

# **DIOCESE OF JOLIET PASTORAL POLICY REGARDING SEXUAL ABUSE OF MINORS**

**June 1, 2003**

## **I. INTRODUCTION**

On June 14, 2002, the United States Conference of Catholic Bishops approved the *Charter for the Protection of Children and Young People*. The *Charter* was designed to promote healing and reconciliation with victims/survivors of sexual abuse of minors; to guarantee an effective response to allegations of sexual abuse of minors; to ensure accountability for procedures; as well as to protect the faithful in the future. On December 8, 2002, the Conference set forth the *Essential Norms for Dealing with Allegations of Sexual Abuse of Minors*. The *Norms*, approved by Pope John Paul II, became effective on March 1, 2003. Each diocese in the United States is required to have specific procedures in place to 1) respond promptly and effectively to the victim and to the accused concerning all allegations, 2) reach out to survivors and their families to provide for their spiritual, pastoral and emotional care, 3) provide open and honest communication, 4) evaluate the screening procedures of seminarians and all church personnel who care for and supervise children and young people, 5) create safe environments for children, 6) apply consequences upon determination of the perpetrator's guilt, not excluding dismissal from the clerical state if the case so warrants.

The Diocese of Joliet first promulgated a policy on June 14, 1990 to respond more effectively and pastorally to all those experiencing the tragedy of sexual abuse. Subsequent revisions were made in September of 1993 and in June of 1997. This revision (June 1, 2003) includes provisions from the *Charter for the Protection of Children and Young People* and from the *Essential Norms for Dealing with Allegations of Sexual Abuse of Minors*.

### **A. Purpose**

This policy is to help ensure appropriate responses to allegations of sexual abuse of minors and vulnerable adults by clergy, religious, church personnel and volunteers. It provides clear guidelines regarding the prevention of sexual abuse, the protection of children and vulnerable adults, as well as ministering to the pastoral needs of victims, their families, the community and the accused.

### **B. Scope**

This policy pertains to all allegations of sexual abuse against minors or vulnerable adults involving representatives of the Church, i.e. clergy and religious assigned to the Joliet Diocese, as well as all diocesan, parish and school employees and volunteers.

### **C. Guiding Principles**

- Sexual abuse is a sin, a crime and destroys trust.
- Minors and vulnerable adults need protection from sexual abuse.
- Healing is important for the abused, their families and faith communities.
- Cooperation with parents, civil authorities and others helps maintain a safe environment.
- Background checks help protect all involved.
- Evaluation and education are necessary for those in Church ministry.
- Communication must be transparent, open and honest.

## **II. DISTRIBUTION**

A copy of this policy is to be given to all clergy and religious, as well as to all diocesan, parish and school personnel, including volunteers, who will sign an acknowledgement that it has been

received and read. It is available in English or Spanish and may be accessed on the diocesan website: [www.dioceseofjoliet.org](http://www.dioceseofjoliet.org).

### **III. DEFINITIONS**

#### **A. Ministerial Relationship**

A ministerial relationship is established between a person and a church representative when care or services are given. Persons in a ministerial relationship with others include bishops, priests, deacons, brothers, sisters, pastoral associates, youth ministers, liturgical ministers, spiritual directors and counselors. Also included are diocesan, parish and school employees and volunteers.

#### **B. Sexual Abuse**

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

#### **C. Cleric**

A bishop, priest or deacon.

#### **D. Diocesan Agency**

Any institution, church, facility, school, social service agency, or programs and services owned and operated by the Diocese of Joliet or its personnel.

#### **E. Church Personnel**

Any person (lay, religious, or clergy) employed by a Diocesan agency, parish, school or institution.

#### **F. Extern**

A cleric working outside the diocese in which he is incardinated.

#### **G. Incardination**

Being subject to a bishop of a particular diocese.

#### **H. Minor**

A person who has not reached his or her 18<sup>th</sup> birthday.

#### **I. Volunteer**

Any person who functions in a defined role within a diocesan agency, parish or school without compensation. Volunteers may include, but are not limited to, coaches, discussion leaders, Eucharistic ministers, drivers, scout leaders, catechists, care personnel, youth ministers and assistants, and chaperones on overnight trips.

#### **J. Promoter of Justice**

A person serving in a prosecutorial role in a canonical legal proceeding.

#### **K. Vulnerable Adult**

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

## **IV. EDUCATION**

Awareness is a first step toward the protection of children and vulnerable adults from predatory sexual abuse. It includes information relating to the reality of child abuse, identifying signs of abuse, knowing what abuse is, characteristics of coercive and exploitative sexual behavior, protecting oneself, maintaining appropriate boundaries in relationships, creating safe environments, reporting of sexual abuse and the effects of sexual abuse on its victims.

The Virtus education program, *Protecting God's Children*, a safe environment program, will be used throughout the Diocese with all clergy, diocesan, parish and school staffs as well as volunteers. It will also be available to parents or guardians. Children and youth will receive instruction appropriate to their age level (*USCCB Charter 12*).

All clergy, diocesan, parish and school personnel as well as volunteers who are in a ministerial relationship with minors or vulnerable adults will receive a copy of the *Standards of Behavior for Those Working with Minors*. This is a compilation of standards of ministerial behavior and includes information about appropriate boundaries for any church personnel who have regular contact with children and young people (*USCCB Charter 6*). The *Standards of Behavior* is accessible on the diocesan website: [www.dioceseofjoliet.org](http://www.dioceseofjoliet.org).

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

The Presbyteral Council is responsible for providing systematic ongoing formation programs to assist priests in living their vocation (*USCCB Charter 17*).

## **V. SCREENING**

Backgrounds of all diocesan, parish, school personnel and volunteers are evaluated using the resources of law enforcement or other agencies (*USCCB Charter 13*). Anyone who has sexually abused will neither be hired nor permitted to volunteer in the Diocese, parish or school.

### **A. Lay Personnel**

Any prospective employee of the Diocese, diocesan institutions, agencies, parishes or high schools, must complete an employment application that is to include:

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

### **B. Teachers**

Any prospective teacher for a diocesan secondary school or religious education program completes the same application as identified for lay personnel. A prospective teacher for an elementary school completes the questionnaire provided by the Catholic Schools Office.

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

If any diocesan institution, agency, parish or school contracts with firms for personnel, that firm is to provide a written guarantee that it has adequately checked the background of all personnel, that such personnel have never been convicted of any crime, that it is not aware of any complaint or allegation relating to sexual abuse or drug abuse, and that all prospective personnel are suitable to work in an educational or parish environment, where there may be frequent contact with minors.

#### **D. Volunteers**

All volunteers involved with minors on a regular, recurring basis, (and any volunteers involved with minors on an overnight basis, even though it may be a single occasion) are to complete an informational questionnaire. Volunteers include those in a parish or an elementary school/religious education program, in a diocesan agency, institution, or secondary school, and any activities sponsored by them. Volunteers may include, but, are not limited to: coaches, assistant coaches, drivers transporting children, scout leaders, catechists, day-care personnel, youth ministers and their assistants and chaperones on overnight trips.

#### **E. Members of Religious Orders**

When any religious is presented for an assignment, transfer or residence in a diocesan institution, agency, parish or school, even for a single occasion in the Diocese, the appropriate religious superior is to provide a written statement about the status, background, character and reputation of each religious. This includes any information that would raise questions about fitness for ministry. In the case of any allegation of sexual abuse, a comprehensive report of the allegation and its disposition is to be included. If any credible allegation of sexual abuse is disclosed, that person may not minister in the Diocese.

#### **F. Priests/Deacons Seeking Assignment or Incardination**

When a cleric seeks an assignment or incardination, his diocesan bishop or religious superior is to forward to the Diocesan Bishop any knowledge of actual or alleged sexual abuse by the cleric. This includes any information that would raise questions about fitness for ministry. The bishop or superior is to provide a written statement about the status, background, character and reputation of each cleric presented. In the case of any allegation of sexual abuse, a comprehensive report of the allegation and its disposition is to be included. If any credible allegation of sexual abuse is disclosed, that person may not minister in the Diocese.

#### **G. Priests/Deacons Seeking Assignment in Another Diocese**

Before a cleric is proposed to another diocese for assignment, transfer or residence, an accurate and complete description of the cleric's record, including information on his background or service that would raise questions about his fitness for ministry, or anything in his background that would indicate potential danger to minors, will be forwarded by the Diocesan Bishop to the other Diocesan Bishop. In the event of an allegation of sexual abuse, a comprehensive report of the allegation and its disposition will also be forwarded even if the cleric will only be residing in a religious community (*USCCB Charter 14*).

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

The Diocese will use adequate screening and evaluative techniques in deciding the fitness of candidates for admission to the seminary or to the diaconate. Their background is monitored by the Bishop and his staff. Evaluations according to one's state of life shall be conducted during years of formation before anyone is admitted to the diaconate or priesthood. A full psychological profile of each seminarian and deacon candidate must be obtained.

### **VI. REPORTING**

All personnel of the Diocese, parishes and schools, who have reasonable cause to suspect an incident of sexual abuse involving diocesan, parish or school personnel have a serious moral obligation to report the incident or allegation to civil officials (*USCCB Charter 4*).

Under Illinois law, certain personnel (including school and child care personnel, medical personnel, social workers, psychologists, professional counselors, and recreational program personnel) are considered mandated reporters. They must report to the Department of Children and Family Services (DCFS) any situation in which they have a reasonable belief that a child is being physically or sexually abused. Clergy are mandated reporters as to child sexual abuse. Reporting abuse of a vulnerable adult is made to the appropriate state agency.

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

Procedures for making a complaint are available on the diocesan website or at any parish or diocesan office, and are the subject of periodic public announcements. Victims are advised of and supported in their right to report abuse to civil authorities (*USCCB Charter 4*).

When a person reports an allegation of sexual abuse, the person will be received with utmost respect and pastoral sensitivity. The Victim Assistance Coordinator informs the person making the allegation that he/she has a right to make a report of such allegations to civil authorities and will support this right (*USCCB Charter 4*).

## **VII. VICTIM ASSISTANCE COORDINATOR**

A Victim Assistance Coordinator is appointed by the Bishop to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors or as vulnerable adults by clergy, religious, church personnel or volunteers (*USCCB Charter 2, Norms 3*).

The Victim Assistance Coordinator is responsible to:

- Receive information related to allegations of sexual misconduct.
- Make contact as soon as possible with the affected victim, his/her family.
- Listen with patience and compassion to his/her experiences and concerns,
- Report any allegation of sexual abuse to civil authorities as required by law and cooperate with them.
- Advise victims that they have the right to report to civil authorities and that they will be supported if they do so.
- Inform the Bishop and the Review Committee of the allegation.
- Report any anonymous allegations or allegations that do not contain sufficient information to permit reasonable inquiry to the Review Committee.
- Provide the victim with appropriate and timely information about the Review Committee's determinations and recommendations.
- Maintain files about each case including assessments, interviews, referrals and conclusions.

## **VIII. PASTORAL ASSISTANCE**

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

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

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

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

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

Prior to outreach being offered to faith communities in which the sexual abuse occurred or where a priest or deacon has been removed, a meeting is arranged between a representative of the Pastoral Response Team and representatives of the affected community to determine their needs and concerns. Then the Pastoral Response Team offers appropriate pastoral assistance (spiritual and psychological) to the affected faith communities. Team membership is to include: the Bishop or his representative, and one or more of the following individuals: Vicar General or delegate (for clergy); Superintendent of Schools or delegate (for school personnel); Director of Religious Education or delegate (for religious education personnel or youth ministry personnel); Pastor or head of institution or delegate (for parish or institution personnel or volunteer); Religious superior or delegate (for religious personnel), and expert trauma response and intervention services.

The Diocese will be as open as possible while assisting faith communities.

## **IX. REVIEW COMMITTEE**

The Diocesan Review Committee has the primary responsibility to evaluate allegations and to advise the Bishop concerning the assessment of allegations of sexual abuse concerning clergy, religious or laity who are employed by or who volunteer for the Diocese, parish or school. (*USCCB Charter 2, USCCB Norms 4, 5.*)

### **A. Membership**

The Review Committee, whose members are appointed by the Bishop, is composed of not less than nine nor more than eleven members of outstanding integrity and good judgment. The majority of members are laypersons, none of which are diocesan employees. The Bishop consults with the Diocesan Pastoral Council and the Presbyteral Council in seeking appropriate candidates for the Committee.

One member is to have expertise in the treatment of sexual abuse of minors. One member should be the parent of a minor. One member should be a pastor. Persons with professional expertise in social work, civil law, and clinical treatment of sexual disorders should be included in Committee membership. When possible, one member is a victim/survivor of child sexual abuse or a parent of the same.

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

### **B. Terms**

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

### **C. Officers**

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

### **D. Meetings**

The Review Committee meets at least six times per year unless there is no business to be conducted. It will ordinarily meet in person, but members may participate by conference call.

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

At least six members of the Review Committee need to concur in their findings and recommendations.

## **F. Communication**

The Review Committee will report the status of its proceedings to the:

- Bishop through its chair or secretary;
- victim through the Victim Assistance Coordinator;
- accused (if a cleric) through the person's superior;
- accused (if lay) through the person's supervisor.

## **G. Duties**

- Report allegations of sexual abuse to civil authorities and cooperate with civil officials.
- Provide information to the religious superior of an accused religious.
- Conduct any inquiries in a professional manner and in accord with Canon Law. This may include the use of professional investigators with expertise in analyzing allegations of abuse.
- Use any reasonable means at its disposal to accomplish its goals.
- Analyze and assess the credibility of allegations of sexual misconduct of minors and vulnerable adults by clerics, religious, church personnel or volunteers.
- Make recommendations to the Bishop regarding action to be taken with the accused.
- Maintain records regarding the allegations and the Review Committee's activities.
- Conduct a formal review of the diocesan policy for dealing with sexual abuse every two years. Make recommendations to the Bishop for any changes.
- Provide orientation for new members including giving them a copy of this policy, the *Charter*, the *Norms*, and the *Standards of Behavior*.
- Provide information to the Bishop for transmittal to the USCCB Office for Child and Youth Protection and for reporting to Catholics in the Diocese.

## **X. REVIEW PROCESS**

In the review process, the safety and well being of all, respect for the rights of persons making allegations and for the rights of the accused are of primary concern. The accused will be informed of the allegation by his/her superior, or in the case of a cleric, by the Vicar General or delegate, and will receive a copy of the allegations and be asked for a response.

Prior to any review, the Bishop has the discretion to remove the accused immediately from ministry or from employment. The accused is to be informed that he/she is to have no contact with the alleged victim or the alleged victim's family. When the accused is a cleric, the Bishop may refer him for appropriate medical and psychological evaluation if it does not interfere with any investigation being conducted by civil authorities (*USCCB Charter 5*). The review must proceed in harmony with canon law (*USCCB Norms 6*).

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

### **A. Preliminary Review**

When an allegation of sexual abuse is received, the Review Committee conducts a Preliminary Review. This consists of: 1) reviewing the allegation and all information available; 2) determining if additional information ought to be obtained; 3) evaluating the safety of children or vulnerable adults; 4) determining whether there is need for the temporary removal of the accused from ministry or from employment; 5) insuring compliance with mandated reporting laws and notification of law enforcement authorities.

Ordinarily, the Review Committee conducts a Preliminary Review within two weeks of being notified of an allegation. The Preliminary Review may be delayed for good reasons such as a concurrent investigation by law enforcement authorities.

### **B. Comprehensive Review**

The Comprehensive Review is to be initiated as soon as possible after the Preliminary Review. It may be delayed for good reasons.

In situations where the accused has denied the allegations, it will be necessary for the Review Committee to gather any and all possible additional information.

When the Review Committee has concluded its investigation it will release all relevant records to the accused. In the interest of privacy to individuals, the accused will sign an agreement to use the information only for his or her investigation or in a canonical or civil proceeding. The accused may submit a written response to the Review Committee relating to any of the materials furnished.

The Committee will review the entire record and depending upon its findings, makes a recommendation to the Bishop consistent with the *Charter for the Protection of Children and Young People* that may include: 1) temporarily removing the accused from ministry/employment. 2) permanently removing the accused from ministry/employment. 3) reinstating the accused to ministry or employment. 4) taking other steps if the conduct of the accused was inappropriate but does not constitute sexual abuse.

### **C. Supplementary Review**

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

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

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

## **XI. RESPONSE TO FINDINGS**

Once the Review Committee has concluded its process, it will make a recommendation to the Bishop regarding the person's suitability for ministry or employment or as a volunteer.

### **A. Credible Allegation**

When it has been determined that an allegation is credible, the person will be removed permanently from all public ministry in the Diocese and cannot minister in any other diocese. Provisions of Canon Law including removal from sacred ministry, removal from any ecclesiastical office or function, imposition or prohibition of residence in a given place or territory, and prohibition of public participation in the Most Holy Eucharist will be followed for clerics (*USCCB Norms 9*).

### **B. Non-credible Allegation**

When the Review Committee concludes that an allegation of sexual abuse is non-credible, the Bishop may reinstate the person to his/her former position and responsibilities. However, the Bishop may decide that it would be in the best interests of the person and/or of the people of the Diocese if the person were not reinstated but would receive another assignment.

The Diocese will provide pastoral assistance to a person falsely accused. This assistance includes providing psychological counseling in an effort to alleviate associated stress. It also includes reimbursing related attorney's fees for a cleric who has been falsely accused. All efforts will be made to restore the good name of the accused (*USCCB Norms 13*).

## **XII. CONFIDENTIALITY AGREEMENT**

The Diocese will not enter into any confidentiality agreement except for grave and substantial reasons brought forward by the victim. These will be noted in the text of the agreement (*USCCB Charter 3*).

## **XIII. RECORDS AND REPORTS**

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

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

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

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

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

## **XIV. POLICY SUBMISSION**

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