



## POLICY IN RESPONSE TO COMPLAINTS OF SEXUAL ABUSE

This document contains the policy of the Diocese of Camden concerning allegations of sexual abuse, including allegations involving minors as required by *Norm 2* of the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (hereafter, *Norms*), as well as the directives set forth in the *motu proprio Vos Estis Lux Mundi* of May 7, 2019.

In accordance with the requirements of applicable civil law, the Diocese will continue to report incidents where there is reasonable cause to believe that a minor has been subjected to abuse, to the appropriate governmental authorities. Additionally, reports made to the Diocese through the toll-free number - even reports from those who are no longer minors - are referred to the appropriate county prosecutor as a matter of course. *The Memorandum of Understanding* with the county prosecutors, to which the Diocese is a signatory, further facilitates the reporting of any act of abuse to local law-enforcement authorities. The Diocese will fully cooperate with all investigations of abuse consistent with the law.

The purpose of this *Policy* is to set forth a particular, but crucial, element of the salvific mission which Christ entrusted to the Church. In accordance with New Jersey law, it does not establish any legal right or entitlement in any person or entity and does not constitute an employee handbook or contract.

### 1. DEFINITIONS:

For the purposes of this *Policy* the following are defined:

“Affiliated Entity” means any corporation, association, entity or juridic person whose competent ecclesiastical superior is the Bishop of Camden (or the Administrator of the Diocese of Camden as the case may be) as well as other civil corporations within the Diocese of Camden having the Bishop of Camden (or the Administrator of the Diocese of Camden as the case may be) as an officer, member or trustee.

“Child Pornography” means any representation of a minor regardless of the means used, involved in any type of sexual activity, whether real or simulated, and any representation of the sexual organs of a minor or a vulnerable adult, regardless of the means used, for primarily sexual purposes.

“Clerics” means ordained priests and deacons.

“Diocesan Response Officer” means that person designated by the Diocese to:

1) receive the complaint, 2) notify the designated liaison and ecclesiastical authorities, 3) notify the Assistance Coordinator who provides for the immediate pastoral care of persons who claim to have been sexually abused, and 4) carry out the responsibilities designated in this *Policy*. These functions can be undertaken by such individual as the Bishop shall designate.

“Employee” means someone who is employed by the Diocese or an affiliated entity.

“Liaison” means the person who has been designated in accordance with the *Memorandum of Understanding* to serve as the primary contact between the Diocese and prosecuting authorities. (*Memorandum of Understanding*, Article 4)

“Memorandum of Understanding” means “*The Memorandum of Understanding among Certain Organizations and the County Prosecutors Regarding the Reporting of Certain Offenses*” which was signed by the Diocesan Bishops/Eparch and the Attorney General and respective County Prosecutors in December 2002 and broadly requires the Diocese to report allegations of sexual abuse to the appropriate county prosecutor.

“Minor” means a person under the age of eighteen years.

“Obstructive Conduct” means conduct carried out by any person in a position of authority in the Diocese or an affiliated entity consisting of actions or omissions intended to interfere with or avoid investigations under civil or canon law, or which in fact interfere with or avoid investigations under civil or canon law whether administrative or penal, involving a cleric, member of an institute of consecrated life or a society of apostolic life, or any other person employed by, or volunteering at, the Diocese or an affiliated entity.

“Other Church Personnel” means an employee, independent contractor, volunteer or other individual who is engaged in any type of ministry, work, employment or service of any type, kind, nature or description for, by, on behalf of, or in conjunction with the Diocese and/or any affiliated entity.

“Priests” and “Deacons” means men ordained as Catholic priests and deacons.

“Sexual Abuse” means any of the following:

- Sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. (*Norms*, Preamble) The standard 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. (*Norms*, Preamble)

- Sexual assault and aggravated sexual assault;
- Criminal sexual contact and aggravated criminal sexual contact;
- Sexual conduct which would impair or debauch the morals of a child;
- Luring or enticing a child or a vulnerable adult for the purpose committing sexual abuse;
- Criminal lewdness involving a minor or a vulnerable adult;
- The sexual molestation or exploitation of any person by any kind of violence or threat, or through the abuse of authority, including ecclesial or religious authority, or resulting from a variance in position between the parties;
- The acquisition, possession, distribution, manufacture, circulation, transmission, production, ownership or maintenance of pornographic images, pictures, films, representations, illustrations, likenesses, descriptions, portrayals or depictions, by whatever means and using whatever technology, whether actual or virtual, of a minor or a in any type of sexual activity, whether real or simulated, or any representation of the sexual organs of a minor for primarily sexual purposes, and/or the manufacture of such material involving a vulnerable person; and
- Any attempt or conspiracy to commit any of the foregoing.

“Victim Assistance Coordinator” means the person who has been designated to coordinate assistance for the immediate care of persons who claim to have been sexually abused.

“Vulnerable person” means any person in a state of infirmity, physical or mental deficiency or deprivation of personal liberty which in fact even occasionally limits the person’s ability to understand or otherwise resist the offense.

2. Whether the victim is an adult or a minor, all complaints of sexual abuse by priests, deacons, and other church personnel will be forwarded to the Diocesan Response Officer.
3. The Diocesan Response Officer’s name and contact information will be readily accessible to the general public.
4. Every allegation of sexual abuse will be presumed deserving of investigation when received, and to aid in assessing the investigation, the Response Officer will maintain a written record of any allegation.

5. The Diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse to civil authorities and will cooperate in their investigation. In every instance, the Diocese will advise and support a person's right to make a report to public authorities. (*Norm 11*)

The Diocesan Response Officer will forward all complaints to the designated liaison. As required by the *Memorandum of Understanding*, the liaison will forward the complaints to the County Prosecutor. The liaison will also assure that there has been compliance with all civil laws with respect to the reporting of allegations of sexual abuse.

6. The Diocesan Response Officer will also forward all complaints to the Victim Assistance Coordinator who will ensure that appropriate assistance is offered for the immediate pastoral care of persons who claim to have been sexually abused.
  - a. The Diocese will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. (*Charter, Article 1*) This outreach will include an offer of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim/survivor and the Diocese. (*Charter, Article 1*)
  - b. At the appropriate time, through pastoral outreach to victims/survivors and their families, the Bishop or his representative will offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach will also be directed to faith communities in which the sexual abuse occurred. (*Charter, Article 1*)
7. The Diocesan Response Officer will forward all complaints involving clerics to the Bishop and the Diocesan Review Board, and all complaints involving a member of an institute of consecrated life or a society of apostolic life to the individual's Provincial or other superior.
8. The Diocese is to be open and transparent in communicating about sexual abuse while always respecting the privacy and the reputation of those involved. (*Charter, Article 7*)
9. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused. (*Norm 13*)
10. It is forbidden to transfer for ministerial assignment any priest or deacon who has committed an act of sexual abuse against a minor or vulnerable adult.

Transfer of such a priest or deacon for residence, temporary or otherwise, is subject to conditions.

No priest or deacon who has committed an act of sexual abuse of a minor or vulnerable adult may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred even temporarily for residence to another diocese or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor or vulnerable adult, and any other information indicating that he has been or may be a danger to children, young people or vulnerable adults. This will apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor or vulnerable adult by the priest or deacon in question. (*Norm 12*)

11. This *Policy* will be subject to periodic re-evaluation; provided, however, that any revision shall be filed with the United States Conference of Catholic Bishops within three months of such revision. (*Norm 2*)

12. REPORTING OBLIGATIONS:

- a. When any person has reasonable cause to believe that an act of sexual abuse has been committed against a child the matter shall be immediately reported to the New Jersey Division of Child Protection and Permanency. This requirement is part of the broader responsibility under New Jersey law to report any act of child abuse.
- b. All complaints of sexual abuse by a cleric, or a member of an institute of consecrated life or a society of apostolic life or any other employee or volunteer of the Diocese or an affiliated entity shall be forwarded to the Diocesan Response Officer.
- c. When any person has notice of, or reasonable cause to believe, that any cleric, or a member of an institute of consecrated life or a society of apostolic life or any other employee or volunteer of the Diocese or an affiliated entity has engaged in obstructive conduct, notice shall be provided to the Bishop of Camden.
- d. Whenever any person, including any cleric or member of an institute of consecrated life or a society of apostolic life has notice of, or reasonable cause to believe that, the Bishop of Camden (or the Administrator of the

Diocese of Camden, as the case may be) has committed an act of sexual abuse, the matter shall be reported to:

1. The appropriate law enforcement authority
2. The Diocesan Response Officer

The Diocesan Response Officer  
Camden Diocesan Center  
631 Market Street  
Camden, New Jersey 08102

3. The national hotline at (800) 276-\_\_\_\_ or online at [reportbishopabuse.org](http://reportbishopabuse.org)
4. The Apostolic Nuncio to the United States

The Apostolic Nunciature  
3339 Massachusetts Avenue, N.W.  
Washington, D.C. 20008  
FACSIMILE: (202) 337-4036

AND

The Archbishop of Newark  
The Archdiocesan Center  
171 Clifton Avenue  
Post Office Box 9500  
Newark, New Jersey 07104  
FACSIMILE: (973) 497-4004

with a copy of such communications being sent to

Sister Rosemary Smith, SC, JCD  
[sr.rosemary.smith@rcan.org](mailto:sr.rosemary.smith@rcan.org)

5. In addition, notification may be provided to

The Secretariat of State of the Holy See  
Section for General Affairs  
Palazzo Apostolico Vaticano 00120  
Vatican City State

13. Whenever a cleric or a member of an institute of consecrated life or a society of apostolic life or any other person has notice of, or has reasonable cause to believe, that the Bishop of Camden (or the Administrator of the Diocese of Camden as the case may be) has engaged in obstructive conduct, then in

addition to notifying the appropriate law enforcement authority (if there has been a violation of criminal law) such person shall report to:

1. The national hotline at (800) 276-\_\_\_\_\_ or online at [reportbishopabuse.org](http://reportbishopabuse.org), and
2. The Apostolic Nuncio to the United States

The Apostolic Nunciature  
3339 Massachusetts Avenue, N.W.  
Washington, D.C. 20008  
FACSIMILE: (202) 337-4036

AND

The Archbishop of Newark  
The Archdiocesan Center  
171 Clifton Avenue  
Post Office Box 9500  
Newark, New Jersey 07104  
FACSIMILE: (973) 497-4004

with a copy of such communications being sent to

Sister Rosemary Smith, SC, JCD  
[sr.rosemary.smith@rcan.org](mailto:sr.rosemary.smith@rcan.org)

3. In addition, notification may be provided to

The Secretariat of State of the Holy See  
Section for General Affairs  
Palazzo Apostolico Vaticano 00120  
Vatican City State

14. Whenever a cleric or a member of an institute of consecrated life or a society of apostolic life or any other person has notice of, or has reasonable cause to believe that any person who is an employee of, or volunteer at, the Diocese or an affiliated entity (other than the Bishop of Camden, or the Administrator of the Diocese of Camden as the case may be) has engaged in obstructive conduct then, in addition to notifying the appropriate law enforcement authority (if there has been a violation of criminal law) such person shall notify

The Bishop of Camden  
Camden Diocesan Center  
631 Market Street  
Camden, New Jersey 08102  
FACSIMILE: (856) 338-0376

In addition to such action (if any) taken by law enforcement authorities, the Bishop (or the Administrator as the case may be) may take such action within his authority as he deems appropriate.

If such obstructive conduct occurred in another diocese, then the matter is to be referred to the bishop of that diocese.

15. The obligations to notify church authorities set forth in #12, #13 and #14 shall be interpreted and applied in accordance with the provisions of Canon 1548 §2 and shall not apply to those (a) who have an obligation of confidentiality connected with their office, duties or function, or to those (b) who are likely to suffer harm to themselves, their spouse or their relatives from another as a result of doing so.
16. Making a report pursuant to any provision of this *Policy* shall not constitute a violation of office confidentiality, and no obligation of silence may be imposed on any person by the Diocese or an affiliated entity with regard to a report, or to the contents of a report. Except as provided for in law, any prejudice, retaliation or discrimination resulting from the making of a report pursuant to this *Policy* is prohibited, and may constitute obstructive conduct.
17. Those who report that they have been harmed shall, together with their families, be treated with dignity and respect, and they are to be welcomed and supported, offered spiritual, medical and therapeutic assistance, and their names and all identifying information shall, except for mandated reports to law enforcement authorities, be treated with confidentiality. Consistent with the *Essential Norms* and the *Recommendations for the Protection of Children* a Victim Assistance Coordinator has been appointed. Any report of abuse received by the Diocese or any of its affiliated entities should be immediately referred to the Victim Assistance Coordinator for immediate outreach to the victim and the provision of counseling services by a licensed professional where appropriate. The assistance to be provided, as noted in the *Charter for the Protection of Children and Young People*, can take various forms, “counseling, spiritual assistance, support groups and other social services.” Such outreach should not be initiated, as the *Recommendations* point out, when “doing so would interfere with a criminal investigation.”
18. The Diocese should bring the healing ministry of the Church to any person who has made an allegation of abuse and to his/her family. As the *Recommendations for the Protection of Children* note, “we cannot lose sight of the need for spiritual intervention and assistance which is so often a part of the healing process” and “where pastoral assistance is appropriate the Victim Assistance Coordinator is to be able to call upon the necessary resources of the Diocese of Camden to provide such assistance.” Such pastoral assistance can often include a meeting with the leader of the Church in a particular locale; hence the *Charter* calls for the “bishop or his representative” to offer to meet with victims, and to “listen with patience and compassion to their experiences and concerns.” While, as the *Recommendations* state, “the Bishop’s pastoral responsibility is of the greatest



importance” in this regard, “the arrangements for such meetings will necessarily differ from case to case and must protect the legal rights of all concerned.”

19. A Clinical Advisory Panel has been organized to undertake the work of the board suggested in the *Recommendations*. The Panel, which consists of experienced professionals, will conduct reviews as needed with the Victim Assistance Coordinator of whatever assistance is being provided to those who have been victimized in order to ensure that the level and quality of care being provided to the victim meets the victim’s needs.
20. Article 3 of the *Charter* provides that confidentiality agreements upon the resolution of a claim are not to be entered into “except for grave and substantial reasons” that have been “brought forth” by the victim. The *Recommendations for the Protection of Children* further provide that no such agreement ought to be entered into “unless specifically requested by the victim.” Victims may, at their sole and voluntary option, disclose information regarding their claims and unilaterally cancel such confidentiality agreements.
21. This *Policy* will be published and made available to the general public.

## APPENDIX

### GENERAL PROCEDURES PROVIDED BY CANON LAW

- a. In a trial the evidence collected in the preliminary investigation is presented in a complaint or indictment, called a *libellus*, to a group of at least three priest judges appointed for this particular trial. At this point, the accused has the right: to know, at least in a general way, the nature of the behavior alleged to be sexual abuse and the evidence or proofs offered in support of this allegation (CIC canon 1504, 2º; and CCEO, canon 1187 2º); to be represented by counsel; to be heard at the appropriate times, to offer evidence in his own behalf, and to act otherwise in accord with the procedural norms of the canons.
- b. The case is prosecuted by the Promoter of Justice and the accused is represented by an Advocate whom he appoints or whom the judges must appoint if the accused fails to do so. The victim, the accused, and other persons may be asked to give testimony to the judges, who may also seek other proofs that they deem necessary to reach a decision. The judges have to consider whether the evidence presented establishes, with moral certainty, the fact of the sexual abuse of a minor, whether the accused actually committed the abuse, and the extent to which the guilt of the accused is increased or mitigated by the circumstances. The judges are required to reach a decision whether and to what extent the accused is guilty and, if guilty, what penalty is to be applied. Both the Promoter of Justice and the accused have the right to appeal a decision about guilt and about penalty. The appeal is taken immediately and only to the Congregation for the Doctrine of the Faith. Even if there is no appeal the decision of the judges must be submitted to the Congregation for the Doctrine of the Faith for approval.
- c. The Congregation may direct the bishop to proceed administratively, that is, by a decree, if the accused has admitted responsibility for the acts of which he was accused, and if dismissal from the clerical state is not being sought as a penalty for those acts. The accused should be advised to obtain canonical counsel if he has not already done so. The bishop in this process is to inform the accused of the accusation and proofs if this has not been done and to provide the accused with the opportunity for self-defense (CIC, canon 1720, and CCEO, canon 1486). The Promoter of Justice and an ecclesiastical notary who is a priest are to be present when the bishop or his delegate meets with the accused (CCEO, canon 1486). The bishop considers the matter with the assistance of two assessors (Canon 1720) and then issues a

decree, explaining the reasons in law and in fact, to impose the penalty. The accused then has recourse against the decree only to the Congregation for the Doctrine of the Faith. Recourse must be taken within ten available days of receipt of the decree (CCEO, canon 1486, CIC, canon 1734).