



## **Diocese of Stockton**

### **Policy Dealing With Allegations of Sexual Abuse of Minors**

#### INTRODUCTION

On November 14, 2002, the Bishops of the United States gave final approval to The Charter for the Protection of Children and Young People and Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Other Church

Personnel. This later document was confirmed by the Apostolic See on December 8, 2002 and became effective as particular law for the dioceses of the United States on March 1, 2003. These documents established the manner in which the Catholic Church in the United States will address, in accord with canon law and the approval of the Holy See, the tragic matter of sexual abuse of minors by priests, deacons, and other Church personnel.

The Diocese of Stockton established a formal policy to address issues of sexual abuse of minors in 1987. This policy was updated in 1999. With the issuance of the Charter and the Essential Norms, the Diocese of Stockton has updated its 1999 policy to address these matters in order to serve better the needs of the Church and especially the needs of minors and others who have been victims of sexual abuse of minors by clergy, religious, or other Church personnel. Sexual abuse of a minor in this policy is defined as it is stated in the Charter.[1]

The Diocese in its policy it recognizes the pain, anger and confusion that have been caused in victims of sexual abuse. The Bishop and the Church of Stockton, in union with the Bishops of the United States, are committed to “provide safety and protection for children and young people in our church ministries and institutions” (Charter Preamble). Through this policy the Diocese seeks to attain these goals:

- To promote healing and reconciliation with victims of sexual abuse of minors;
- To guarantee effective response to allegations of sexual abuse of minors;
- To protect the Faithful in the future.

#### TO PROMOTE HEALING AND RECONCILIATION WITH VICTIMS OF SEXUAL ABUSE OF MINORS

1. Upon learning of an allegation of sexual abuse of a minor, the Diocese of Stockton will reach out to the victim(s) and families involved, demonstrating “a sincere commitment to their spiritual and emotional well-being” (Charter, Article 1). This spiritual and emotional assistance will be provided not only by psychologists and other medical professionals but also by trained spiritual leaders.

2. The Diocese is committed to continue to reach out to victims of sexual abuse for healing and reconciliation. To this end, the bishop shall appoint a Victim Assistance Coordinator whose role shall be “to coordinate assistance for the immediate pastoral care of persons” who report to have been sexually abused as minors by clergy or other church personnel. This outreach shall be coordinated through the Victim Assistance Coordinator and include a constellation of services for counseling, spiritual assistance, and support groups where appropriate. To the extent possible, the services offered by the Diocese will be based on the need and condition of the victim and his or her family, sensitive to their culture and ethnic heritage. (Charter, Article 2; cf. Essential Norms, 3)

3. Because the sexual abuse of minors occurs in all walks of life and across various religious traditions, the Diocese is committed to cooperating with civic social service agencies, Christian churches and communities, and other faith traditions to address support for persons who have been sexually abused as minors. (Charter, Article 1)

4. A Review Board, appointed by the Bishop, shall serve as a confidential consultative body to the Bishop. This Review Board shall consist of a minimum of five and a maximum of fifteen members who represent a diversity of expertise, are of good integrity and reputation and who are not in the employ of the Diocese. The majority of the members shall be from the lay faithful who are in full communion with the Church. At least one member of the Review Board shall be a priest who is an experienced pastor. At least one member shall have a particular expertise in the treatment of the sexual abuse of minors. (Essential Norms, 5; cf. Charter, Article 2)

A. Terms for members of the Board shall be five years and renewable.

B. The Bishop shall appoint the chairperson of the Review Board.

C. Diocesan staff who are not members of the Review Board shall serve in a consultative role as needed.

5. The functions of the Review Board shall include:

A. Advising the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. This may include the initial assessment of allegations and recommendations to the Bishop as to the merit of the allegations.

B. Reviewing regularly the diocesan policy and procedures for addressing allegations of sexual abuse of minors and making appropriate recommendations to the Bishop for change or modification.

C. At his request, offering advice to the Bishop on all aspects of cases, whether retrospectively or prospectively.

6. The procedure for making a complaint will be readily available in printed and electronic form. It will also be the subject of periodic public announcements. (Charter, Article 2).

7. The Diocese of Stockton “will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim and noted in the text of the agreement” (Charter, Article 3).

## TO GUARANTEE EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

8. The Diocese shall comply with all applicable laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in any investigations in accordance with the law of the jurisdiction in question. The Diocese shall cooperate with public authorities in cases when the alleged abused person is no longer a minor. In every instance, the Diocese shall advise an accuser of his or her right to make a report to public authorities. (Essential Norms, 11; Charter, Article 4)

9. All allegations of sexual abuse of a minor against a priest, deacon, or other Church personnel shall be treated seriously. Persons who report an allegation of sexual abuse of a minor against a priest, deacon, or other Church personnel shall be treated with respect and human dignity.

10. Priests, deacons, and other specified Church personnel who, according to civil law, are mandated reporters of suspected child abuse must personally report such abuse to the proper civil authorities. All persons employed by or volunteering with the Diocese shall cooperate with civil authorities. Any clergy, administrator, staff person or volunteer of the Diocese receiving or becoming aware of a complaint or allegation of sexual abuse of a minor by a priest, deacon or other church personnel shall also:

A. Inform the person making the complaint that the Diocese has a policy for addressing these matters;

B. Report the matter immediately to the Bishop, Vicar General, or Victim Assistance Coordinator, providing any details known so that appropriate contact and outreach can be made with alleged victims and the necessary civil reporting can take place.

11. An allegation of sexual abuse of a minor against a priest, deacon, or other Church personnel can be made by contacting the Bishop, Vicar General, or Victim Assistance Coordinator at the Diocese of Stockton Pastoral Center, 212 N San Joaquin St., Stockton, CA 95202; telephone: (209) 466-0636.

12. When the Bishop or Vicar General “has knowledge, which at least seems true,” that sexual abuse of a minor has been committed by a priest, deacon, or other Church personnel, he shall initiate a Preliminary Investigation in accord with canon law (c. 1717, §1). In accord with canon 220, every effort will be made not “to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her privacy” (c. 1717, §2; cf. Essential Norms, 6).

A. Either personally or through a delegate, the Bishop or Vicar General shall contact the individual making the complaint and/or other appropriate parties without delay to obtain the basic information needed to make the report to civil authorities.

B. Once notified of the allegations, the accused shall be encouraged to retain the assistance of civil and canonical counsel and shall be notified of the results of the investigation. “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” (Essential Norms, 7; cf. Charter, Article 5).

C. During the Preliminary Investigation and by means of an administrative act, the Bishop or Vicar General may withdraw the accused from ministry and issue precepts to which he is bound (Essential Norms, 9).

13. Once the evidence has been gathered concerning the allegation, the Bishop may bring the entire matter to the Review Board for its advice regarding the facts and findings of the investigation and the probable nature of the allegation (c. 1718, §3; Essential Norms, 4).

14. When the Bishop determines that it is probable that the crime of sexual abuse against a minor by a cleric has been committed, he closes the Preliminary Investigation (c. 1718, §1) and notifies the Congregation of the Doctrine of the Faith by sending all relevant documents and his votum, giving his opinion of the case, suggestion for future action, and a request for derogation from prescription (Essential Norms, 8A). At that time, the Bishop may apply the precautionary measures mentioned in canon 1722 pending the outcome of the investigation process: removal of the accused from sacred ministry or from ecclesiastical office or function; imposing or prohibiting residence in a given place or territory; and prohibiting public celebration of the Most Holy Eucharist (Essential Norms, 6).

15. When an allegation of sexual abuse of a minor by a member of a religious community residing or serving in the Diocese is made, the appropriate religious superior shall be informed by the Bishop or Vicar General, and the person placed on leave and removed from public participation in activities on behalf of the Church in any diocesan parish or institution.

16. When the accused is a lay employee of the Diocese, a parish, or an institution, the administrator who has authority over the accused shall place the accused person on a paid leave of absence. When the accused is a lay volunteer, the administrator who has authority over the accused shall suspend the services of the volunteer. Diocesan procedures for lay employees and volunteers will be observed.

17. When sexual abuse of a minor by a priest or deacon is admitted or is established after a canonical process the following shall pertain:

A. For even a single act of sexual abuse of a minor, past or present, the offending priest or deacon shall be permanently removed from ministry, not excluding dismissal from the clerical state, if the case so warrants. (Essential Norms, 8)

B. In every case involving canonical penalties, the processes provided for in canon law shall be observed (Cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; cf. Letter from the Congregation of the Doctrine of the Faith, May 18, 2001).

C. "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" (Essential Norms, 8B; cf. Charter, Article 5).

18. When an accusation of sexual abuse of a minor against a priest, deacon, or other Church personnel “has proved to be unfounded, every possible step will be taken to restore the good name of the person falsely accused” (Essential Norms, 13; cf. Charter, Article 5).

19. In dealing with cases of alleged abuse of minors, the Diocese is committed to transparent and open communications. Care shall 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 an allegation has been made. The Vicar General shall assist parishes in dealing with issues of sexual abuse of minors by clergy. Where schools and religious education programs are involved, the assistance of the diocesan Catholic Schools Office and the Office of Religious Education will be expected and will be coordinated through the Vicar General. (Charter, Article 7)

#### TO PROTECT THE FAITHFUL IN THE FUTURE

20. The Diocese will employ a coordinator to establish and maintain “safe environment” programs. The coordinator will cooperate with parents and community leaders to provide education and training to all Church personnel, parents and other interested parties about ways to maintain a safe environment for children. The Diocese shall endeavor to make clear to its clergy and members of the community the standards of conduct appropriate for all persons in positions of trust. (Charter, Article 12)

21. Utilizing the resources of law enforcement and other public agencies, the Diocese and its parishes and institutions shall evaluate the background of all diocesan and parish personnel who have regular contact with minors. The diocesan Director of Vocations, rectors of seminaries at which men of the Diocese study for the priesthood, and the Director of the Permanent Diaconate shall apprise the Bishop and Review Board of the process being utilized to screen candidates for priestly and diaconal ministry. This shall be provided to the Review Board upon its request. (Charter, Article 13)

22. Whenever a priest or deacon from another (arch)diocese or religious community is proposed for an assignment or residence in the Diocese, his Bishop or major superior shall be requested to forward to the Diocese for review, before such an assignment is made, an accurate description of the individual’s record, including anything in his background or service that would raise any questions about his fitness for ministry. (Charter, Article 14)

23. The office of the Vicar General shall maintain an up-to-date listing of priests who may help minister in parishes and institutions as well as a list of those without faculties or with limited faculties. Any priest not having a current assignment in the Diocese of Stockton must be approved through the Vicar General’s office before being granted faculties.

24. A designated representative of the Bishop shall maintain regular contact with priests and deacons who have been accused of sexual abuse of a minor, and shall provide fraternal support and facilitate referrals to resource persons and other professionals.

*I hereby promulgate this Working Policy Dealing with Allegations of Sexual Abuse of Minors for the Diocese of Stockton. It is effective immediately.*

*Given at the Chancery of the Diocese of Stockton on this 30th day of October, 2003.*

*+ Stephen E. Blaire  
The Most Reverend Stephen E. Blaire  
Bishop of Stockton*

*Deborah H. Deem  
Notary*

Note

[1]“Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (CIC, c. 1395, §2). Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment ( USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395, §2) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, ‘imputability (moral responsibility) for a canonical offense is presumed upon external violation... unless it is otherwise apparent’ (CIC, c. 1321, §3). Cf. CIC, cc. 1322-1327. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan Bishop, with the advice of a qualified review board, to determine the gravity of the alleged act.” (Charter, Article 1, note)