

*“Our Promise
to Protect...”*

POLICIES ON
APPROPRIATE CONDUCT



Diocese of
Green Bay



January 2009

Dear Brothers and Sisters in Christ:

In June of 2002, an important meeting with the Bishops of the United States implemented the *Charter for the Protection of Children and Young People* which pledged the Catholic Church in the United States to protect children and youth from sexual abuse and to establish effective policies that respond to actions that occurred in the past.

“Our Promise to Protect... Policies on Appropriate Conduct” is the response of the Diocese of Green Bay. Our policy includes individuals at risk as well as children and youth. This policy has been recently reviewed and updated according to standards set by the *Charter for the Protection of Children and Young People* and the needs of the Diocese. It is our pledge and commitment to create an environment that protects our children and individuals at risk from harm. We will comply with all laws regarding the reporting of allegations of sexual abuse against children and individuals at risk to the proper civil authorities for investigation. I am committed to continuously reviewing and refining necessary policies and procedures. I hope, and pray, for the healing of all those who have been harmed.

Together we are called to minister to all of God’s people and show special care for our children and those who are at risk. We as the Church strive to create environments where all people treat each other with dignity, charity and respect and that the faithful are served by men and women who fully reflect the love and protection of Jesus Christ.

As fellow brothers and sisters in Christ, we are all called to serve one another according to our gifts and abilities. Thank you for your efforts and diligence in protecting those who cannot protect themselves.

I hereby promulgate this revised version of “Our Promise to Protect... Policies on Appropriate Conduct” as particular law for the Diocese of Green Bay effective January 1, 2009.

Sincerely yours in Christ,

The Most Reverend David L. Ricken, DD, JCL
Bishop of Green Bay

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I. INTRODUCTION

The Diocese of Green Bay is committed to creating and providing safe and sacred places in our parishes, schools, and other institutions so that children, young people and individuals at risk will be protected from any harm, including physical and sexual abuse. This is in agreement with the U.S. Bishops *Charter for the Protection of Children and Young People*, the Apostolic Letter of Pope John Paul II, *Sacramentorum Sanctitatis Tutela* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.

GENERAL PRINCIPLES

The Diocese expects its priests, deacons, other ministers, employees and volunteers to help protect children, young people and individuals at risk by demonstrating the Church's care and love for all people, by observing the Church's teachings on sexuality and morality and by complying with the policies and procedures described in this manual.

These policies shall apply to the conduct of priests, deacons, other ministers, employees and volunteers in all parishes, schools, institutions, departments and other entities for which the Diocese of Green Bay is directly responsible. When a credible allegation has been lodged against a priest, deacon or other cleric, a unique set of canonical norms (Church Law) are in effect in addition to the criminal and civil laws and the diocesan policies. The priest, deacon or cleric may have committed a canonical delict or crime. This canonical legislation does not apply to acts of sexual abuse by lay persons or by religious who are not clerics. Nor does it apply to acts committed by someone before he became a cleric. (Cf Appendix nos. 1, 2, 3 & 4.)

The Diocese of Green Bay will not tolerate the sexual abuse or sexual exploitation of a minor/individual at risk by a priest, deacon, other minister, employee or volunteer who is in the service of the Diocese.

Diocesan representatives will take very seriously every allegation of sexual misconduct. Any person bringing such a complaint will be treated with compassion and understanding. This manual provides a description of those procedures that will ensure the proper handling of such claims.

The Diocese has instituted a mandatory continuing education program concerning the sexual abuse of minors. This program was implemented to help raise awareness and understanding among parents, priests, deacons, school personnel, catechists, youth ministers, staff members, and volunteers who have substantial contact with minors.

The Diocese shall also provide information to our parishes and schools to help educate children and young people on how to be safe and to stay safe. This is intended to enhance the ability of our young people to protect themselves and to communicate more easily when they sense any potential danger.

Terminology

For purposes of this policy, the following definitions apply to employees, clergy, volunteers, representatives of the Diocese of Green Bay in every, parish, school, or other associated entity:

SEXUAL ABUSE: Sexual abuse includes, but is not necessarily limited to, sexual assault, sexual intercourse, sexually explicit conduct or sexual contact with a minor or vulnerable person as defined in Wisconsin State Statutes, Chapter 948.

SEXUAL EXPLOITATION:

- Sexual contact between a cleric, other minister, employee or volunteer and a person who is receiving pastoral care from the above-named persons or is working under the authority or supervision of the above-named persons.
- Use of position to obtain sexual contact with other person.
- Solicitation or enticement of another person for purposes of sexual gratification (to include sexual harassment).
- Accessing images of sexual acts involving children (child pornography) via any format, i.e. print and electronic. Wisconsin Statute 948.12(1m) states: Whoever possesses any undeveloped film, photographic negative, photograph, motion picture, videotape, or other recording of a child engaged in sexually explicit conduct under all of the following circumstances is guilty of a Class I felony:
 - (a) The person knows that he or she possesses the material.
 - (b) The person knows the character and content of the sexually explicit conduct in the material.
 - (c) The person knows or reasonably should know that the child engaged in sexually explicit conduct has not attained the age of 18 years.

CHILD: Under Wisconsin law, a minor is anyone who has not yet reached the age of 18.

INDIVIDUAL AT RISK: Under Wisconsin law, an individual at risk is an adult at risk §55.01 (1e) or an elder adult at risk §46.90 (1). (Wisconsin Statute §940.285).

In these policies, the term "minor" or "youth" refers to anyone who has not yet reached his/her 18th birthday as described by State Law, and by those canonical norms in effect in the United States. An individual at risk is defined as above.

Adult at risk" means any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

"Elder adult at risk" means any person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

II. POLICY ON MAINTAINING SAFE ENVIRONMENTS

The Diocese of Green Bay is committed to creating, providing and maintaining safe environments in all its parishes, schools, and other institutions so that all persons, especially children, youth and individuals at risk, will be protected as far as possible from all harm including physical and sexual abuse. This policy is in compliance with *The Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops.

The Diocese expects its priests, deacons, other ministers, employees and volunteers to help protect children, young people and individuals at risk by demonstrating the Church's care and love for all people and by observing the Church's teachings on sexual morality.

All priests, deacons, other ministers and employees who may or may not have regular contact* with children, young people and individuals at risk are required to:

- Complete an application form in which they:
 - 1) provide the Diocese with professional/personal references;
 - 2) complete, sign and date the appropriate declaration form;
 - 3) authorize a criminal background check and receive a satisfactory report.
- Complete the VIRTUS Adult Awareness Training Session and follow-up requirements.
- Sign the Acknowledgement and Agreement Form in which they acknowledge receipt of *Our Promise to Protect...Diocesan Policies on Appropriate Conduct* of the Diocese of Green Bay and agree to follow and adhere to the Diocesan Code of Pastoral Conduct.
- Review and observe *Our Promise to Protect...Diocesan Policies on Appropriate Conduct*.

All adult volunteers who have regular contact* with children, young people and individuals at risk are required to:

- Complete an application form in which they:
 - 1) provide the Diocese with professional/personal references;
 - 2) complete, sign and date the appropriate declaration form;
 - 3) authorize a criminal background check and receive a satisfactory report.
- Complete the VIRTUS Adult Awareness Training Session and follow-up requirements.
- Sign the Agreement Form in which they agree to follow and adhere to the Diocesan Code of Pastoral Conduct for Volunteers.

*Regular contact is defined as:

Any employee or volunteer, age 18 and over, who has direct contact with children/youth/individuals at risk and

- encounters said person(s) more than four (4) times in a program year and/or
- acts as a chaperone on an overnight event and/or
- is the adult driver in a vehicle transporting said persons and/or
- spends an average of one (1) or more hour(s) a week in any given four (4) week period with said person(s) and/or
- is not under the direct/immediate supervision of a parish/educational/catechetical employee.

All youth volunteers (under the age of 18) are required to adhere to the provisions of the Youth Application and Youth Code of Conduct.

Failure to comply with these requirements will result in the removal of the person from employment, ministry or the denial of volunteer service within the diocese.

III. DIOCESAN CODE OF PASTORAL CONDUCT

The Diocese of Green Bay expects its priests, deacons, employees, other ministers, and those who volunteer service to conduct themselves appropriately in their relationships with the people they serve, especially with minors.

The following Diocesan Code of Pastoral Conduct provides a set of standards for conduct in pastoral situations. This Code of Conduct has been developed in compliance with the USCCB *Charter for the Protection of Children and Young People*, the *Apostolic Letter of Pope John Paul II* and with the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.

Responsibility for adherence to the Diocesan Code of Pastoral Conduct rests with the individual, but the support and observance of the Code is an important concern for all. Those who disregard this Code will be subject to remedial action by the Bishop, his representative or that person's supervisor. Corrective action may take various forms depending on the specific nature and circumstances of the offense and the extent of the harm done. For clerics this action may range from a verbal warning to removal from ministry. For lay employees or volunteers this action may range from a verbal warning to discharge from employment or release from volunteer service, depending on the specific nature and circumstances of the offense and the extent of the harm done.

Conduct With Youth

When working with youth, always maintain an open and trustworthy relationship. The following rules will apply.

1. Be aware of your own and others' vulnerability when working alone with youth. Use a team approach to managing youth activities.
2. Physical contact with youth can be misconstrued and is to be avoided unless completely nonsexual and otherwise appropriate.
3. If inappropriate personal or physical attraction develops between an adult (a cleric, an employee or a volunteer) and a young person, the adult is responsible for maintaining clear professional boundaries.
4. Avoid being alone with a young person in a residence, sleeping facility, locker room, dressing facility or other closed room or isolated area.
5. In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm. Use a team approach to manage emergency situations.
6. Minors or other young people unaccompanied by parents or legal guardians must never be allowed to stay overnight in the rectory or the priest's private residence.
7. The illegal possession and/or illegal use of drugs and/or alcohol is strictly prohibited. Never use alcohol when working with youth.
8. Youth must never be provided with alcohol, illegal drugs, sexually provocative materials or any illegal materials.
9. Taking photos of young people while they are unclothed or undressing is prohibited by law.

Confidentiality

Trust is one of the cornerstones in all pastoral relations. People are accustomed to speaking in confidence with a priest or deacon because of the trust they have in the clergy. To avoid breaking that trust, priests and deacons shall continue to respect the confidentiality entrusted to them.

Under no circumstances whatsoever may a priest disclose, even indirectly, information received through the confessional cc.983, 984. Information disclosed to a priest or deacon or other minister during the course of counseling or spiritual direction or in a pastoral conversation must be held in the strictest confidence and it is to be considered privileged information except as required to be reported to the appropriate governmental authorities under Wisconsin Statute §48.981. See page 17 for mandatory reporting requirements.

Conflicts of Interest

Avoid all situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

For example, conflicts of interest may arise when the independent judgment of a priest, deacon, or other minister, while serving as a pastoral counselor or spiritual director, is impaired by: prior dealings; becoming personally involved; or becoming an advocate for one person against another. When this becomes evident, the pastoral counselor or spiritual director shall advise the parties that he/she can no longer provide pastoral services and shall refer them to another pastoral counselor or spiritual director.

Ethical or Professional Misconduct

Priests, deacons, other ministers, employees and volunteers have a responsibility for maintaining the highest ethical and professional standards. They also have a duty to report breaches of this Code of Pastoral Conduct whether by themselves or by others. When uncertainty exists regarding a situation or course of conduct that violates this Diocesan Code of Pastoral Conduct or other religious, moral, or ethical principles, consult with professionals who are knowledgeable about ethical issues.

When there is an indication of questionable action by a priest, deacon, other minister, employee or volunteer, immediately notify the Diocesan Assistance Coordinator or the person's immediate supervisor.

Pastoral Counseling Standards

Priests, deacons and others who provide pastoral counseling and spiritual direction must maintain appropriate boundaries and adhere to the following rules:

1. Never step beyond your competence in counseling situations; limit the number of counseling sessions to three or less. Refer clients to other professionals when appropriate.

2. Assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all situations involving counseling and spiritual direction. Sexual intimacies with persons being counseled or directed, including forced physical contact and inappropriate sexual comments, are absolutely forbidden and may result in the immediate loss of ministry, employment or service.
3. Avoid physical contact of any kind that could be misconstrued. Sessions must be conducted in appropriate settings at appropriate times, not in private living quarters and not in places or at times that would tend to cause confusion about the nature of the relationship to the person(s) being counseled or directed.

Witness to Chastity

No priest, deacon, other minister, employee or volunteer shall, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

Priests and those deacons who are committed to a celibate lifestyle are called to be an example of celibate chastity in all their relationships at all times. Deacons, employees and volunteers who are married are called to be examples of marital chastity at all times. Employees and volunteers who are single or widowed are called to be examples of chastity in the single life.

No priest, deacon, employee or volunteer may exploit another person for sexual purposes. Priests, deacons, other ministers, employees and volunteers are to review, be familiar with and committed to the contents of the diocesan sexual abuse policies – *Our Promise to Protect... Policies on Appropriate Conduct*. All priests, deacons and other clerics are to take special note of the Appendix attached to these policies.

IV. SEXUAL ABUSE OF A MINOR BY A PRIEST OR DEACON

Priests and deacons occupy important places of service in our Church. They do so with extraordinary generosity and care. Unfortunately, sometimes an individual priest or deacon may seriously overstep boundaries and misuse his position and power. Keeping in mind canonical documents cited above as well as the norm of c.1395 #2, the following policies will apply to cases involving sexual abuse, sexual misconduct, or sexual exploitation of a minor by a priest or deacon.

Prevention

In order to prevent such misconduct, the Diocese will use the following measures to screen both candidates for Ordination and priests or deacons who offer their service to the Diocese.

Candidates for Ordination

All candidates for priesthood or permanent diaconate will have a criminal background check and will be screened through psychological evaluation, interviews and references in an attempt to determine whether there is any history of sexual abuse or sexual exploitation of minors or individuals at risk either as a victim or a perpetrator.

Priests and Deacons New to the Diocese

Whenever a priest or deacon from a religious community or another diocese requests a transfer to the Diocese of Green Bay, a criminal background check will be made to determine whether there is any history of sexual abuse or sexual exploitation. A letter of reference will also be required from his bishop or religious superior with full disclosure of any known history of allegations of sexual abuse, sexual abuse or sexual exploitation, especially with minors. Refer to *Policy Regarding Background Checks for Priests and Deacons Coming into the Diocese of Green Bay* (1256CO)

Continuing Education

Priests and deacons will continue to participate in mandatory sexual abuse prevention training. The Diocese will offer workshops to help priests and deacons learn how to maintain boundaries and avoid any kind of sexual misconduct. These workshops will include information about the requirements for reporting sexual misconduct.

Notification Policy of the Diocese of Green Bay

The Bishop or his representative will provide written notice to another diocese when offending priests/deacons who have been removed from ministry in the Diocese of Green Bay travel to that diocese for an extended period of time or retire and/or move to that diocese.

Reporting Misconduct by a Priest or Deacon

Sexual misconduct by a priest or deacon causes pain and suffering. Both justice and compassion call the Diocese to respond to the harm done. Once a complaint of sexual misconduct has been lodged, an authorized representative of the Diocese shall make every effort to move the process along in a timely, sensitive and professional manner. The process works best when the person bringing the complaint has the support of a knowledgeable relative or friend. The person may also want to engage the assistance of a civil attorney or a person who is an expert in Church law (Canon lawyer).

How to Bring a Complaint

Call: The Diocesan Assistance Coordinator, at 1-877-270-8174 or (920) 272- 8174.

Write to: Diocesan Assistance Coordinator, Diocese of Green Bay, P.O. Box 23825, Green Bay, WI 54305-3825. Letters should be marked **Personal and Confidential** and indicate when and how the person making the complaint can be contacted for further information.

Contact: If you prefer to report an incident to someone not an employee of the Diocese, call Mr. Robert Johnson, executive director of the American Foundation of Counseling Services in Green Bay at (920) 437-8256.

The Diocese Shall Take Every Complaint Seriously

The Diocese will respond promptly and seriously to every complaint of sexual misconduct by a priest, deacon or other cleric. When the Diocese receives an allegation that a priest or deacon has engaged in sexual misconduct, it will immediately begin an investigation. The Diocese will offer the alleged victim pastoral assistance and/or counseling that may be required.

During the diocesan investigation the rights of all those who are involved, including both the person making the allegation and the person accused of misconduct, will be protected.

Under all circumstances, the Diocese reaffirms its commitment to work with the proper civil authorities with regard to all criminal sexual misconduct. In addition to compliance with the law, the Diocese directs all its paid personnel and volunteers, even those who are not mandated reporters, to report their knowledge or belief of the abuse of minors to their supervisor or director.

Priests and deacons are required to report actual or suspected sexual abuse of a child. Furthermore, clergy are required to report cases where they have reasonable cause to believe, based on either observation or information received, that a member of the clergy has abused a child or threatened to abuse a child. However, given the nature of the seal of confession even recognized by civil law, a priest may not share any information received in the Sacrament of Penance.

Preliminary investigation

When civil authorities are involved with a criminal investigation, the Diocese will defer to their investigative process. However, the Diocese will also use every reasonable means to investigate any allegation of sexual misconduct, since it may be necessary to take disciplinary action even if a crime is not proven. A preliminary investigation, in harmony with Canon Law, will be initiated by the Bishop and conducted by his delegate in a prompt and objective manner.

Diocesan representatives will interview the alleged victim and/or other persons who bring an allegation. The Diocese may also engage the service of appropriate professionals to conduct an investigation as well as interviews. The purpose of the investigation is to obtain a complete understanding of the nature and extent of the alleged abuse as well as to identify other potential victims. In certain circumstances, when a complaint or claim is in civil litigation, the scope of the diocesan investigation may be affected by civil court proceedings.

Information from person making allegation

The first source of information for the diocesan/canonical investigation is the person making the allegation. The Diocese will ask that person to allow his/her name to be used along with the names of potential witnesses. If that person does not want his/her name used, the Diocese must discern whether it is possible to investigate without risking disclosure of the person's identity. If this is not possible, then the Diocese will discuss this with the person making the allegation and attempt to persuade the person to allow the use of his/her name during the investigatory process. The Diocese will make every effort to maintain confidentiality during the investigatory process.

The Diocese retains the right to conduct its own investigation. The Diocese reports all allegations to appropriate civil authorities. The Diocese will also encourage the person making the allegation to report the alleged abuse to the appropriate civil authorities.

Information from alleged offender

A second source of information is the alleged offender. As soon as possible following receipt of an allegation, representatives from the Diocese will interview the priest or deacon to inform him of the allegation made against him to secure his response. If civil authorities are also investigating the accusation, the Diocese shall respect their procedures.

The priest or deacon has the right to retain the assistance of civil and canonical counsel.

In order to protect the rights of the accuser, the priest or deacon will be prohibited from revealing the name of the accuser to anyone other than his civil or canonical counsel.

Information from other sources

If there is any major discrepancy between the accounts of the alleged victim and the accused, the Diocese will use as many resources as possible to investigate further so as to arrive at the truth.

Psychological assessment

Whenever indicated by the investigation, the Diocese may ask the accused priest or deacon to voluntarily undergo an independent and objective assessment and may refer him to a qualified psychological center. Agreement or refusal to participate in an assessment does not constitute an admission of guilt by the accused person. The priest or deacon will also be advised of his canonical rights.

Interim steps

At the time of the interview with the accused priest or deacon, appropriate administrative restrictions may be imposed on his ministry until the canonical process is completed. These restrictions can include, but are not limited to, removal from active ministry. Given the circumstances, the accused is to have no contact with the accuser and his/her family; no contact or careful monitoring of any contact with persons who share the same characteristics as the alleged victim e.g. children, individuals at risk.

Furthermore, until an investigation is complete any priest or deacon accused of sexual misconduct with a minor from a first party source will be prohibited from exercising sacred ministry. He may be prohibited from residing in a certain place or territory. If he is a priest, he will be prohibited from any public celebration of the Sacraments, wearing clerical garb or representing himself as priest. (Cf. Appendix)

When a married permanent deacon is accused of sexual misconduct, his wife and family will face a tremendous strain and will likely need assistance. This could also be true for the families of a priest or an unmarried deacon who is accused of sexual misconduct. The Diocese will work with the accused and his family so they can receive the pastoral care and counseling support they may require. The diocesan representatives responsible for monitoring this procedure may inform selected co-workers or others in the workplace or residence of the accused priest or deacon that an accusation has been made and restrictions have been imposed. These persons will be asked to report any inappropriate behavior or any violations of the imposed ministerial restrictions to a designated diocesan representative.

Role of Independent Review Board

An important part of the diocesan investigatory procedure is to make a judgment regarding the continuation of ministry or return to ministry for a priest or deacon who was accused of sexual misconduct. The Diocesan Bishop, in accord with the *Charter for the Protection of Children and Young People* and the Essential Norms, relies on input from the Independent Review Board. The Board consists of members of outstanding integrity and good judgment – a pastor, a deacon, and lay persons with expertise in health care, social work, psychology, law enforcement and experts in civil law.

The Board is to:

1. Review and make recommendations regarding the continuation in ministry of clergy who have allegedly sexually abused or exploited minors.
2. Review and make recommendations regarding the return to ministry of priests and deacons following their removal from active ministry when allegations are found to be unsubstantiated.
3. Review and make recommendations concerning changes to existing policies or the adoption of new sexual misconduct policies.

Canonical Procedures Involving the Sexual Abuse of Minors by a Priest or Deacon

When a preliminary investigation indicates there is credible evidence that the sexual abuse of a minor has occurred, the norm of law regarding prescription will be invoked and an appropriate notification will be made to the Congregation for the Doctrine of the Faith. At this time, restrictions on the cleric's ministry, cited above, will be imposed unless this has already occurred. An appropriate process as provided for in Canon Law and the Essential Norms will then be observed in order to arrive at a just determination regarding the imposition of canonical penalties, not excluding dismissal from the clerical state, if the case so warrants (cf. c. 1395, §2).

When even a single act of sexual abuse by a priest or deacon has been admitted or established after an appropriate process conducted according to Canon Law, the offending priest or deacon will be removed permanently from ecclesiastical ministry. If he is unwilling to resign from canonical office voluntarily, a canonical penal trial may begin in order to finalize the imposition of that penalty. The offending priest or deacon may, at any time, request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may ask the Holy Father to dismiss the offending priest involuntarily.

Response to Parishes Experiencing the Pain of Clergy Sexual Misconduct

When a priest or deacon engages in sexual misconduct, individuals are harmed and many are affected. This is true not only of those directly involved in the misconduct, but also of parish members where the cleric currently serves or has served in the past. The Diocese shall respond, guided by three important principles:

First, the Diocese acknowledges that one of the most important elements in healing is to inform the parish about what happened as completely and accurately as possible. Information helps dispel the atmosphere of distrust that may be fed by rumor, by the sudden departure of a priest or deacon assigned to the parish, or by the impression that a "cover-up" is being imposed. Information that is provided also helps other victims to come forward, and assures that appropriate steps will be taken so that the faith community can truly move forward.

While committed to disclosure and transparency, communications may be limited because of the need to respect the privacy of the victim and his/her family, as well as the need to protect the rights of the accused. It is not always appropriate to share information that is gathered during the early stages of an investigation since this information is not always free of confusion or contradiction lacking substantiation.

Second, the Diocese acknowledges that the healing of a parish is a multi-disciplinary challenge. Neither diocesan representatives nor a parish representative can respond to all of the concerns and problems that arise in the aftermath of clergy misconduct. As a result, the Diocese will provide a team of professionals to help foster healing in those parishes affected by a case of sexual misconduct.

Third, the Diocese acknowledges that parishes undergo a complex process of grieving. When people learn that a respected leader has been accused, there may be a reluctance to believe that the report could be true, a reflection of the longstanding belief that in our country an accused person is innocent until proven guilty. This attitude can also create a burden on those who, often after a long struggle, have found the courage to bring forth important information. Denial is usually followed by other well-known steps in grieving a loss, including depression and significant anger against the accused, the accuser(s), the Diocese, and the whole Catholic Church. Only after time passes and the appropriate steps are taken can a parish truly move forward in its mission.

During the Canonical Process

When the accused priest or deacon is restricted from exercising ministry:

- a. A temporary administrator will be appointed if the accused is the pastor, and has not been relieved of or resigned his assignment. The administrator is informed of the accusation and of the steps that will follow.
- b. Key parish leadership will be informed as soon as possible.
- c. A representative of the Diocese, the pastor or the administrator will notify parishioners about the absence of the accused priest or deacon. Because the early stages of the process can be complex, the first announcement to the parish will sometimes include minimal information and may indicate only a temporary absence. It will also include, however, an assurance that more information will be provided as it becomes available.

- d. With the assistance of trained professionals, the matter will be addressed as quickly as possible to determine the reliability of the accusation and its implications for the ministry of the accused. As soon as possible, the parish will receive a more comprehensive report about the reason for the cleric's absence. Along with this report, parishioners may be invited to a parish meeting.
- e. The parish meeting is a key step in the healing process of the parish. It allows for a more complete discussion of the complaint, its investigation, and its implications for the parish. The meeting should include participation of some or all of the following: a diocesan representative, the pastor or temporary administrator, a facilitator, a therapist, an attorney, and a communications expert. Because it is a pastoral gathering of the parish, non-members and the media are generally excluded.

Conclusion of the Canonical Process

Once the canonical process is concluded, all persons to whom disclosure had been made earlier will receive a more comprehensive report about the results of the process. The report will regularly include an announcement of the cleric's resignation, or his vindication, or the imposition of a canonical penalty or administrative action.

If it is established that the cleric is guilty of the sexual abuse of a minor, he will be permanently removed from ministry.

If an accusation is proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused. These efforts may include:

- a written communication to parishes in which the priest has served.
- a public meeting with the bishop or a diocesan representative among others.
- if known publicly, notification to the media.
- open parish meeting

Response in former parishes of the accused clergyman

The Diocese may choose to inform members of parishes where the accused cleric has served. The first and more pressing reason for such notification is to provide an opportunity for other possible victims to come forward for needed assistance. The second reason is to encourage healing of the hurt and betrayal that can result from knowledge of the accusations. With such disclosure, a parish meeting will be established to inform parishioners about the allegation against their former priest or deacon.

Reporting Requirements of the State of Wisconsin

In 1978, the State of Wisconsin enacted a Child Abuse and Neglect Reporting Law. The main purpose of this law was the protection of the health and welfare of children by mandating the reporting of suspected abuses and neglect. This law, as amended in 1983, clarified the definition of child abuse to include sexual abuse and emotional abuse. It also expanded the list of mandated reporters and increased the fine for failure to report from \$100.00 to \$1,000.00.

Wisconsin State Statute 48.981 (2), as amended, requires any school administrator, teacher, school psychologist, counselor, child care worker in a day care center or child care center, day care provider, alcohol and/ or drug abuse counselor, speech-language pathologist, audiologist, nurse, catechist, religious education director/coordinator, or related professional or other specified person(s), having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect or that abuse or neglect of a child will occur, is obligated to report the case immediately, by telephone or personal visit to the local County Child Welfare Agency, the County Sheriff's Office, the City Police Department or the Tribal Government for Native American Children.

As recently amended, Wisconsin Statute §48.981 (2) (bm) requires a member of the clergy to report suspected child abuse or threats of such abuse, whether perpetrated by another member of the clergy or by someone else. Wisconsin law does not require a priest to report what he hears in confession or through confidential communications made to him privately. However, diocesan policy states a priest must report any information heard outside of the Sacrament of Penance.

A priest or deacon who hears such information, either in a confessional or through confidential communications, should encourage those with knowledge of physical or sexual abuse of minors to bring it to the attention of civil and Church authorities so that appropriate action can be taken.

Any other person not listed as a mandated reporter under Wisconsin Statute §48.981, having reason to suspect that a child has been abused or neglected or having reason to believe that a child has been threatened with such abuse, are strongly encouraged to report the allegation. Although not legally required to do so, the Diocese emphasizes such reporting.

V. SEXUAL ABUSE OF A MINOR BY AN EMPLOYEE OR VOLUNTEER

Reporting Abuse

Lay employees and volunteers are subject to civil law as well as to the principles and policies in this document that pertain to them. The Diocese urges anyone with personal knowledge of the sexual abuse of a minor by an employee or volunteer, and who is not bound by legal or professional confidentiality, to report such conduct to the Diocesan Assistance Coordinator.

The person reporting will be advised to report the incident to the civil authorities and when necessary, of the legal obligation to do so. The Diocesan Assistance Coordinator will offer to help in making provisions for the immediate pastoral and spiritual care of the victim. This care may include professional counseling. Since a person is presumed innocent until proven guilty, the rights of the accused as well as those of the complainant must be protected to the fullest extent possible.

Reporting an incident of sexual abuse may be done in person with the assistance of a family member, friends or an attorney, by letter or by phone. Letters should be marked Personal and Confidential and indicate how and when the person reporting can be contacted for further information.

Mail letters to: Diocesan Assistance Coordinator, Diocese of Green Bay, P.O. Box 23825, Green Bay, WI 54305-3825.

Reports by phone: should be directed to the Diocesan Assistance Coordinator at (920) 272-8174 or 1-877-270-8174. The Diocesan Assistance Coordinator will report all allegations to the proper civil authorities

Contact: If you prefer to report an incident to someone not an employee of the Diocese, call Mr. Robert Johnson, executive director of the American Foundation of Counseling Services in Green Bay at (920) 437-8256.

Responding to Reports of Sexual Abuse of a Minor by an Employee or Volunteer

The Diocesan Assistance Coordinator is responsible for initiating the following response procedure:

1. Meet with the person reporting the complaint and discuss the process to be followed. Inform the person reporting that pastoral support is available during the process.
2. If the person reporting is not the victim, contact the victim, if possible, to follow through on the complaint by listening, determining needs and offering immediate pastoral and spiritual care. This care may include professional counseling.
3. Contact the employee or volunteer who has been accused and interview him/her about the allegation. Elicit the person's response to the allegation. Inform him/her of the right to have an attorney present. Offer to assist in finding pastoral support for the accused.

4. If the person accused acknowledges that there was sexual abuse, it is cause for immediate dismissal. The situation should be handled sensitively, and pastoral care should be offered to the person accused along with his/her family.
5. If the accused does not acknowledge or denies the allegation, the person, if an employee, will be placed on administrative leave. If the person is a volunteer, he/she will be restricted from volunteer duties. The Diocesan Assistance Coordinator will appoint a delegate, within a reasonable amount of time, to conduct an investigation to determine the credibility of the allegation and to prepare an initial report of the investigation.
6. If civil authorities are carrying out a criminal investigation, the Diocese will cooperate. The investigation may include interviews with potential witnesses. The Diocese will keep all information gathered during the investigation as confidential as possible, consistent with state and federal laws.
7. The results of the diocesan investigation will be submitted to the Diocesan Assistance Coordinator who will then make his/her recommendations to the Bishop. The Bishop will make the final decision in the case.
8. When the situation requires it, the Diocesan Assistance Coordinator and other diocesan personnel will work with the leadership of the parish/institution to develop a plan for pastoral support for the parish/institution.

Future Employment/Volunteer Service

When the investigation clearly indicates that the alleged incident did occur, the employee/volunteer will be terminated. If the alleged incident did not occur or did not involve the employee/volunteer who was accused, the future role of the employee/volunteer will be determined by the pastor, administrator, and/or the Bishop. In so far as the situation became public, every effort will be made to restore the person's good name. These efforts may include:

- a written communication to parishes in which the priest has served.
- a public meeting with the bishop or a diocesan representative among others.
- if known publicly, notification to the media.

VI. SEXUAL HARASSMENT - UNWELCOME SEXUAL CONDUCT

It is the commitment of the Diocese of Green Bay to provide for an environment that is safe and free from sexual harassment. Sexual harassment is contrary to the teaching of the Church. Violations of this policy will be cause for disciplinary action up to and including termination of employment.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, written, verbal, or physical conduct of a sexual nature, pressure, or repeated remarks to a person with sexual or demeaning implications, unwelcome touching, repeated displays of offensive, sexually graphic materials, etc.

Indications of sexual harassment may include the following:

1. When such conduct has the purpose or effect of unreasonably interfering with an employee's or volunteer's performance or it creates an intimidating or hostile working environment.
2. When such conduct has the purpose or effect of unreasonably interfering with a student's performance or it creates an intimidating or hostile educational environment.
3. When submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or a volunteer's duties.
4. When submission to or rejection of such conduct by an employee or volunteer is used as the basis for decisions affecting the employee or volunteer.

Reporting Sexual Harassment

The Diocese of Green Bay encourages anyone who alleges sexual harassment by a priest, deacon, parish or diocesan employee or volunteer to report such conduct to his or her supervisor, pastor, administrator, the Diocesan Director of Human Resources or the Diocesan Assistance Coordinator. If the alleged harassment involves the person's immediate supervisor, pastor or administrator, that person is to contact the Diocesan Assistance Coordinator.

Any person who alleges sexual harassment by an employee, volunteer or student of a parish or school program in the Diocese of Green Bay is to report the allegation directly to his/her teacher, supervisor, principal, administrator, pastor, Diocesan Department of Education or the Diocesan Assistance Coordinator. The filing of a grievance or otherwise reporting of sexual harassment will not reflect upon the individual's status, nor will it affect future employment or work assignments. Retaliation against a complainant is strictly prohibited. The person retaliating will be subject to immediate disciplinary action, including the possibility of dismissal.

Reporting an incident of sexual harassment may be done in person with the assistance of a family member, friends or an attorney; it may also be done by letter or by phone. The person reporting will be advised to report the incident to civil authorities and when necessary, of the legal obligation to do so. Letters are to be addressed to the Diocesan Assistance Coordinator, marked ***Personal and Confidential*** and indicate how and when the person reporting can be contacted for further information.

Mail letters to: Diocesan Assistance Coordinator, Diocese of Green Bay, P.O. Box 23825, Green Bay, WI 54305-3825. Reports by phone should also be directed to Diocesan Assistance Coordinator at (920) 272-8174 or 1-877-270-8174.

Responding to Reports of Sexual Harassment

Those found guilty of Sexual Harassment will be subject to remedial action by the Bishop, his representative or that person's supervisor. Corrective action may take various forms. For clerics this action may range from a verbal warning to removal from ministry. For lay employees or volunteers this action may range from a verbal warning to discharge from employment or release from volunteer service, depending on the specific nature and circumstances of the offense and the extent of the harm done.

VII. CONCLUSION

Sexual misconduct is complex as well as terribly harmful. No simple or uniform methodology can provide an effective response because each instance has unique aspects that require adaptation. However, experience demonstrates it is possible for individuals and communities to heal from the effects of sexual misconduct. This is not easily or quickly accomplished. Effective counseling, support groups and spiritual direction are tools which are often required for this healing.

The Diocese is committed to doing all that it can to:

- Promote safe, healthy communities of faith.
- Intervene effectively when there is sexual misconduct.
- Respond fairly and compassionately to those harmed by sexual misconduct.

We do this because of our faith in Jesus Christ and His call to us to act justly and compassionately.

The Diocese will continue to refine its response to sexual misconduct. Careful reflection on experience, and continued study by ourselves and others will contribute to an even better response.

APPENDIX I – GUIDELINES FOR RECOGNIZING AND REPORTING CHILD ABUSE AND NEGLECT

The Diocese of Green Bay recognizes the serious local, state and national problem of child abuse and neglect. Since parish, school (system) and religion education personnel are in a unique position to observe and identify potential cases of abused and/or neglected children, responsible action by school employees and religion education personnel and catechists can be achieved through recognition and understanding of the problem, knowing the reporting procedures and acting according to State law.

Based on these legal requirements and moral commitments, the Diocesan Department of Education developed guidelines which include the law and provide direction to school and religion education staff members in identifying and reporting suspected child abuse and/or child neglect cases. Such guidelines make staff personnel and volunteers aware that, if they are deemed to be mandated reporters by the state statute, they are immune from civil and/or criminal liability when reporting suspected child abuse cases. Failure to report suspected child abuse can result in legal action, which may include a fine, imprisonment or both.

Conditions for Mandatory Reporting

STATE LAW: Wisconsin State Statute 48.981 (2), as amended, requires any school administrator, teacher, school psychologist, counselor, child care worker in a day care center or child care center, day care provider, alcohol and/ or drug abuse counselor, speech-language pathologist, audiologist, nurse, catechist, religious education director/coordinator, or related professional or other specified person(s), having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect or that abuse or neglect of a child will occur, is obligated to report the case immediately, by telephone or personal visit to the local County Child Welfare Agency, the County Sheriff's Office, the City Police Department or the Tribal Government for Native American Children.

Legal Requirements for Reporting

Parish, school, and religion education personnel/catechists shall tell their administrator of their suspicions. Remember that notification to the administrator alone DOES NOT FULFILL the legal requirement for reporting. The mandated reporter must report immediately to the County Department of Human Services, Sheriff/Police Department or the Tribal Government for Native American Children. When appropriate, further follow through to determine what action has been taken will be implemented.

Information Needed for the Report

1. The child's name, age and address.
2. Name, address and telephone number of child's caretaker.
3. The nature and extent of the child's injury or condition.
4. Information that might help to identify the person(s) responsible for the child's injury or condition.
5. Present whereabouts of the child.
6. Any factors contributing to high risk.

Good Faith/Not Legally Liable

Wisconsin law clearly states that those reporting in good faith are not held legally liable, even if the report cannot be proven. For the purpose of any civil or criminal proceeding, the good faith of any person reporting shall be presumed.

Penalty for Failure to Report

Whoever intentionally violates Wisconsin State Statute 48.981 (2) by failing to report may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

Proof not Required

The reporter does not have to prove that child abuse has occurred. Child abuse is to be reported as soon as it is suspected. Waiting for proof may mean further risk to the child. Proving child abuse should be left to trained investigators.

Confidentiality

The County Department of Human Services, the Sheriff/Police Department or the Tribal Government for Native American Children may not reveal the name of the reporter to the child's parents or guardians.

Responsibility of Human Services

Within 24 hours after receiving a report, the County Department of Human Services will begin an investigation to determine if the child is in need of protection and services. The person making the investigation will interview and/or observe the child, and, if possible, visit the child's home and interview the child's parents or guardians. The County Department of Human Services may contact, observe or interview the child at any location without permission from the child's parent(s) or guardian(s).

Diocesan Procedures for Reporting Child Abuse and Neglect

Any school or religion education personnel or catechist having reasonable cause to suspect that a child has been abused and/or neglected or has been threatened with an injury and that abuse of the child may occur shall use the following procedure to report:

1. Report the suspicion immediately to the County Department of Human Services or Sheriff/Police Department or the Tribal Government for Native American Children.
2. Notify the school principal/religion education administrator as soon as possible.
3. If the alleged offender is an employee of the school or parish, the administrator or designee must notify the Diocesan Assistance Coordinator at (920) 272-8174 as soon as possible.

Sexual Abuse

Children who report being sexually abused rarely, if ever, are lying. They have overcome fear to disclose the abuse, and need, above all, to be believed, rescued and nurtured.

Some Indications of Possible Sexual Abuse

- difficulty in walking or sitting
- pain or itching in the genital area
- stomach aches, headaches
- bed-wetting
- sleep disturbances
- depressed or withdrawn behavior
- difficulty in trusting others
- precocious interest in own or other's genitals
- talking about sex acts
- unfounded fears
- sexual drawings
- unusual need for reassurance
- sadness, angry outbursts, unexplained crying
- decline in academic performance
- threatens to run away from home
- loss of appetite
- worries about staying clean
- suicidal feelings

Approaching the Child Who May Be Sexually Abused

Rarely will a child lie about sexual abuse. Therefore, it is crucial that if a child should tell you that she/he is being sexually abused, the child should be believed and you should immediately contact the civil authorities. Help the child in the following ways:

- Tell the child you will call someone to help them.
- Do not force details of the incident. This should be left to trained personnel involved in the investigation.
- Do not express panic, shock or personal feelings.
- Assure the child that the abuse was not her/his fault and that you believe the story.
- Communicate that you are glad the child told you about what happened and that you want to help protect her/him from any further abuse.

Physical Abuse

According to the Wisconsin Statutes, physical abuse is any physical injury inflicted on a child by other than accidental means. It is generally understood that any punishment that leaves marks on a child's body or results in injury requiring medical attention constitutes abuse. For the most part, physical abuse is the result of loss of self-control when dealing with a child. This often occurs in the name of discipline or punishment, but also happens when an adult vents anger on a child.

Regular contact with parents will provide clues about their behavior and attitudes, which may indicate an abusive situation. A picture of abuse may emerge as observations of the parent are combined with observations of the child.

Some Indications of Possible Physical Abuse:

- unexplained bruises or welts
- unexplained burns or cuts
- unexplained fractures
- unexplained stomach aches
- unexplained visual or hearing difficulties
- human bite marks
- fear of adults
- aggressive or withdrawn behavior
- fear of parents
- fear of going home
- complaints that parents are angry
- coming to school early and staying late
- role playing abusive parents abusing younger children
- frequent, unexplained absences from school
- wearing clothing inappropriate to weather (to hide bruises)
- self-abusive behaviors or suicidal expressions

Approaching the Child Who May Be Physically Abused

- Listen to the child without judgment. Believe the child and tell her/him you will help.
- Assure the child that it is not her/his fault.
- Discuss with the child what will take place – interview with County Human Services and/or social worker.
- Assure the child that you will be there to support and assist her/him throughout the process, and be sure you follow through.
- Tell the child that you are glad that she/he told you about what happened.
- Tell the child that only essential information will be shared with appropriate authorities and that you will not discuss the situation with other teachers or classmates.

Psychological Abuse

Psychological abuse is the most prevalent form of abuse; it always accompanies physical neglect and sexual abuse, but also occurs in the absence of other forms of abuse.

Psychological abuse harms the child's psychological or intellectual functioning. Although it is common to use the terms psychological abuse and emotional abuse interchangeably, psychological abuse comprises three categories: emotional neglect, emotional abuse and verbal abuse.

Emotional neglect is the failure to provide a child with the emotional stability and nourishment needed to foster adequate personal development. Emotional abuse is very subtle and much less visible than other abuses.

Emotional abuse includes: exploitation, scapegoating, excessive punishment, bizarre punishments that humiliate or publicly shame the child, excessive restrictions, causing a child to believe he/she has something seriously wrong with him/her, or inconsistent and unpredictable reactions to a child's behavior. Such abuse stifles a child's normal progress toward autonomy, independence and social involvement with peers and adults outside the family.

Verbal abuse is the use of words as weapons in expressing anger and disappointment toward a child. It is an assault on the child's sense of integrity. This form of abuse comprises a verbal barrage of negative and deprecating labels that destroy self-esteem and make the child feel rejected, unlovable and bad.

These forms of psychological abuse are the least understood and the hardest to prove.

Some Indications of Possible Psychological Abuse:

- speech problems
- slow physical growth
- slow mental or emotional growth
- habit of sucking, biting or rocking
- antisocial or destructive behavior
- loss of appetite
- long-term depression
- sexual acting-out
- sleep problems
- dramatic emotional swings
- suicide attempts
- learning difficulties
- failing in school
- shyness and isolation
- psychosomatic problems
- aggressiveness

Neglect

Child neglect is the failure to provide for the basic needs of a child. Neglect generally falls into one of four categories: physical, medical, educational or emotional. Child neglect includes failure to provide: needed medical attention; the nurturing necessary for normal growth and development; regular schooling; the supervision necessary for a child's safety; protection from hazards in the home and neighborhood; and protection against criminal or immoral influences.

Genuine neglect tends to be chronic, not occasional.

Some Indications of Possible Neglect:

- underfed or constantly hungry
- unclean
- unattended medical needs
- below-average growth rate
- begs or steals food
- tired or listless
- regularly absent or tardy
- frequently displays alcohol or drug dependence
- displays developmental delays
- displays language delays/deficits

Helping Neglected Children

Neglected children need the basics of food, clothing and shelter together with acceptance, affirmation and affection. Parish, school, religion education personnel, catechists, fellow parishioners and students alike can and should welcome and assist children who have been neglected at home. Parish, school and religion education personnel/catechists are also mandated to report neglect to the appropriate agency.

Common Features of Family Abuse

Child abuse and neglect appear to be more common in families where unemployment and financial stress are serious problems and where one or both parents are suffering from low self-esteem, depression, or emotional stress. There is some evidence that abuse is more common in families that are more patriarchally organized. Abuse has also been associated with families that are isolated, have few or no friends and very little contact with relatives.

APPENDIX II – CANON LAW

#1. A canonical delict is a grave crime or offense for which canonical sanctions have been established.

#2. When a credible allegation of sexual abuse of a minor has been lodged against a priest, deacon or other cleric, the priest, deacon or cleric may have committed a canonical delict.

Because the sexual abuse of a minor is a grievous offense against the Sixth Commandment of the Decalogue, a special set of canonical norms are in effect. These norms and sanctions are established in the canonical documents already noted at the beginning of these Diocesan Policies. Because of a special Papal derogation from canon law given to the Bishops of the United States on April 25, 1994, the completed age of 16, found in c.1395 #2, has been changed to 18 completed years. This same derogation was given for the Universal Church on April 30, 2001. Canon law now stipulates that a delict is committed by a cleric who sexually abuses any minor under the age of 18 completed years. If a cleric committed an act of sexual abuse before April 25, 1994 with a minor age 16 or 17 his behavior is not a canonical crime since the present legislation did not become effective until the above-cited date. Therefore, the sanctions of c.1395 #2 cannot be imposed even though other administrative actions may be taken.

#3. Canonical legislation for the United States regarding prescription (statute of limitations) must be given full consideration. For alleged offenses committed before November 27, 1983 and denounced before that date prescription runs five years from the date of the offense.

For alleged offenses committed on or after November 27, 1983, and denounced prior to April 25, 1994, prescription runs five years from the date of the offense. For offenses committed before April 25, 1994 but denounced to the Diocesan Bishop after this date, prescription runs five years until the minor has completed his/her 23rd year.

For alleged offenses committed on or after April 25, 1994 and denounced on or after this date, prescription runs for ten years after the victim has completed his/her 18th year as long as the denunciation was made before the one who suffered the injury had completed his/her 28th year.

Because the sexual abuse of a minor is a grave offense, Norm 8A of the Essential Norms allows the Diocesan Bishop to seek a dispensation from the limits of prescription. This dispensation is obtained from the Congregation for the Doctrine of the Faith which has jurisdiction over these Causes. In addressing the question whether a dispensation is warranted in an individual case, the Diocesan Bishop must determine “that fraternal correction or rebuke or other means of pastoral solicitude cannot sufficiently repair the scandal, restore justice, or reform the offender.”

#4. Once a preliminary investigation has been completed and it is determined that an allegation has been established as credible, taking due note of the laws regarding prescription, the case will be remanded to the Congregation for the Doctrine of the Faith. This Congregation will then determine a course of action.

