minors in Diocesan institutions and programs.
2. To assist individuals responsible for hiring at both the Diocesan and parish level in evaluating a person’s suitability to work with minors.
3. To establish a culture of awareness and vigilance with respect to child abuse prevention.
4. To provide uniform protocols for reporting and responding to child abuse allegations, in compliance with canon and civil law and guiding Church documents.
5. To provide appropriate provision for the pastoral care of those affected by child abuse.
6. To establish clear procedures for communicating effectively and transparently with affected parties and the public about safe environment issues and allegations of abuse.
DEFINITIONS

ABUSE – CHILD

Knowingly, intentionally, or negligently causing or permitting a minor child to be:

1) Placed in a situation that endangers his or her life or physical or mental health;
2) Cruelly confined or cruelly punished;
3) Deprived of necessary food, clothing, shelter, or care;
4) Left unattended in a motor vehicle if such minor child is six years of age or younger;
5) Sexually abused or placed in a position to be sexually abused;
6) Sexually exploited or placed in a position to be sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or
7) Placed in a situation to be a trafficking victim.

(Neb. Rev. Stats. §§28-710 & §28-707 [italicized])

The Charter for the Protection of Children and Young People notes that the offense of sexual abuse of a minor will be understood in accord with the provisions of Sacramentorum Sanctitatis Tutela (SST), article 6, which reads: {1} the more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: ~1 the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor. ~2 the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology; {2} A cleric who commits the delicts mentioned above in {1} is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the circular letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “making allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes. If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (Canonical Delicts involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p. 6).
Ultimately, it is the responsibility of the diocesan bishop, with the advice of the review board, to determine the gravity of the alleged act.

**BACKGROUND CHECK**

The collection of information through a consumer reporting agency or government entity, with an individual’s consent and authorization, used as a factor in determining the individual’s suitability for service or placement with a Diocesan Entity.

**CHARTER**


**CHILD PORNOGRAPHY**

Any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers. See *Neb. Rev. Stat.* § 28-813.01.

**DIOCESAN ENTITY**

The Catholic Diocese of Lincoln (“the Diocese”) or any parish, mission, school, agency, or other institution within the canonical authority of the Catholic Bishop of Lincoln.

**DIOCESAN ENTITY ADMINISTRATOR**

Employees or agents of the pertinent Diocesan Entity with administrative duties such as a pastor, chief administrative officer, principal, or director.

**ESSENTIAL NORMS**

*Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, or “the Essential Norms”. Requirements pertaining to allegations of sexual abuse of a minor by a cleric, which constitute particular law for all the dioceses and eparchies of the United States.

**FACTA DISPOSAL RULE**

A Federal Trade Commission rule enacted on June 1, 2005, which requires the proper disposal of information in consumer reports and records to protect against “unauthorized access to or use of the information.” Reasonable measures for disposing of consumer report information include:

- Burning, pulverizing, or shredding papers containing consumer report Information so that the information cannot be read or reconstructed;
• Destroying or erasing electronic files or media containing consumer report information so that the information cannot be read or reconstructed

**FCRA**
Fair Credit Reporting Act. Federal legislation enacted to promote the accuracy, fairness, and privacy of consumer information contained in the files of consumer reporting agencies. 15 U.S.C. §1681

**MINOR**
A person under nineteen (19) years of age. The terms “minor” and “child” are used interchangeably throughout this policy. For purposes of canonical matters, a person who has completed the eighteenth year of age has reached majority; below this age, a person is a minor. (Can. 97, § 1)

For the purposes of child sexual abuse and child sexual exploitation as provided in Neb. Rev. Stats. §28-707 and §28-710 (see sections 5-6 of “Abuse-Child” above), a “minor” or “child” shall also include “a person of any age who lacks the habitual use of reason”. (Cf. Charter, Note; and Essential Norms, Note 5)

**PERSONNEL**
Any cleric, member of a religious order, seminarian or person studying for the permanent diaconate, lay employee, contractor, agent, or volunteer working for or on behalf of a Diocesan Entity.

**SAFE ENVIRONMENT COORDINATOR**
The Diocesan employee who manages the implementation and utilization of safe environment norms and recommendations described in the USCCB Charter for the Protection of Children and Young People, the Essential Norms, the civil laws of the state of Nebraska, and the universal law of the Church.

**SAFE ENVIRONMENT TRAINING**
The child abuse prevention training program(s) currently in use by the Diocese, or a similar training program approved for that purpose by the Safe Environment Coordinator.

**SITE ADMINISTRATOR**
The individual(s) at each Diocesan Entity responsible for maintaining the Safe Environment record/register, submitting the annual report, and/or communicating with the Diocesan Safe Environment Coordinator on implementation of policies and programs.
Diocese of Lincoln Policy and Procedures for Background Checks and Safe Environment Training of Church Personnel

(Terms used herein shall have the meaning ascribed in the Definitions section (p. iv) of the Safe Environment Policies of the Diocese of Lincoln.)

SECTION 1:

BACKGROUND CHECK & SAFE ENVIRONMENT TRAINING REQUIREMENTS

GENERAL REQUIREMENTS

1.1 The Diocese directs all Personnel to conduct themselves in a professional manner with concern and respect for their fellow employees, volunteers, and children in the Diocese. Any abuse, harassment, or violation against others, especially minors, will be addressed according to federal, state, and local laws, as well as the policies of the Diocese and applicable Diocesan Entities.

1.2 A background check will be conducted on all prospective diocesan Personnel 19 years of age or older whose duties will include contact with minors. “Duties” may be written or unwritten and include functions involving contact with minors that is either unmonitored, sustained in duration, or regular in occurrence (i.e. more than occasional, brief, or passing contact).

1.3 All prospective Personnel subject to a background check under this policy must also complete a diocesan-approved “Safe Environment” training.

1.4 The background check and training are conditions of employment/service in the Diocese of Lincoln. Screening results will be received and training completion will be verified by the Diocesan Entity prior to initiation of employment/service. Refusal to authorize a background check or complete an approved safe environment training will be a basis for refusal to consider the individual for placement or retention with any Diocesan Entity.

1.5 Examples of individuals who fall under this requirement include, but are not limited to:

   a. All school employees;
   b. Volunteers on school grounds during regular school hours whose duties include contact with minors as provided in section 1.2 above;
   c. Classroom volunteers (including parents assisting with birthday celebrations or special events);
   d. Chaperones and parents accompanying their children on field trips and youth events;
e. Volunteers for school activities and extracurricular events involving minors whose duties include contact with minors as provided in section 1.3 above;

f. All parish employees and volunteers involved in youth ministry, youth groups or activities, youth catechism, religious education (CCD), CYO, altar server training, etc.;

g. All lectors, readers, acolytes, and extraordinary ministers of Holy Communion (new acolytes and lectors are required to be current with both requirements as a condition of installment);

h. Leaders of choirs or music groups that include minors.

i. All Personnel 19 years of age or older having contact with minors.

j. All clergy of the Diocese of Lincoln including those on assignment outside the diocese and retired priests who continue to assist in public ministry.

k. All members of religious orders of the Diocese of Lincoln, including those in formation.

l. All clergy incardinated in other dioceses and members of external religious orders assigned to or retiring in the Diocese of Lincoln, and engaging in public ministry.

1.6 The following groups, by way of example, would not typically be subject to this requirement unless engaged in activities under Sections 1.2:

a. Booster Club members

b. Knights of Columbus

c. Altar Society/PCCW

1.7 Individuals who will give presentations at schools must be supervised at all times and are not required to complete a background check.

1.8 Individuals who will interact or work with students on behalf of a sponsoring community organization, government entity, or business, shall provide verification of a background screening from their sponsoring organization (e.g. email from Human Resources or authorized representative) or complete a background check for the Diocese.

**FREQUENCY OF BACKGROUND CHECKS AND TRAINING**

1.9 A background check will be conducted on all Personnel included under this policy no less than every five years.

1.10 All Personnel must renew Safe Environment training on an annual basis.

1.11 Current employees transferring to a different position within the same Diocesan Entity are exempt from this requirement. Substitute teachers and persons seeking concurrent employment at two or more Diocesan Entities are required to complete a background check at the initial employment location and not at subsequent locations.
Diocesan Entities reserve the right to require a new background check or Safe Environment training of current or prospective Personnel at any time, as well as anyone entering a school or assisting with any school, parish, or agency event or activity.

**CONTRACTED COMPANIES**

When construction, repair, and maintenance projects will allow for contact between workers of contracted companies and minors that is either unmonitored, sustained in duration, or regular in occurrence (i.e., more than occasional, brief, or passing contact), it is recommended that Diocesan Entities utilize companies with bonded or background checked employees, and that contracted companies do not utilize registered sex offenders or individuals with histories of abuse against minors. Diocesan Entities may request a background check of any employee of a contracted company.

**YOUNG ADULTS AND MINORS WHO ARE EMPLOYEES OR VOLUNTEERS**

**Supervisory Roles:** While all Personnel 19 years of age or older having contact with minors as provided in Section 1.3 are required to complete a background check and Safe Environment training, it is required that supervisory roles for any event or activity involving minors be held by Personnel 21 year of age or older, unless the pertinent Diocesan Entity Administrator approves of the adult under 21 years of age serving in a supervisory role. Diocesan Entity Administrators must use discretion when authorizing Personnel who are young adults (19 or 20 years of age) to assist with supervision of minors. Employees or volunteers who are themselves minors may assist with activities but may not supervise or be alone with one or more children who are participants of a youth event or activity.

**Background Checks for Minors:** Diocesan Entities may require employees and/or volunteers who are minors to complete a screening through the Nebraska Adult & Child Abuse & Neglect (ACAN) Central Registry, or similar apparatus of the appropriate state. Parent/Guardian authorization is required. Information on screening individuals through the Central Registry is available at https://ecmp.nebraska.gov/DHHS-CR/.

Any employee or volunteer who served a Diocesan Entity as a minor must complete a standard diocesan background check upon reaching his or her 19th birthday, or one year after completing an ACAN check, whichever occurs later.

**Safe Environment Training for Minors:** Diocesan Entities may require employees and/or volunteers aged 16-17 to complete the Safe Environment training. Parent/Guardian authorization is required (form available on the diocesan website). Any employee or volunteer who is a minor and has not previously completed the Safe Environment training must do so upon attaining age 19.
DIOCESAN CLERGY AND MEMBERS OF DIOCESAN RELIGIOUS ORDERS

1.18 All clergy of the Diocese of Lincoln, including those on assignment outside the diocese and retired priests who continue to assist in public ministry must have a recent background check and Safe Environment training completion on file, including any adverse findings indicated on the most recent background check report.

1.19 All members of religious orders of the Diocese of Lincoln, including those in formation, must also have a current background check and Safe Environment training completion on record.

VISITING CLERGY AND VISITING MEMBERS OF RELIGIOUS ORDERS

1.20 Priests and deacons coming into the Diocese of Lincoln for limited, short-term sacramental ministry (e.g. baptism, wedding, funeral for friend or relative) or preaching ministry must provide a “letter of good standing” from their Local Ordinary or Religious Superior dated within 120 days of the event. Clergy unable to provide a letter due to insufficient notice – such as a funeral, must provide a celebret dated within one year of the current date (cf. canon 903). A copy of the letter/celebret is to be sent to the Chancery office to be kept on file.

1.21 Non-clergy religious coming into the Diocese for limited, short-term, public ministry (conducting retreats, etc.) must provide a “letter of good standing” from their Religious Superior dated within 120 days of the event.

1.22 Clergy and members of religious orders from foreign countries assigned to or engaging in public ministry in the Diocese shall be evaluated to the extent possible before arrival, and shall maintain compliance with diocesan Safe Environment requirements for the duration of their stay.

1.23 All clergy incardinated in other dioceses and members of external religious orders assigned to or retiring in the Diocese of Lincoln, and engaging in public ministry, must complete Safe Environment requirements for the Diocese of Lincoln. They must maintain compliance with these Safe Environment policies for the duration of their assignment or residence.

SEMINARIANS AND PERSONS STUDYING FOR THE PERMANENT DIACONATE

1.24 All seminary applicants for the Diocese of Lincoln will complete an approved background check, as well as a Nebraska Adult & Child Abuse & Neglect Registry (ACAN) screening, no more than 30 days prior to initial entry as a condition for admission, regardless of previous background checks on record. Applicants must demonstrate completion of an approved Safe Environment training prior to admission and shall remain compliant with Lincoln diocesan Safe Environment training requirements throughout their time in priestly formation. Diocese of Lincoln seminarians will complete an additional background check.
for the Diocese immediately prior to ordination to the Diaconate. The Vocations Office will verify completion of these requirements to the Safe Environment Coordinator.

1.25 Each applicant to St. Gregory the Great Seminary studying for other dioceses will submit, prior to admission, a letter of good standing from his Local Ordinary or Religious Superior, and documentation demonstrating completion of an approved Safe Environment training program (e.g. the training program of his diocese). Those who do not provide documentation of training completion will be required to complete the Diocese of Lincoln’s Safe Environment training within 30 days of initiating orientation/classes. Additionally, no more than 30 days prior to initial entry, each applicant will complete a Diocese of Lincoln background check as a condition for admission. St. Gregory the Great Seminary will verify completion of these requirements to the Office of Child and Youth Protection.

1.26 Men accepted to study for the permanent diaconate for the Diocese of Lincoln shall complete a background check immediately prior to initiation of studies, and again immediately prior to ordination, regardless of previous background checks on record.

SECTION 2:

BACKGROUND CHECK & SAFE ENVIRONMENT TRAINING PROCEDURES

CONDUCTING BACKGROUND CHECKS AND TRAINING

2.1 The Safe Environment Coordinator shall distribute to all Diocesan Entities and maintain on the diocesan website all instructions, guidance, and forms regarding current background check and training procedures.

2.2 The Diocese of Lincoln contracts with accredited consumer reporting agencies to provide background screenings for personnel. Select diocesan entities may be required to manage their own accounts with the vendors.

2.3 Each Diocesan Entity shall have one or more Site Administrators to maintain Safe Environment records, ensure program compliance, and to cooperate with the diocesan Safe Environment Coordinator regarding program issues.

a. All personnel required to complete a background check and safe environment training shall be given a copy of this background check and training policy upon request.

b. Background checks must be completed online by the applicant.

c. Each Diocesan Entity must maintain a record/registry of background check and Safe Environment training completions, including names of all applicable personnel 19 years
of age or older and most recent date of completion for each requirement. This record is to be submitted to the Office of Child and Youth Protection annually between July 1st and 15th, unless otherwise indicated. The submitted record should include only personnel who are “active” as of June 30th of the reporting year.

d. The Office of Child and Youth Protection will maintain a database of all background check and Safe Environment training completions for persons that complete a background check and Safe Environment training pursuant to these policies.

**ADVERSE FINDINGS**

2.4 Individuals with background evaluation findings deemed by either the Safe Environment Coordinator or the Diocesan Entity to pose a risk to the safety of Minors will not be permitted to work or volunteer for any Diocesan Entity.

2.5 If a background check indicates potential adverse findings (“flags”), the Safe Environment Coordinator will contact the Site Administrator to view the full report and verify the findings before the individual can initiate service, as provided in “Adverse Findings” (Sections 2.5-2.7) below.

a. In the event an adverse finding would necessitate a *restriction* on employment or volunteering (e.g. driving/transportation prohibition due to a recent DUI), where the restricted function is not an essential duty of the individual’s position, the pastor or Diocesan Entity Administrator will confirm the finding with the individual, and provide the opportunity to contest findings believed to be inaccurate or explain any restrictions necessitated by the finding.

b. In the event an adverse finding would necessitate an employment or volunteering *refusal* or other adverse action (e.g. demotion, reduced pay, lesser paying position, etc.), the Safe Environment Coordinator will send the applicant a “pre-adverse action” notice including a copy of the complete background check report, the document entitled “A Summary of Your Rights Under the Fair Credit Reporting Act”, and instructions to contest an erroneous finding directly with the screening vendor (required under the FCRA). The applicant’s verification of the finding or failure to contest it with the screening vendor may result in an “adverse action notice” (required under the FCRA), informing the applicant of the unfavorable determination regarding his or her employment application.

2.6 Applicants who have inaccurate adverse findings removed from their background check reports may be reconsidered for a position within the Diocese upon providing evidence of such removal. Please see Appendix F, A summary of Rights Under the Fair Credit Reporting Act.
CONFIDENTIALITY

2.7 Results of background checks, including adverse actions, are kept confidential and restricted to those who have a “need to know” which generally includes the Diocesan Entity Administrator and Safe Environment Coordinator.

SECTION 3:

CONSEQUENCES

3.1 Personnel found to have violated these safe environment policies will be subject to appropriate disciplinary action, up to and including termination, at the discretion of the Diocesan Entity.

3.2 Personnel will be given thirty (30) days to renew a background check or safe environment training once the previous background check and/or safe environment training expires. Refusal to undergo a background check or safe environment training disqualifies a person from serving as an employee or volunteer.

3.3 Personnel of a Diocesan Entity will be terminated or instructed they are no longer permitted to volunteer if they fail to timely update their background check or safe environment training or refuse to do so.

Diocese of Lincoln

Adult and Youth Interaction Protocols

(Terms used herein shall have the meaning ascribed in the Definitions section (p. iv) of the Safe Environment Policies of the Diocese of Lincoln.)

Introduction

The following protocols govern the interaction at Lincoln Diocese-sponsored events and locations between adults and minors\(^1\). All adults who, by their employment or volunteer activity, interact with young people on behalf of a Diocesan Entity, must read and by their acknowledgement, agree to the following protocols. Any adults who interact with children must do so in accord with the message of the Gospel.

\(^1\) A “minor” or is a person under 19 years of age. For the purposes of sexual abuse and sexual exploitation, this shall also include a person of any age who lacks the habitual use of reason. Within this policy any use of the name “child,” “children,” “youth,” “young people” is understood to refer to a minor.
SECTION 1:

GUIDING PRINCIPLES

PHYSICAL PRESENCE

1.1 Any adult interacting with a minor should consider the visibility of their interaction and take reasonable steps to ensure another adult is present, aware, and/or in close proximity.

PHYSICAL CONTACT

1.2 Any adult interacting with a minor should avoid unnecessary physical contact or gestures. Gratuitous physical interaction with minors by adults is to be entirely avoided.

COMMUNICATION

1.3 Any adult communicating with a minor should be aware of the means, content, and potential for misunderstanding of the communication. All communication should be fit for public consumption.

REPORTING

1.4 Any person who observes a violation of this policy has a responsibility to report it to the proper authorities.

SECTION 2:

PROTOCOLS

PHYSICAL PRESENCE PROTOCOLS

2.1 It is recommended that at least two adults be present when interacting with minors. Personnel shall NOT be alone with a minor in a room with closed doors and no viewing window, with the exception of the Sacrament of Penance or counseling as described in section 2.11 below.

2.2 It is recommended that any trips should have a ratio of at least one lay adult chaperone to 8 minors.

2.3 Personnel shall not ride alone in a vehicle with an unrelated minor, except in the case of an emergency (e.g. transporting for medical care) which should be communicated to a Diocesan Entity Administrator.
2.4 Adults shall never:
   a. make an overnight trip with a minor alone.
   b. sleep in the same area as minors without another lay adult present (clergy, seminarians
      or religious may never sleep in the same tents, cabins or other designated sleep areas
      with minors).
   c. be alone in the same room where minors are changing clothes, (unless it’s an employee
      supervising a locker room) donning swimming suits, or taking showers.

2.5 Bed checks and “lights out” duties must be conducted by lay adults.

2.6 Personnel supervising minors shall never consume alcohol in the minors’ presence while
participating in an event or trip of a Diocesan Entity.

2.7 Adults shall never:
   a. provide alcoholic beverages to those under the legal drinking age.
   b. use any drug that impairs judgment while supervising minors.
   c. provide non-prescription drugs to a minor without prior written parental/guardian
      permission and in accordance with doses and frequencies indicated in the medicine’s directions.
   d. provide prescription drugs to a minor. They may assist a minor in taking his or her
      own prescription medications in accordance with the prescribed doses and frequencies and with
      prior written parental/guardian permission.

2.8 Adults may swim with minors as long as other adults are present and swimwear is modest.

2.9 Every effort should be made to conduct one-to-one meetings with a minor in an area in full
view of other adults.

2.10 When meeting in an office or other room, the door must either have a viewing window or
be left open.

2.11 One-to-one meetings conducted by professionals with a valid reason for privacy (such as
counseling conducted by a properly credentialed mental health practitioner or certified school
counselor) must follow established child safety rules, guidelines, or best practices of the
pertinent profession.

2.12 Face-to-face Confession behind a closed door should be avoided and certainly should
involve no physical contact between the priest and penitent.

**PHYSICAL CONTACT PROTOCOLS**

2.13 Gratuitous physical interaction with minors by adults is to be entirely avoided. This
includes: corporal punishment, sexual touching or anything reasonably construed as sexual
touching; any kind of wrestling or “play” fighting; initiating hugs, putting one’s hand around the
Adult and Youth Interaction Protocols

waist of a minor; kisses or ‘pecks’, even that one may consider as innocent; holding hands to show affection.

2.14 Adults are not to have physical contact with minors during water games.

2.13 Any immodest or questionable gestures, looks or signals, even in fun, is always inappropriate and to be avoided.

SECTION 3:

COMMUNICATION

3.1 Adults must avoid abusive language: commenting on bodily appearance; off-color jokes; vulgar, suggestive, or impure words; comments with sexual innuendoes or “double meanings”; inappropriate expressions or terms of endearment which could be misunderstood, etc.

3.2 Comments or moral instructions regarding sexual matters to individual minors should be made only in response to a specific question, never introduced, and should be professionally worded and general in character.

3.3 In general, laypersons, rather than clergy, seminarians or religious should be directed to give corrections to individual minors regarding inappropriate or immodest dress.

3.4 Electronic and/or digital communications with minors may be conducted for educationally appropriate purposes and only if it is through a school/parish-sanctioned means of communication. Parents should be copied on such communications.

3.5 Communication through technology should be treated the same as communication in face-to-face interactions; language that might be misinterpreted should be avoided.

3.6 Nothing should be communicated between an adult and a minor that could not be said face-to-face with parents present.

3.7 All online communications should be treated with the same degree of attention as would be given to a media interview or legal testimony.

3.8 No web content or digital communication, outside of Diocesan approved parish/school websites, may contain personal information such as personal phone numbers, addresses, e-mail addresses or other specific information.

3.9 There is to be no unauthorized disclosure, use or dissemination of personal information regarding minors without express parental consent. Identifying of individuals (i.e. “tagging”) is not allowed.
3.10 Adults must never provide or show reading materials, pictures, or videos that are inappropriate, or even questionable, to minors.

3.11 Any behavior of an employee or volunteer who chooses to associate him or herself with the Diocese, parish, or school on any social network must reflect positively upon the Catholic faith, the Diocese, and the Diocesan Entity. Negative or unjust portrayals of Diocesan Entities or persons associated with Diocesan Entities, on any website (including social media networking sites), will be subject to disciplinary measures.
SECTION 4:

REPORTING

LEGAL OBLIGATIONS TO REPORT ALLEGED CHILD ABUSE OR NEGLECT

4.1 Nebraska Revised Statutes §28-710 through §28-727 are known as the Child Protection and Family Safety Act inform the following norms for reporting.

When any person “has reasonable cause to believe that a child has been subjected to child abuse or neglect, or has observed such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, he or she shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the [Department of Health and Human Services].” (Neb. Rev. Stat. §28-711)

4.2 The report must be made at the first opportunity, but no later than forty-eight hours after there is belief that the child has suffered abuse or neglect.

4.3 Nebraska Adult & Child Abuse & Neglect Hotline 1-800-652-1999
    Nebraska Spanish Helpline (Linea de Crisis en Nebraska) 1-877-215-0167

4.4 “Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol.” (Neb. Rev. Stat. §28-710)

4.5 “Any person participating in an investigation or making a report regarding child abuse or neglect required by section 28-711. . . shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.” (Neb. Rev. Stat. §28-716)

4.6 “Any person who willfully fails to make any report of child abuse or neglect required by section 28-711 shall be guilty of a Class III misdemeanor”. (Neb. Rev. Stat. §28-106 and §28-717)

4.7 Diocesan personnel found to make maliciously false statements either when making a report to civil authorities or notifying a Diocesan Entity Administrator, or in an investigation stemming from such a report, will be prosecuted in accord with Nebraska and canon law, as well as face disciplinary action up to and including termination of employment or voluntary service.
INTERNALLY COMMUNICATING REPORTS OF CHILD ABUSE OR NEGLECT

4.8 After making a report of child abuse or neglect to law enforcement or DHHS child abuse hotline, Personnel making a report to civil authorities in accord with Nebraska law or this diocesan policy based on information obtained due to his or her position with the Diocese, or that involves diocesan personnel, events, or property, must promptly notify the Diocesan Entity Administrator the report. The Diocesan Entity Administrator shall, in turn, notify the appropriate diocesan administrators:

a. For schools, the Diocesan Superintendent of Schools (402-473-0611) and Safe Environment Coordinator (402-314-2899), who will both notify the Vicar General;
b. For parishes and other diocesan agencies and offices, the Vicar General (402-488-0921) and Safe Environment Coordinator (402-314-2899).

4.9 Personnel making a report to civil authorities which involves a Diocesan Entity Administrator will directly notify an appropriate diocesan administrator as indicated in sections 4.8 a and b above.

4.10 Personnel making a report to civil authorities which involves a member of the clergy will directly notify the Safe Environment Coordinator (402-314-2899), who will verify that a report was made and notify the Bishop.

4.11 Personnel making a report or causing a report to be made to civil authorities in accord with Nebraska law or this diocesan policy, shall submit a written report within 24 hours as stipulated by the mandatory reporting law, Neb. Rev. Stat. §28-711 (see section 2.2 above). The written report shall be provided to the civil authorities first and then to the Diocesan Entity Administrator who was notified of the report. The Diocesan Entity receiving the written report shall maintain it indefinitely in a confidential file in a safe and secure location.

4.12 All parties will allow civil authorities to conduct their investigations and participate fully in such investigations.

4.13 Notifying parish, school, agency, or diocesan authorities of possible or alleged child abuse or neglect does not relieve Personnel of the legal obligation to report the matter to civil authorities or cause a report to be made, as required by Neb. Rev. Stat. §28-711 (see section 1.2 above).

4.14 If the accused is an employee, contractor, agent, or volunteer, he or she shall be temporarily suspended or put on leave (with or without pay at the discretion of the Diocesan Entity Administrator of the applicable Diocesan Entity) by means of a written and dated memorandum, pending a full investigation. The accused is advised to seek independent legal counsel immediately. The Diocesan Entity Administrator of the Diocesan Entity should consult its legal counsel and insurance carrier.
4.15 If the accused is a cleric of the Diocese, the canonical requirements for a preliminary investigation will be followed. A member of the clergy who admits to sexual abuse of a minor or whose guilt is established after an appropriate process in accord with canon law shall be subject to penalties and restrictions as provided in canon law, *The Essential Norms*, not excluding dismissal from the clerical state.

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**PASTORAL RESPONSE**

4.16 In all cases pastoral care will be extended to the alleged victim as well as to the accused, in order to foster healing. The actions taken are not an expression of any judgment regarding the matter and are intended to be of spiritual assistance to the parties. Extreme confidentiality must be observed to protect the rights of all involved, particularly the alleged victim and the accused.

4.17 The alleged victim will be offered pastoral outreach through the appointed Diocesan Victim Assistance Coordinator or another diocesan representative, as appropriate, which may include counseling, spiritual assistance, support groups, and other services agreed upon by the alleged victim and the diocese. The bishop or his representative will offer to meet with alleged victims and their families. Those who have knowledge of the allegation will respect the confidentiality, privacy, and protect the identities of the alleged victim and his or her family.

4.18 The accused is to be accorded the presumption of innocence during the investigation, and appropriate steps must be taken to protect his or her reputation.

4.19 The entire process will be conducted with confidentiality in a spirit of charity, justice, and compassion for the alleged victim as well as for the accused.

4.20 In the event an accusation is shown to be unfounded, appropriate steps will be taken to try to restore the good name of the person falsely accused.
Diocese of Lincoln Safe Environment
Communication Policy and Procedures

(Terms used herein shall have the meaning ascribed in the Definitions Section (p. iv) of the Safe Environment Policies of the Diocese of Lincoln.)

Introduction
The Diocese of Lincoln is committed to transparency in responding to and communicating with the public about allegations of abuse of minors1 by Church personnel, with due consideration for the privacy, reputations, and legal rights of the individuals involved.

SECTION 1:
POLICY AND PROCEDURES

1.1 These policies will be posted on the diocesan website and distributed as appropriate to diocesan personnel. Diocesan Entities will be encouraged to make these diocesan policies available on their websites, other media, and in their buildings, as well as distribute them through communications with Personnel, parents, and parishioners.

1.2 SEC and VAC contact information will be published on the diocesan website and periodically in the diocesan newspaper. Schools, churches, and diocesan agencies shall be encouraged to publicize this information through posted notices, bulletins, newsletters, websites, or by other appropriate means.

1.3 Procedures for reporting abuse committed by Church personnel will be displayed at all Diocesan institutions and made available on the diocesan website. Contact information will be printed in the diocesan newspaper, school publications, and/or parish bulletins at least monthly.

1.4 Diocesan Entity Administrators shall refer media inquiries or concerns from individuals or groups regarding an incident or issue to the diocesan Director of Communications.

1.5 When appropriate, the Diocese shall use the diocesan newspaper, electronic and social media, and the diocesan website as its first means of conveying important information to the people of the Diocese. These tools permit the Diocese to present a pastoral context and perspective on issues regarding the protection of youth.

1 A “minor” or “child” is a person under 19 years of age. For the purposes of sexual abuse and sexual exploitation, this shall also include a person of any age who lacks the habitual use of reason.
1.6 When appropriate, the diocesan Director of Communications or an appointed delegate shall provide timely and accurate information to Church communities, Diocesan Entity Administrators, the presbyterate, or the general public.
APPENDIX A:

EXCERPTS FROM NEBRASKA LAW REGARDING THE REPORTING OF ALLEGED ABUSE, NEGLECT, OR EXPLOITATION OF A VULNERABLE ADULT OR SENIOR ADULT

Nebraska Revised Statute §28-348.
Sections 28-348 to 28-387 shall be known and may be cited as the Adult Protective Services Act.

Nebraska Revised Statute §28-372 (excerpt).
Report of abuse, neglect, or exploitation.

(1) When any physician, psychologist, physician assistant, nurse, nurse aide, other medical, developmental disability, or mental health professional, law enforcement personnel, caregiver or employee of a caregiver, operator or employee of a sheltered workshop, owner, operator, or employee of any facility licensed by the department, or human services professional or paraprofessional not including a member of the clergy has reasonable cause to believe that a vulnerable adult has been subjected to abuse, neglect, or exploitation or observes such adult being subjected to conditions or circumstances which reasonably would result in abuse, neglect, or exploitation, he or she shall report the incident or cause a report to be made to the appropriate law enforcement agency or to the department. Any other person may report abuse, neglect, or exploitation if such person has reasonable cause to believe that a vulnerable adult has been subjected to abuse, neglect, or exploitation.

(2) Such report may be made by telephone, with the caller giving his or her name and address, and, if requested by the department, shall be followed by a written report within forty-eight hours. To the extent available the report shall contain: (a) The name, address, and age of the vulnerable adult; (b) the address of the caregiver or caregivers of the vulnerable adult; (c) the nature and extent of the alleged abuse, neglect, or exploitation or the conditions and circumstances which would reasonably be expected to result in such abuse, neglect, or exploitation; (d) any evidence of previous abuse, neglect, or exploitation, including the nature and extent of the abuse, neglect, or exploitation; and (e) any other information which in the opinion of the person making the report may be helpful in establishing the cause of the alleged abuse, neglect, or exploitation and the identity of the perpetrator or perpetrators.

Nebraska Revised Statute §28-386 (excerpt).
Knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult.

(1) A person commits knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult if he/she through a knowing and intentional act causes or permits a vulnerable adult or senior adult to be:
Excerpts from Nebraska Law Regarding the Reporting of
Alleged Abuse, Neglect, or Exploitation of a Vulnerable Adult and Senior Adult

Nebraska Revised Statute §28-371.
Vulnerable adult, defined.

Vulnerable adult means any person eighteen years of age or older who has a substantial mental or functional impairment or for whom a guardian or conservator has been appointed under the Nebraska Probate Code.

Nebraska Revised Statute §28-366.01.
Senior adult, defined.

Senior adult means any person sixty-five years of age or older.

Nebraska Revised Statute §28-375.
Immunity from liability; when.

Any person participating in an investigation or the making of a report pursuant to the Adult Protective Services Act or participating in a judicial proceeding resulting therefrom shall be immune from any liability except (1) as otherwise provided in the Adult Protective Services Act, (2) for malfeasance in office or willful or wanton neglect of duty, or (3) for false statements of fact made with malicious intent.

Nebraska Revised Statute §28-384.
Failure to make report; penalty.

Any person who willfully fails to make any report required by the Adult Protective Services Act shall be guilty of a Class III misdemeanor.
APPENDIX B:

EXCERPTS FROM NEBRASKA LAW REGARDING SEXUAL ASSAULT

Nebraska Revised Statute §28-318.

Terms, defined.

As used in sections 28-317 to 28-322.04, unless the context otherwise requires:

(1) Actor means a person accused of sexual assault;

(2) Intimate parts means the genital area, groin, inner thighs, buttocks, or breasts;

(3) Past sexual behavior means sexual behavior other than the sexual behavior upon which the sexual assault is alleged;

(4) Serious personal injury means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;

(5) Sexual contact means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact shall also mean the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual contact shall also include the touching of a child with the actor's sexual or intimate parts on any part of the child's body for purposes of sexual assault of a child under sections 28-319.01 and 28-320.01;

(6) Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or victim's body or any object manipulated by the actor into the genital or anal openings of the victim's body which can be reasonably construed as being for nonmedical or nonhealth purposes. Sexual penetration shall not require emission of semen;

(7) Victim means the person alleging to have been sexually assaulted;

(8) Without consent means:

(a)(i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;
(b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and

(c) A victim need not resist verbally or physically where it would be useless or futile to do so; and

(9) Force or threat of force means (a) the use of physical force which overcomes the victim's resistance or (b) the threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or future ability to execute the threat.

28-319 (excerpt).

Sexual assault; first degree; penalty.

(1) Any person who subjects another person to sexual penetration (a) without the consent of the victim, (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of sexual assault in the first degree.

28-319.01 (excerpt).

Sexual assault of a child; first degree; penalty.

(1) A person commits sexual assault of a child in the first degree:

(a) When he or she subjects another person under twelve years of age to sexual penetration and the actor is at least nineteen years of age or older; or

(b) When he or she subjects another person who is at least twelve years of age but less than sixteen years of age to sexual penetration and the actor is twenty-five years of age or older.

28-320 (excerpt).

Sexual assault; second or third degree; penalty.

(1) Any person who subjects another person to sexual contact (a) without consent of the victim, or (b) who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct is guilty of sexual assault in either the second degree or third degree.


**28-320.01 (excerpt).**

Sexual assault of a child; second or third degree; penalties.

(1) A person commits sexual assault of a child in the second or third degree if he or she subjects another person fourteen years of age or younger to sexual contact and the actor is at least nineteen years of age or older.

(2) Sexual assault of a child is in the second degree if the actor causes serious personal injury to the victim.

(3) Sexual assault of a child is in the third degree if the actor does not cause serious personal injury to the victim.

**28-320.02.**

Sexual assault; use of electronic communication device; prohibited acts; penalties.

(1) No person shall knowingly solicit, coax, entice, or lure (a) a child sixteen years of age or younger or (b) a peace officer who is believed by such person to be a child sixteen years of age or younger, by means of an electronic communication device.
APPENDIX C:

PROMISE TO PROTECT

PLEDGE TO HEAL

Charter for the Protection of Children and Young People

Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons

A Statement of Episcopal Commitment

Revised June 2018

United States Conference of Catholic Bishops
The revised *Charter for the Protection of Children and Young People* was developed by the Ad Hoc Committee for Sexual Abuse of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of U.S. Catholic bishops at its June 2005 Plenary Assembly, and this third revision was approved at the June 2018 Plenary Assembly. The revised *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* was developed by the Ad Hoc Committee on Sexual Abuse of the USCCB and by the Vatican-U.S. Bishops’ Mixed Commission on Sex Abuse Norms. They were approved by the full body of bishops at its June 2005 General Meeting, received the subsequent recognitio of the Holy See on January 1, 2006, and were promulgated May 5, 2006. The revised *Statement of Episcopal Commitment* was developed by the Ad Hoc Committee on Bishops’ Life and Ministry of the USCCB. It was approved by the full body of U.S. Catholic bishops at its November 2005 Plenary Assembly and then again in 2011 and 2018. This revised edition, containing all three documents, is authorized for publication by the undersigned.

Msgr. J. Brian Bransfield  
General Secretary,  
USCCB

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Charter for the Protection of Children and Young People

Preamble

Since 2002, the Church in the United States has experienced a crisis without precedent in our times. The sexual abuse1 of children and young people by some deacons, priests, and bishops, and the ways in which these crimes and sins were addressed, have caused enormous pain, anger, and confusion for victims, their families, and the entire Church. As bishops, we have acknowledged our mistakes and our roles in that suffering, and we apologize and take responsibility again for too often failing victims and the Catholic people in the past. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people have endured.

We share Pope Francis’ “conviction that everything possible must be done to rid the Church of the scourge of the sexual abuse of minors and to open pathways of reconciliation and healing for those who were abused” (Letter of His Holiness Pope Francis to the Presidents of the Episcopal Conferences and Superiors of Institutes of Consecrated Life and Societies of Apostolic Life Concerning the Pontifical Commission for the Protection of Minors, February 2, 2015).

Again, with this 2018 revision of the Charter for the Protection of Children and Young People, we re-affirm our deep commitment to sustain and strengthen a safe environment within the Church for children and youth. We have listened to the profound pain and suffering of those victimized by sexual abuse and will continue to respond to their cries. We have agonized over the sinfulness, the criminality, and the breach of trust perpetrated by some members of the clergy. We have determined as best we can the extent of the problem of this abuse of minors by clergy in our country, as well as its causes and context. We will use what we have learned to strengthen the protection given to the children and young people in our care.

We continue to have a special care for and a commitment to reaching out to the victims of sexual abuse and their families. The damage caused by sexual abuse of minors is devastating and long-lasting. We apologize to each victim for the grave harm that has been inflicted on him or her, and we offer our help now and for the future. The loss of trust that is often the consequence of such abuse becomes even more tragic when it leads to a loss of the faith that we have a sacred duty to foster. We make our own the words of St. John Paul II: that the sexual abuse of young people is “by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God” (Address to the Cardinals of the United States and Conference Officers, April 23, 2002). We will continue to help victims recover from these crimes and strive to prevent these tragedies from occurring.
Along with the victims and their families, the entire Catholic community in this country has suffered because of this scandal and its consequences. The intense public scrutiny of the minority of the ordained who have betrayed their calling has caused the vast majority of faithful priests and deacons to experience enormous vulnerability to being misunderstood in their ministry and often casts over them an undeserved air of suspicion. We share with all priests and deacons a firm commitment to renewing the integrity of the vocation to Holy Orders so that it will continue to be perceived as a life of service to others after the example of Christ our Lord.

We, who have been given the responsibility of shepherding God’s people, will, with his help and in full collaboration with all the faithful, continue to work to restore the bonds of trust that unite us. We have seen that words alone cannot accomplish this goal. We will continue to take action in our Plenary Assembly and at home in our dioceses and eparchies.

We feel a particular responsibility for “the ministry of reconciliation” (2 Cor 5:18) which God, who reconciled us to himself through Christ, has given us. The love of Christ impels us to ask forgiveness for our own faults but also to appeal to all—to those who have been victimized, to those who have offended, and to all who have felt the wound of this scandal—to be reconciled to God and one another.

Perhaps in a way never before experienced, we feel the power of sin touch our entire Church family in this country; but as St. Paul boldly says, God made Christ “to be sin who did not know sin, so that we might become the righteousness of God in him” (2 Cor 5:21). May we who have known sin experience as well, through a spirit of reconciliation, God’s own righteousness. We know that after such profound hurt, healing and reconciliation are beyond human capacity alone. It is God’s grace and mercy that will lead us forward, trusting Christ’s promise: “for God all things are possible” (Mt 19:26).

In working toward fulfilling this responsibility, we rely, first of all, on Almighty God to sustain us in faith and in the discernment of the right course to take.

We receive fraternal guidance and support from the Holy See that sustains us in this time of trial. In solidarity with Pope Francis, we express heartfelt love and sorrow for the victims of abuse.

We rely on the Catholic faithful of the United States. Nationally and in each diocese/eparchy, the wisdom and expertise of clergy, religious, and laity contribute immensely to confronting the effects of the crisis and taking steps to resolve it. We are filled with gratitude for their great faith, for their generosity, and for the spiritual and moral support that we receive from them.

We acknowledge and re-affirm the faithful service of the vast majority of our priests and deacons and the love that people have for them. They deservedly have our esteem and that of the Catholic people for their good work. It is regrettable that their committed ministerial witness has been overshadowed by this crisis.

In a special way, we acknowledge and thank those victims of clergy sexual abuse and their families who have trusted us enough to share their stories and to help us understand more fully
the consequences of this reprehensible violation of sacred trust. With Pope Francis, we praise the courage of those who speak out about their abuse; their actions are “a service of love, since for us it sheds light on a terrible darkness in the life of the church.” We pray that “the remnants of the darkness which touch them may be healed” (Address to Victims of Sexual Abuse, July 6, 2014).

Let there now be no doubt or confusion on anyone’s part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve.

As we work to restore trust, we are reminded how Jesus showed constant care for the vulnerable. He inaugurated his ministry with these words of the Prophet Isaiah:

The Spirit of the Lord is upon me, because he has anointed me to bring glad tidings to the poor. He has sent me to proclaim liberty to captives and recovery of sight to the blind, to let the oppressed go free, and to proclaim a year acceptable to the Lord. (Lk 4:18-19)

In Matthew 25, the Lord, in his commission to his apostles and disciples, told them that whenever they show mercy and compassion to the least ones, they show it to him.

Jesus extended this care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: “Let the children come to me” (Mt 19:14). And he uttered a grave warning that for anyone who would lead the little ones astray, it would be better for such a person “to have a great millstone hung around his neck and to be drowned in the depths of the sea” (Mt 18:6).

We hear these words of the Lord as prophetic for this moment. With a firm determination to restore the bonds of trust, we bishops recommit ourselves to a continual pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church.

In this spirit, over the last sixteen years, the principles and procedures of the Charter have been integrated into church life.

- The Secretariat of Child and Youth Protection provides the focus for a consistent, ongoing, and comprehensive approach to creating a safe environment for young people throughout the Church in the United States.

- The Secretariat also provides the means for us to be accountable for achieving the goals of the Charter, as demonstrated by its annual reports on the implementation of the Charter based on independent compliance audits.
The National Review Board is carrying on its responsibility to assist in the assessment of diocesan/eparchial compliance with the Charter for the Protection of Children and Young People.

The descriptive study of the nature and scope of sexual abuse of minors by Catholic clergy in the United States, commissioned by the National Review Board, was completed in February, 2004. The resulting study, examining the historical period 1950–2002, by the John Jay College of Criminal Justice provides us with a powerful tool not only to examine our past but also to secure our future against such misconduct.

The U.S. bishops charged the National Review Board to oversee the completion of the Causes and Context study. The Study, which calls for ongoing education, situational prevention, and oversight and accountability, was completed in 2011.

Victims’ assistance coordinators are in place throughout our nation to assist dioceses and eparchies in responding to the pastoral needs of the abused.

Diocesan/eparchial bishops in every diocese/eparchy are advised and greatly assisted by diocesan and eparchial review boards as the bishops make the decisions needed to fulfill the Charter.

Safe environment programs are in place to assist parents and children—and those who work with children—in preventing harm to young people. These programs continually seek to incorporate the most useful developments in the field of child protection.

Through these steps and many others, we remain committed to the safety of our children and young people.

While the number of reported cases of sexual abuse has decreased over the last sixteen years, the harmful effects of this abuse continue to be experienced both by victims and dioceses/eparchies.

Thus it is with a vivid sense of the effort which is still needed to confront the effects of this crisis fully and with the wisdom gained by the experience of the last sixteen years that we have reviewed and revised the Charter for the Protection of Children and Young People. We now reaffirm that we will assist in the healing of those who have been injured, will do all in our power to protect children and young people, and will work with our clergy, religious, and laity to restore trust and harmony in our faith communities, as we pray for the Kingdom of God to come, here on earth, as it is in heaven.

To make effective our goals of a safe environment within the Church for children and young people and of preventing sexual abuse of minors by clergy in the future, we, the members of the United States Conference of Catholic Bishops, have outlined in this Charter a series of
practical and pastoral steps, and we commit ourselves to taking them in our dioceses and eparchies.

**To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors**

**ARTICLE 1.** Dioceses/eparchies are to reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Each diocese/eparchy is to continue its outreach to every person who has been the victim of sexual abuse as a minor by anyone in church service, 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 diocese/eparchy.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative is to 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 St. John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002). Pope Benedict XVI, too, in his address to the U.S. bishops in 2008 said of the clergy sexual abuse crisis, “It is your God-given responsibility as pastors to bind up the wounds caused by every breach of trust, to foster healing, to promote reconciliation and to reach out with loving concern to those so seriously wronged.”

We bishops and eparchs commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses/eparchies. We especially commit ourselves to work with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.

**ARTICLE 2.** Dioceses/eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. The procedures for those making a complaint are to be readily available in printed form and other media in the principal languages in which the liturgy is celebrated in the diocese/eparchy and be the subject of public announcements at least annually.

Dioceses/eparchies are also to have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members are to be lay persons not in the employ of the diocese/eparchy (see Norm 5 in Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2006). This board is to advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric’s suitability for ministry. It is regularly to review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.
ARTICLE 3. Dioceses/eparchies are not to enter into settlements which bind the parties to confidentiality, unless the victim/survivor requests confidentiality and this request is noted in the text of the agreement.

To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors

ARTICLE 4. Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities with due regard for the seal of the Sacrament of Penance. Diocesan/eparchial personnel are to 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.

Dioceses/eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor.

In every instance, dioceses/eparchies are to advise victims of their right to make a report to public authorities and support this right.

ARTICLE 5. We affirm the words of St. 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.” Pope Francis has consistently reiterated this with victims of clergy sexual abuse.

Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1). Because of the seriousness of this matter, jurisdiction has been reserved to the Congregation for the Doctrine of the Faith (Motu proprio Sacramentorum sanctitatis tutela, AAS 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.

Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this Charter, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.

The diocesan/eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as described below (see notes) shall not continue in ministry.

A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken.
to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed.

In fulfilling this article, dioceses/eparchies are to follow the requirements of the universal law of the Church and of the Essential Norms approved for the United States.

**ARTICLE 6.** There are to be clear and well publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the Church with regard to their contact with minors.

**ARTICLE 7.** Dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by sexual abuse of a minor.

**To Ensure the Accountability of Our Procedures**

**ARTICLE 8.** The Committee on the Protection of Children and Young People is a standing committee of the United States Conference of Catholic Bishops. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.

The Committee is to advise the USCCB on all matters related to child and youth protection and is to oversee the development of the plans, programs, and budget of the Secretariat of Child and Youth Protection. It is to provide the USCCB with comprehensive planning and recommendations concerning child and youth protection by coordinating the efforts of the Secretariat and the National Review Board.

**ARTICLE 9.** The Secretariat of Child and Youth Protection, established by the Conference of Catholic Bishops, is to staff the Committee on the Protection of Children and Young People and be a resource for dioceses/eparchies for the implementation of “safe environment” programs and for suggested training and development of diocesan personnel responsible for child and youth protection programs, taking into account the financial and other resources, as well as the population, area, and demographics of the diocese/eparchy.

The Secretariat is to produce an annual public report on the progress made in implementing and maintaining the standards in this Charter. The report is to be based on an annual audit process whose method, scope, and cost are to be approved by the Administrative Committee on the recommendation of the Committee on the Protection of Children and Young People. This public report is to include the names of those dioceses/eparchies which the audit shows are not in compliance with the provisions and expectations of the Charter. The audit method refers to the process and techniques used to determine compliance with the Charter. The audit scope relates to the focus, parameters, and time period for the matters to be examined during an individual audit.
As a member of the Conference staff, the Executive Director of the Secretariat is appointed by and reports to the General Secretary. The Executive Director is to provide the Committee on the Protection of Children and Young People and the National Review Board with regular reports of the Secretariat’s activities.

**ARTICLE 10.** The whole Church, at both the diocesan/eparchial and national levels, must be engaged in maintaining safe environments in the Church for children and young people.

The Committee on the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of the Secretariat of Child and Youth Protection on the implementation of this *Charter* in each diocese/eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.

The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate’s diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines developed by the Board in consultation with the Committee on the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines set forth such matters as the Board’s purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.

The Board will offer its advice as it collaborates with the Committee on the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. For example, the Board will continue to monitor the recommendations derived from the *Causes and Context* study. The Board and Committee on the Protection of Children and Young People will meet jointly every year.

The Board will review the work of the Secretariat of Child and Youth Protection and make recommendations to the Executive Director. It will assist the Executive Director in the development of resources for dioceses.

**ARTICLE 11.** The President of the Conference is to inform the Holy See of this revised *Charter* to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to continue our commitment to the protection of children and young people. The President is also to share with the Holy See the annual reports on the implementation of the *Charter.*
To Protect the Faithful in the Future

ARTICLE 12. Dioceses/eparchies are to maintain “safe environment” programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for minors, parents, ministers, employees, volunteers, and others about ways to sustain and foster a safe environment for minors. Dioceses/eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons with regard to their contact with minors.

ARTICLE 13. The Diocesan/eparchial bishop is to evaluate the background of all incardinated priests and deacons. When a priest or deacon, not incardinated in the diocese/eparchy, is to engage in ministry in the diocese/eparchy, regardless of the length of time, the evaluation of his background may be satisfied through a written attestation of suitability for ministry supplied by his proper ordinary/major superior to the diocese/eparchy. Dioceses/eparchies are to evaluate the background of all their respective diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. Each diocese/eparchy is to determine the application/renewal of background checks according to local practice. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (See United States Conference of Catholic Bishops, Program of Priestly Formation [Fifth Edition], 2006, no. 39 and the National Directory for the Formation, Ministry and Life of Permanent Deacons in the United States, n.178 j).²

ARTICLE 14. Transfers of all priests and deacons who have committed an act of sexual abuse against a minor for residence, including retirement, shall be in accord with Norm 12 of the Essential Norms (See Proposed Guidelines on the Transfer or Assignment of Clergy and Religious, adopted by the USCCB, the Conference of Major Superiors of Men [CMSM], the Leadership Conference of Women Religious [LCWR], and the Council of Major Superiors of Women Religious [CMSWR] in 1993).

ARTICLE 15. To ensure continuing collaboration and mutuality of effort in the protection of children and young people on the part of the bishops and religious ordinaries, two representatives of the Conference of Major Superiors of Men are to serve as consultants to the Committee on the Protection of Children and Young People. At the invitation of the Major Superiors, the Committee will designate two of its members to consult with its counterpart at CMSM. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates are to 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.

ARTICLE 16. Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.
ARTICLE 17. We commit ourselves to work individually in our dioceses/eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly and diaconal formation and their ongoing formation. With renewed urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in Pastores Dabo Vobis 50, the Program of Priestly Formation, and the 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 for the Formation, Ministry and Life of Permanent Deacons in the United States. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.

Conclusion

As we wrote in 2002, “It is within this context of the essential soundness of the priesthood and of the deep faith of our brothers and sisters in the Church that we know that we can meet and resolve this crisis for now and the future.”

We reaffirm that the vast majority of priests and deacons serve their people faithfully and that they have their esteem and affection. They also have our respect and support and our commitment to their good names and well-being.

An essential means of dealing with the crisis is prayer for healing and reconciliation, and acts of reparation for the grave offense to God and the deep wound inflicted upon his holy people. Closely connected to prayer and acts of reparation is the call to holiness of life and the care of the diocesan/eparchial bishop to ensure that he and his priests and deacons avail themselves of the proven ways of avoiding sin and growing in holiness of life.

It is with reliance on the grace of God and in a spirit of prayer and penance that we renew the pledges which we made in the 2002 Charter:

- We pledge most solemnly to one another and to you, God’s people, that we will work to our utmost for the protection of children and youth.
- We pledge that we will devote to this goal the resources and personnel necessary to accomplish it.
- We pledge that we will do our best to ordain to the diaconate and priesthood and put into positions of trust only those who share this commitment to protecting children and youth.
- We pledge that we will work toward healing and reconciliation for those sexually abused by clerics.

Much has been done to honor these pledges. We devoutly pray that God who has begun this good work in us will bring it to fulfillment.
This Charter is published for the dioceses/eparchies of the United States. It is to be reviewed again after seven years by the Committee on the Protection of Children and Young People with the advice of the National Review Board. The results of this review are to be presented to the full Conference of Bishops for confirmation. Authoritative interpretations of its provisions are reserved to the Conference of Bishops.

NOTES
1 For purposes of this Charter, the offense of sexual abuse of a minor will be understood in accord with the provisions of Sacramentorum sanctitatis tutela (SST), article 6, which reads:

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, 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.

2 In 2009, after consultation with members of the USCCB Committee on the Protection of Children and Young People and the Conference of Major Superiors of Men and approval from the USCCB Committee on Canonical Affairs and Church Governance, additional Model Letters of Suitability, now available on the USCCB website, were agreed upon and published for use by bishops and major superiors in situations which involve both temporary and extended ministry for clerics.
APPENDIX D:

Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons

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Most Reverend William S. Skylstad, D.D.
Bishop of Spokane

May 5, 2006
THE UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

DECREE OF PROMULGATION

On November 13, 2002, the members of the United States Conference of Catholic Bishops approved as particular law the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons. Following the grant of the required recognitio by the Congregation for Bishops on December 8, 2002, the Essential Norms were promulgated by the President of the same Conference on December 12, 2002.

Thereafter, on June 17, 2005, the members of the United States Conference of Catholic Bishops approved a revised text of the Essential Norms. By a decree dated January 1, 2006, and signed by His Eminence, Giovanni Battista Cardinal Re, Prefect of the Congregation for Bishops, and His Excellency, the Most Reverend Francesco Monterisi, Secretary of the same Congregation, the recognitio originally granted to the Essential Norms of 2002 was extended to the revised version donec aliter provideatur.

As President of the United States Conference of Catholic Bishops, I therefore decree the promulgation of the Essential Norms of June 17, 2005. These Norms shall obtain force on May 15, 2006, and so shall from that day bind as particular law all Dioceses and Eparchies of the United States Conference of Catholic Bishops.

Most Reverend William S. Skylstad
Bishop of Spokane
President, USCCB

Reverend Monsignor David J. Malloy
General Secretary
Preamble

On June 14, 2002, the United States Conference of Catholic Bishops approved a Charter for the Protection of Children and Young People. The charter addresses the Church’s commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out 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. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by diocesan and religious priests or deacons. These norms are complementary to the universal law of the Church and are to be interpreted in accordance with that law. The Church has traditionally considered the sexual abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 §2, and CCEO, canon 1453 §1 (Sacramentorum sanctitatis tutela, article 6 §1).

Norms

1. These Essential Norms have been granted recogitio by the Holy See. Having been legitimately promulgated in accordance with the practice of the United States Conference of Catholic Bishops on May 5, 2006, they constitute particular law for all the dioceses/eparchies of the United States of America.

2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this
policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.

3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.

4. 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 this board may include

   a. advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
   b. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and
   c. offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.4

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.

8. When even a single act of sexual abuse 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 (SST, Art. 6; CIC, c. 1395 §2; CCEO, c. 1453 §1).  

a. 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; 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 will direct the diocesan bishop/eparch 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 bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.

b. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

9. At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, 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. Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

10. 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.

11. 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.

12. No priest or deacon who has committed an act of sexual abuse of a minor may be
transferred for a ministerial assignment in another diocese/eparchy. Every bishop/eparch 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.

Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop 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.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law 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 so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678 (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

13. 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 an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

NOTES
1 These Norms constitute particular law for the dioceses, eparchies, clerical religious institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. When a major superior of a clerical religious institute or society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.

2 If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately 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.

3 Due regard must be given to the proper legislative authority of each Eastern Catholic Church.

4 Article 19 Sacramentorum sanctitatis tutela states, “With due regard for the right of the Ordinary to impose from the outset of the preliminary investigation those measures which are established in can. 1722 of the Code of Canon Law, or in can. 1473 of the Code of Canons of the Eastern Churches, the respective presiding judge may, at the request of the Promoter of Justice, exercise the same power under the
same conditions determined in the canons themselves.”

5 Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment. With regard to the use of the phrase “ecclesiastical ministry,” by clerical members of consecrated life and societies of apostolic life, the provisions of canons 678 and 738 also apply, with due regard for canons 586 and 732.

6 Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1°-2°, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, and 1389-1396.

7 The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff.; CCEO, cc. 178, 979ff.):

a. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).

b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).

c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any de iure faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).

d. The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.

e. Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1–1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1°-2°, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2, 1520) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff.; CCEO, cc. 999ff.).

8 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 the delict of sexual abuse of minors.
APPENDIX E:

A Statement of Episcopal Commitment

We bishops pledge again to respond to the demands of the Charter in a way that manifests our accountability to God, to God’s people, and to one another. Individually and together, we acknowledge mistakes in the past when some bishops transferred, from one assignment to another, priests who abused minors. We recognize our roles in the suffering this has caused, and we continue to ask forgiveness for it.

Without at all diminishing the importance of broader accountability, this statement focuses on the accountability which flows from our episcopal communion and fraternal solidarity, a moral responsibility we have with and for each other.

While bishops are ordained primarily for their diocese or eparchy, we are called as well to protect the unity and to promote the common discipline of the whole Church (CIC, c. 392; CCEO, c. 201). Participating in the college of bishops, each bishop is responsible to act in a manner that reflects both effective and affective collegiality.

Respecting the legitimate rights of bishops who are directly accountable to the Holy See, in a spirit of collegiality and fraternity we renew our commitment to the following:

1. Within each province, we will assist each other to interpret correctly and implement the Charter for the Protection of Children and Young People, always respecting Church law and striving to reflect the Gospel.

2. We will apply the requirements of the Charter also to ourselves, respecting always Church law as it applies to bishops. Therefore, if a bishop is accused of the sexual abuse of a minor, the accused bishop is obliged to inform the Apostolic Nuncio. If another bishop becomes aware of such an allegation of the sexual abuse of a minor by a bishop, he too is obliged to inform the Apostolic Nuncio and comply with applicable civil laws.

3. In cases of financial demands for settlements involving allegations of any sexual misconduct by a bishop, he, or any of us who become aware of it, is obliged to inform the Apostolic Nuncio.

4. Within each of our provinces, as an expression of collegiality, including fraternal support, fraternal challenge and fraternal correction, we will engage in ongoing mutual reflection upon our commitment to holiness of life and upon the exercise of our episcopal ministry.

In making this statement, we firmly uphold the dignity of every human being and renew our commitment to live and promote the chastity required of all followers of Christ and especially of deacons, priests and bishops.

This Statement of Episcopal Commitment will be reviewed by the Committee on Clergy, Consecrated Life and Vocations upon the next review of the Charter.
A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.

- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

  In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or
unverifiable information. Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.

- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).

- The following FCRA right applies with respect to nationwide consumer reporting agencies:

**CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE**

You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.
• **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.

• **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:
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<th>TYPE OF BUSINESS:</th>
<th>CONTACT:</th>
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| 1.a. Banks, savings associations, and credit unions with total assets of over $10 billion and their affiliates | a. Consumer Financial Protection Bureau  
1700 G Street, N.W.  
Washington, DC 20552 |
| b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB: | b. Federal Trade Commission  
Consumer Response Center  
600 Pennsylvania Avenue, N.W.  
Washington, DC 20580  
(877) 382-4357 |
| To the extent not included in item 1 above: | a. Office of the Comptroller of the Currency  
Customer Assistance Group  
1301 McKinney Street, Suite 3450  
Houston, TX 77010-9050 |
| a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks | b. Federal Reserve Consumer Help Center  
P.O. Box 1200  
Minneapolis, MN 55480 |
| b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act. | c. FDIC Consumer Response Center  
1100 Walnut Street, Box #11 Kansas City, MO 64106 |
| 2. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations | Federal Credit Unions |
| Federal Credit Unions | National Credit Union Administration  
Office of Consumer Financial Protection (OCFP)  
Division of Consumer Compliance Policy and Outreach  
1775 Duke Street  
Alexandria, VA 22314 |
| 3. Air carriers | 4. Creditors Subject to the Surface Transportation Board  
Asst. General Counsel for Aviation Enforcement & Proceedings  
Aviation Consumer Protection Division  
Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590 |
| 4. Creditors Subject to the Surface Transportation Board | Office of Proceedings, Surface Transportation Board  
Department of Transportation  
395 E Street, S.W.  
Washington, DC 20423 |
| 5. Creditors Subject to the Packers and Stockyards Act, 1921 | Nearest Packers and Stockyards Administration area supervisor |
| 5. Small Business Investment Companies | Associate Deputy Administrator for Capital Access  
United States Small Business Administration  
409 Third Street, S.W., Suite 8200  
Washington, DC 20416 |
| 7. Brokers and Dealers | Securities and Exchange Commission  
100 F Street, N.E.  
Washington, DC 20549 |
| 8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations | Farm Credit Administration  
1501 Farm Credit Drive  
McLean, VA 22102-5090 |
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<th>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</th>
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