



GUIDELINES OF THE DIOCESE OF CAMDEN FOR DEALING WITH ALLEGATIONS OF SEXUAL ABUSE

PREAMBLE

The Catholic Church believes that all human suffering, as well as the weaknesses and imperfections of human beings, deserve a response rooted in love, compassion and concern. The Diocese of Camden recognizes that cases involving allegations of morally inappropriate conduct perpetrated by adults against minors and vulnerable adults require actions that are sensitive, loving and compassionate toward the minor or vulnerable adult, while being fair to the accused, and sensitive to the good of the community.

These *Guidelines* are intended to assist the Diocese and Affiliated Entities in implementing the provisions contained in the *motu proprio Vos Estis Lux Mundi*, the *Charter for the Protection of Children and Young People* and the corresponding *Essential Norms*. It must be recognized, however, that extraordinary circumstances may necessitate actions unforeseen in these *Guidelines*. Their only purpose and function is to assist in protecting the children whom our Lord claims as His own, and vulnerable adults. Therefore, they must always be interpreted and applied within the framework of that mission, and also within the context of the canon law of the Church. They are not intended to, and they do not, create rights or establish responsibilities.

A. SCOPE

1. The definitions used in “C - Policy in Response to Complaints of Sexual Abuse” are applicable in these Guidelines.
2. These *Guidelines* apply in the case of any allegation of Sexual Abuse of a minor or a vulnerable adult by a cleric. (For ease of reference, each such cleric will be referred to as “the accused.”)

B. ADMINISTRATIVE ACTIONS

1. Upon receipt of a complaint or allegation from any person or source claiming that someone who is a minor or a vulnerable adult has been sexually abused, the Diocese or the Affiliated Entity (as the case may be) shall take all necessary steps to comply with the reporting requirements set forth in “C - Policy in Response to Complaints of Sexual Abuse.”

2. Unless particular circumstances make it clearly unnecessary, make immediate arrangements, when the accused is under the jurisdiction of the Diocese, to remove the accused from further contact with the person making the accusation, the alleged victim, and all minors and vulnerable adults.
3. Upon receipt of an allegation or complaint concerning a priest or deacon and its referral to the Diocesan Review Board, the accused is to be removed from ministry and placed on administrative leave for a period of three business days unless the Diocesan Review Board determines that the accusation is patently incredible. Unless the accusation is patently incredible, the administrative leave is to continue for a period of fourteen business days during which time the DRB will conduct its investigation, meet, and make a recommendation to the Bishop. Any remuneration provided to any cleric who is so accused shall continue to be paid during such period of review.

C. DIOCESAN REVIEW BOARD

1. The purpose of the Diocesan Review Board is set forth in both the *Essential Norms* and the *Recommendations for the Protection of Children*. Section 4 of the *Norms* states that it is to serve as a “confidential consultative body” which is to advise the Bishop “in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry.” As the *Recommendations* note, it is to provide advice to the Bishop “as to the individual’s fitness for continued ministry,” and it shall offer advice on all aspects of the cases presented to it both retrospectively and prospectively. The Review Board of the Diocese of Camden has been constituted - and it functions - in accordance with the requirements of the *Norms* and the conclusions of the *Recommendations*, and it shall, as well, serve the same function in any case involving the abuse of a vulnerable adult.
2. The composition of the Diocesan Review Board shall be as follows:
 - a. The Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church.
 - b. The majority of the Review Board members will be lay persons who are not in the employ of the Diocese or any affiliated entity.
 - c. At least one member will be a pastor.

- d. At least one member will have particular expertise in the treatment of sexual abuse of minors.
 - e. The Bishop, the Bishop's delegate, and other persons designated by the Bishop, may attend those portions of meetings during which information is presented to the Review Board and the Review Board makes its recommendations. They may attend other portions of the meetings subject to the discretion of the Review Board. Other persons may attend meetings only upon the invitation or with the consent of the Review Board and subject to such limitations as the Review Board might require. It is desirable that the Promoter of Justice participate in the meetings of the Review Board (Norm 5). Since the Promoter of Justice is responsible for the prosecution of any penal trial before a canonical tribunal, he may attend the Review Board meetings with a voice in the discussions, but with no vote in the Review Board's determinations and recommendations.
 - f. Appointments will be for terms of five years, which can be renewed, and anyone who is appointed will continue as a member of the Review Board until a successor is appointed. The Bishop may appoint alternates, on an ad hoc basis, in conformance with the abovementioned criteria, to take the place of members who are unable to attend a particular meeting of the Review Board.
- 3. Unless the prosecuting authority requests otherwise, the Review Board will meet in a timely manner to assess the allegations and offer its advice to the Bishop.
 - 4. In making its assessment, the Review Board may consider any information and evidence collected during any review of the allegation.
 - 5. The accused is not required to meet with the Review Board and any refusal to meet will not be interpreted as an admission of guilt.
 - 6. For the sake of due process, from the moment he is officially informed of the allegation against him, the accused is to be encouraged to retain the assistance of civil and canonical counsel. (Norm 6 and Norm 8a) The accused also has the right, if he so chooses, to appoint for himself in writing a procurator who may be the same person as his counsel or another person. (CIC, canons 1481, 1482).
 - 7. All contacts by members of the Diocesan Review Board, or anyone acting upon its behalf, with the victim and the accused shall be

separate and apart from any pastoral outreach or spiritual counseling. If necessary, the Review Board shall advise the victim and the accused of its particular function. Those who deal with the accused upon behalf of the Diocese and/or the Diocesan Review Board shall make clear that they do not act as counselors or confessors and that communications to them are not to be considered privileged. In accordance with Section 6 of the *Essential Norms* the accused will be encouraged to retain the assistance of civil and canonical legal counsel; and in accordance with Section 8.A the Diocese, when necessary, will supply canonical counsel to the accused.

8. All available information shall be provided to the Diocesan Review Board unless restricted by canon or civil law. In the event that such restrictions can be waived by the accused then the accused shall be requested to do so; if the accused refuses to so waive such restrictions the Board is to be so advised.
9. With attentiveness to the legal rights of all involved, the Diocesan Review Board shall utilize all reasonable available means to obtain information regarding an allegation which is necessary to enable it to provide the requisite advice, provided that it shall not take any action which would impede a criminal investigation or prosecution. The Board shall, where appropriate and where possible, solicit the cooperation of governmental authorities and shall cooperate with such authorities in the provision of non-privileged information.
10. The Diocesan Review Board shall recognize that the failure of any party to cooperate with the investigation may be due to unavoidable circumstances or civil legal or canonical advice. By itself, failure to cooperate with the Board shall not give rise to any inference or presumptions.
11. Records of the findings and recommendations of the Review Board shall be maintained by the Diocese.
12. In assisting the Bishop with his assessment of an allegation, the Review Board will offer advice as to whether there is “sufficient evidence” to warrant a process to impose a penalty with respect to the accused. (CIC canon 1718) It is not the role of the Review Board to make a determination that an allegation is substantiated. Any final decision regarding the guilt and responsibility of the accused cleric and whether or not a penalty can be imposed falls to the Bishop, or to an ecclesiastical tribunal that ultimately must determine whether or not the guilt of the accused has been demonstrated with moral certitude.

13. In a case where the accused is not a cleric, and with due regard for civil contractual obligations and requirements, an accusation may be referred to the Diocesan Review Board for its investigation and recommendation and all relevant provisions of these Revised Guidelines shall apply. In such a case the Board's recommendation shall be made to the accused's supervisor.

D. DISPOSITION

1. The disposition of an accusation against a cleric or a member of an institute of consecrated life or a society of apostolic life shall be in accordance with applicable provisions of canon law and if, in the judgment of the Bishop any canonical process is to be initiated, it will be implemented in accordance with the provisions of canon law.
2. The Bishop will consider the Review Board's advice, and if necessary, conduct his own investigation.
3. Before closing the preliminary investigation, (CIC canon 1717-1719) the Bishop is to hear the Promoter of Justice, the accused, personally or through a delegate, if he has not yet had the opportunity to be heard, and two or more judges or others expert in the law, if he prudently sees fit to do so. (CIC canon 1718.3)
4. In the case of sexual abuse of a minor or a vulnerable adult, when the Bishop finds that there is sufficient evidence to warrant a process to impose a penalty on the accused, he will notify the Congregation for the Doctrine of the Faith and apply precautionary measures. (*Norm 6 and Vos Estis Lux Mundi*)
5. The precautionary measures may include: removal of the accused from the sacred ministry or from any ecclesiastical office or function, imposition or prohibition of residence in a given place or territory, and prohibition against public participation in the Most Holy Eucharist pending the outcome of the process. (*Norm 6*) Additionally, the Bishop may remove any previously delegated faculties and restrict or remove those de jure faculties for which he is the competent authority, and he may instruct the cleric not to wear clerical attire, for the good of the Church and his own good, pending the outcome of the process. (*Norms 8b and 9*)
6. If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Bishop will apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. (*Norm 8a*)

7. Each of the aforementioned procedures will be taken in writing and by means of decrees so that the cleric affected is afforded the opportunity of recourse in accord with canon law. (CIC, canons 1734ff)
8. The alleged offender may be requested to seek, and may be urged to voluntarily comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and to the accused, so long as this does not interfere with the investigation by civil authorities. (*Norm 7* and *Charter*, Article 5)
9. In the case of sexual abuse of a minor, the Congregation for the Doctrine of the Faith will either call the case to itself, or in the alternative, will direct the Bishop how to proceed.
10. The Congregation for the Doctrine of the Faith will determine whether there is sufficient evidence for the Bishop to proceed either with a trial or by decree to impose a penalty. (See Appendix for a general description of the procedures provided by canon law.)
11. When even a single act of sexual abuse of a minor by a cleric is admitted or is established after an appropriate process in accord with canon law, the offending cleric will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants. (CIC canon 1395 §2 and *Norm 8*)
12. “An offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.” (*Charter*, Article 5)
13. At all times, the Bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. (*Norm 9*)
14. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. “In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state ex officio, even without the consent of the priest or deacon.” (*Norm 10*)

E. COMMUNICATIONS

1. In accordance with Article 7 of the *Charter for the Protection of Children and Young People*, the Diocese is to be open and transparent in communicating about the sexual abuse of minors while always respecting the privacy and the reputation of those involved.

2. In this context, transparency and openness refers to the Diocese's willingness to share information - with parishioners and the community - unless there is a serious reason to maintain confidentiality. Matters in litigation, unsubstantiated allegations, and information which a victim has asked the Diocese to keep private would be examples of this.
3. For the purpose of sharing information with the media, the Diocese has designated a single spokesperson who can forthrightly and accurately convey all appropriate information.
4. In every case, care will always be exercised to protect the victim, to be fair to the accused, to protect the confidentiality and privacy rights of all individuals who might be involved, and to insure the integrity of any investigation by the civil authorities or by the Diocese.

F. PROTECTION OF THE ACCUSED

1. Justice is due to anyone who has been accused or suspected of morally inappropriate conduct. While the presumption of innocence is to prevail, and the accused's reputation is to be treated accordingly, the presumption of innocence does not preclude the Diocese from taking prudent action before the investigation is concluded. The Bishop shall take such steps as are warranted consistent with canon law and civil law.
2. The Diocese shall designate a priest who is not involved in the matter in any other capacity to be available to the accused for confidential pastoral or spiritual counseling. If the accused requests a particular priest as spiritual counselor, the diocese shall make every effort to accede to the request.

- G.** If the accusation proves to be unfounded, every effort shall be made to restore the good name of the accused.

H. OUTREACH TO AFFECTED FAITH COMMUNITIES

The *Recommendations for the Protection of the Children* recognize the "effect that the removal of a cleric can have on a parish," and note that the effect "is exacerbated when he is removed for any type of misconduct involving a minor." In accord with the *Charter for the Protection of Children and Young People* and the *Recommendations* the Diocese will implement, where appropriate, a parish outreach program so as to alleviate the impact of a situation where it is necessary to remove someone from ministry.

I. **ACTIONS AT VARIANCE WITH THESE GUIDELINES**

When individual circumstances prescribe a course of action that is in any way at variance with these *Guidelines*, those circumstances supporting such action will be documented.