

# **DIOCESE OF JOLIET**

## **POLICY REGARDING SEXUAL ABUSE OF MINORS**

Revised February 2013

### **I. INTRODUCTION**

On June 14, 2002, the United States Conference of Catholic Bishops approved the *Charter for the Protection of Children and Young People*. On December 8, 2002, the *Essential Norms for Dealing with Allegations of Sexual Abuse of Minors* were approved by Pope John Paul II. In June of 2005, the *Charter* and the *Norms* were revised, and in 2011, the *Charter* was revised in order to re-affirm the deep commitment of the Church to create a safe environment for children and youth.

The Diocese of Joliet first promulgated a policy regarding sexual abuse of minors on June 14, 1990. Revisions were made in September 1993, in June 1997, in June 2003 and July 2008.

As with the previous edition, this policy is intended to be in conformity with provisions from the *Charter for the Protection of Children and Young People* and from the *Essential Norms for Dealing with Allegations of Sexual Abuse of Minors*.

This policy is designed to ensure appropriate responses to allegations of sexual abuse of minors and vulnerable adults by clergy, seminarians, religious, employees and volunteers. It addresses preventing sexual abuse through education and screening, reporting abuse, providing pastoral assistance to persons affected by abuse and the processing of allegations. A copy of this policy is to be given to all clergy and seminarians as well as to all employees and volunteers who will sign an acknowledgement of its receipt. The policy is also to be published on the diocesan website.

### **II. DEFINITIONS**

#### **A. Sexual Abuse**

Sexual abuse is any sexual conduct with a minor or a vulnerable adult which is either unlawful and/or contrary to the moral teaching of the Church, which is engaged in by an adult employee/volunteer of the Diocese or a parish. It also includes the acquisition, possession, or distribution of pornographic images of minors for the purposes of sexual gratification, by whatever means or the use of whatever technology.

#### **B. Ministerial Relationship**

A ministerial relationship is established between persons when care or services are given. Persons in a ministerial relationship with others include clergy, seminarians, diaconal candidates and religious, as well as employees and volunteers.

#### **C. Employee**

An employee is a person who is compensated for services to a diocesan agency, parish or school.

#### **D. Volunteer**

A volunteer is a person who functions without compensation in any role within a diocesan agency, parish or school.

#### **E. Minor**

A person who has not reached his or her 18<sup>th</sup> birthday is defined as a minor.

#### **F. Vulnerable Adult**

A vulnerable adult is one who habitually lacks the use of reason (Canon 99) or who, because of mental or physical disability is incapable of protecting himself/herself from sexual abuse.

#### **G. Director of Child and Youth Protection**

The Director of Child and Youth Protection, also known as the Director, is appointed by Bishop to oversee the workings of the Diocesan Office of Child and Youth Protection.

### **III. POLICIES**

#### **A. Healing and Reconciliation**

##### **1. Ministry to Victims**

The Victim Assistance Coordinator, appointed by the Bishop, is to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused as minors or vulnerable adults. Such care will serve to nurture healing and reconciliation.

The Diocese of Joliet is to assist the healing process of the abused. For this reason, it seeks to treat all allegations of sexual abuse with a prompt, direct, thorough and confidential pastoral

response. Appropriate assistance is offered to victims in accord with recommendations of the Review Board. This may include counseling, spiritual direction, support groups or other social services.

## **2. Ministry to the Accused**

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

When an accusation has been unfounded, the diocese provides pastoral assistance, including psychological counseling to a person who was wrongly accused. All efforts are made to restore the good name of the person falsely accused (*USCCB Norms 13*).

## **3. Ministry to Communities**

In faith communities in which the sexual abuse occurred or where a priest/deacon has been removed, a meeting is held between a representative of the Pastoral Response Team and representatives of the affected community. If requested, the Pastoral Response Team offers pastoral assistance (spiritual and psychological) to the affected faith community.

Pastoral Response Team membership includes the Bishop or his representative, and may include the following individuals or their delegates: Superintendent of Schools, Director of Religious Education, pastor/head of institution, religious superior, as well as experts in trauma response/intervention services.

## **B. Prevention**

### **1. Education**

To foster a safe environment for children and vulnerable adults the Diocese is to have in place educational programs which include information about sexual abuse, its identifying signs, controlling access to children, appropriate boundaries in relationships, reporting incidents of abuse and the effects of abuse on victims.

Prior to beginning service, all clergy, seminarians, diaconal candidates, religious, employees and volunteers are required to present proof of attendance at a *Virtus Protecting God's Children* program. This requirement applies to all persons who are involved with minors on a regular, recurring basis and those who may have an opportunity to be alone with children during parish, school or religious education sponsored events. The program is also available to parents and guardians.

All persons who continue involvement with minors are required to participate in an updating educational program at least annually.

Children and youth are to receive instruction appropriate to their age level (*USCCB Charter 12*). Prior to beginning service, all clergy, seminarians, diaconal candidates, religious, employees and volunteers are to receive a copy of the *Standards of Behavior for Those Working with Minors*, and are to sign an acknowledgement of its receipt. The *Standards of Behavior* includes information about appropriate boundaries for those who have regular contact with children and young people (*USCCB Charter 6*). This requirement also applies to all persons who are involved with minors on a regular, recurring basis, and those who may have an opportunity to be alone with children during parish, school or religious education sponsored events.

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

The Office of Formation of Priests and Deacons is responsible for providing programs of human formation for chastity and celibacy that will assist clergy in living their vocation in faithful and integral ways. (*USCCB Charter 17*)

### **2. Screening**

Prior to beginning service, all clergy, seminarians, diaconal candidates, religious, employees and volunteers are required to undergo a criminal background check. This requirement also applies to all persons involved with minors on a regular recurring basis and those who may have an opportunity to be alone with children during parish, school or religious education sponsored events. Backgrounds are evaluated using the resources of law enforcement or other agencies (*USCCB Charter 13*). Background checks are to be performed every five years for

all persons who continue involvement with minors.

All seminarians, extern priests, diaconal candidates, and diocesan and parish employees must be fingerprinted for the purpose of obtaining a criminal background check. Fingerprints are submitted to the Illinois State Police and the Federal Bureau of Investigation for clearance as a condition of employment.

Fingerprinting is administered by a vendor approved by the Diocese of Joliet. Prior to the individual being permitted to begin service, results are evaluated by the Diocese with its legal counsel when appropriate.

Name-based background checks are used only for volunteers or for renewals of employees who were screened through that type of background check.

Anyone with a substantiated allegation of sexual abuse may not minister, be hired or volunteer in a diocesan agency, parish or school.

#### **a. Employees**

Any prospective diocesan, parish or school employee must complete an application that includes:

1. Employment history, indicating positions held, dates of employment, name(s) of the immediate supervisor, phone number(s), and reason(s) for cessation of employment;
2. Any allegations of physical or sexual abuse made against him/her, which may/may not have involved civil or criminal complaints;
3. A signed authorization to release the applicant's employment history to the prospective employer, as well as at least two references who are not relatives.

Hiring agents must review the employment history and the references provided. All documents must be retained in the employees' file during the time of employment.

#### **b. Volunteers**

All volunteers are to complete an informational questionnaire provided by the entity for which they are intending to volunteer.

#### **c. Businesses Furnishing Personnel**

Any business supplying personnel for janitorial services, etc., is required to provide the diocese/parish/school with a copy of the criminal background checks of those persons who will be working at the facility. The business is also to provide a written guarantee that such personnel have never been arrested or convicted of any crime, that they are not aware of any complaint or allegation relating to sexual abuse or substance abuse, and that they are suitable to work in an environment where there may be contact with minors. Such information must be kept in a secure file along with the background checks of other employees and volunteers.

#### **d. Members of Religious Orders**

When any religious is presented for assignment or residence in an institution or parish, the appropriate religious superior is to provide the Bishop with a written statement about the person's suitability for ministry including information regarding allegations of sexual abuse.

#### **e. Priests/Deacons**

When a priest/deacon seeks an assignment in the Diocese of Joliet, his diocesan bishop or religious superior is to provide the Bishop with a written statement of suitability for ministry including information regarding allegations of sexual abuse.

No priest/deacon of the Diocese of Joliet who has a substantiated allegation of sexual abuse or who has committed sexual abuse may be transferred for an assignment to another diocese.

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

The Diocese of Joliet uses adequate screening and evaluations in determining the fitness of candidates for admission to the seminary or to the diaconate. Additional evaluations are conducted during the years of formation. A comprehensive psychological profile of each seminarian/diaconal candidate must be obtained before anyone is admitted to the priesthood or diaconate.

### **C. Response to Allegations**

#### **1. Reporting**

All persons, whether parishioners, employees, or volunteers who have reasonable cause to suspect an incident of sexual abuse by anyone including clergy, seminarians, religious or employees have a serious moral obligation to report the incident or allegation to civil officials (*USCCB Charter 4*).

Under Illinois law, certain personnel (including school, child care and recreational program personnel) are considered mandated reporters and must report to the Department of Children and Family Services (DCFS) any situation in which they have reasonable cause to suspect physical or sexual abuse of a minor. Clergy are mandated reporters as to child sexual abuse. Reporting abuse of a vulnerable adult is made to the appropriate state agency.

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

Procedures for making a complaint are available on the diocesan website, at parishes or diocesan offices, and are the subject of periodic public announcements.

When a person reports an allegation of sexual abuse, the person will be received with the utmost respect and pastoral sensitivity. Victims are advised of and supported in their right to report abuse to civil authorities (*USCCB Charter 4*).

## **2. Assessment and Determination**

a. The Bishop is immediately informed of any allegation. If he determines, after consultation with others, that there is a semblance of truth to the allegation, and that it is not manifestly false or frivolous, the assessment process begins. (*Questions & Answers Regarding the Canonical Process for the Resolution of Allegations of Sexual Abuse of Minors*) However, in no way will the process conflict with an investigation being pursued on a state or federal level. .

b. The Bishop notifies the Director of the Office of Child and Youth Protection (hereafter referred to as the Director) of the allegation, who in turn notifies the Review Board. He then appoints the Director to oversee an investigation. This investigation will be conducted by professional investigators and may include other competent professionals such as diocesan counsel and members of the Review Board.

c. The Review Board advises the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. (*USCCB Charter 2*)

In certain cases, the Review Board may consider it important to speak directly with the person making the allegation, the accused person, or other persons for the sole purpose of gathering additional information. The Board will also offer to the Bishop other advice it considers pertinent to the case.

d. The Bishop has sole responsibility for deciding if it is more likely than not that sexual abuse has occurred and for determining any action with regard to the accused. In the case of clerics of the Diocese of Joliet, with sending the case to the Congregation for the Doctrine of the Faith in Rome, all in accord with Canon Law.

e. After reviewing the case, the Congregation will advise the Bishop as to which canonical processes are to be followed.

## **APPENDIX**

### **REVIEW BOARD**

The Review Board is a consultative body that advises the Bishop regarding allegations concerning the sexual abuse of minors and vulnerable adults and related issues. (*USCCB Charter 2, Norms 5*)

#### **A. Membership**

The Review Board, whose members are appointed by the Bishop, is composed of not less than nine or more than eleven members of outstanding integrity and good judgment. The majority of members are laypersons, none of whom are diocesan employees.

Members are to have expertise in one of the following areas: social work, civil law, education, treatment of sexual abuse of minors, or clinical treatment of sexual disorders. One member should be the parent of a minor and one member should be a pastor. When possible, one member is a victim/survivor of child sexual abuse or a parent of the same.

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

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

#### **B. Terms**

Members are appointed for a term of five years, which may be renewed once (*USCCB Norms 5*).

The Bishop has the right to terminate the appointment of a member at any time.

### **C. Meetings**

The Review Board convenes whenever there is business to conduct or assembles at least on an annual basis. It will ordinarily meet in person, but members may participate by conference call.

### **D. Duties**

Members of the Review Board are to:

- Advise the bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry.
- Review diocesan policies and procedures for dealing with sexual abuse of minors on a regular basis.
- Advise the Bishop, as requested, on all aspects of cases, whether retrospectively or prospectively.
- Provide new members with an orientation to the Board and present them with a copy of the *Pastoral Policy Regarding Sexual Abuse of Minors*, a copy of the *Charter for the Protection of Children and Young People* as well as other appropriate materials.
- Attend all meetings, especially those involving particular cases.

### **E. Criteria for Making Recommendations**

- A simple majority of the entire Committee membership is needed to make a recommendation to the Bishop.
- Members may be present in person or electronically
- When considering an allegation of sexual abuse, each member decides, after considering all the evidence presented, whether the allegation is more probably true than not.

### **F. Communication**

The Bishop will insure that the alleged victim and the accused are provided with appropriate and timely information about the progress of the case.

### **G. Confidentiality**

Deliberations and conclusions reached by the Review Board are to be held in strictest confidence. The Bishop, or his authorized representative, are the only persons who communicate with the alleged victim and the accused, the media or any other persons.

### **DIRECTOR OF CHILD YOUTH PROTECTION**

The duties of the Director of the Office of Child and Youth Protection include, but are not limited to the following:

- Oversee the implementation of this Policy on a regular basis.
- Report regularly to the Bishop and the Review Board about the implementation of this Policy and the progress of individual cases of abuse.
- Supervise the work of the Victim Assistance Coordinator.
- Serve as the central information point for child abuse issues among pertinent members of the Diocesan Curia and diocesan attorney.
- Maintain all records pertaining to child protection and child abuse.
- Provide staff assistance to the Review Board.
- Prepare for the annual audit.
- Communicate to the public, i.e., within the Church community and beyond, the efforts of the Diocese of Joliet to prevent the abuse of minors and to heal past abuse.

### **VICTIM ASSISTANCE COORDINATOR**

The duties of Victim Assistance Coordinator include, but are not limited to the following:

- Receive allegations of sexual misconduct against minors and vulnerable adults.
- Listen with compassion to the experiences and concerns of victims.
- Advise victims of their right to report to civil authorities and inform them they will be supported in the exercise of that right.
- Inform the Bishop of allegations including any anonymous allegations or allegations that do not contain sufficient information.

### **CONFIDENTIALITY AGREEMENT**

The Diocese does not enter into settlements which bind the parties to confidentiality settlements unless the victim requests confidentiality and this request is noted in the text of the agreement (*USCCB Charter 3*).

### **RECORDS AND REPORTS**

The Director maintains written and electronic documentation regarding all information acquired by the Review Board, its determinations and decisions.

All of the above records are confidential. However, law enforcement officials receive whatever information is necessary for them to carry out their duties.

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

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

The Diocese publishes an annual public report on the progress made in implementing this policy and cooperates with audits conducted by the National Review Board.

**POLICY SUBMISSION**

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