

Orientations issued by the Canadian Conference of Catholic Bishops for updating a diocesan protocol for the prevention of the sexual abuse of minors and the pastoral response to complaints regarding abuse

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1. Introduction

These orientations are intended to assist Catholic dioceses in Canada in strengthening their diocesan protocols for the prevention of sexual abuse and the pastoral response to complaints about possible sexual abuse of minors by clergy or other personnel who are under diocesan responsibility.

Orientation 1.1 Safe Environment

This document gives priority to creating a safe environment for pastoral activities in which the protection of minors is imperative. The elements described below repeat, clarify or strengthen the recommendations in *From Pain to Hope*, which thus is a necessary reference. Over the past 15 years, the problem of sexual abuse by clergy has highlighted the need for dioceses to adopt effective methods for preventing abuse, for responding to abuse complaints and for reducing risks.

Orientation 1:2 A Responsibility of the Individual Bishop

The adoption of a diocesan protocol, adapted to the particular diocesan situation, resources and history, reaffirms the responsibility of a Bishop to initiate, support and maintain the means for preventing sexual abuse and for responding to abuse complaints in his diocese.

Orientation 1:3 Policies Appropriate to the Particular Dioceses

Diocesan sexual abuse policies take various forms according to the varying situations in and sizes of Canadian dioceses. They express the diocesan Bishop's pastoral responsibility toward the victims, those who are close to them, the Christian community, pastoral personnel and the accused abuser. These policies also express the concern for maintaining a healthy and safe environment for the pastoral activities of the Christian community where all persons can feel confident to live their faith.

2. Basic Elements for Preparing a Diocesan Protocol

A diocesan protocol for the prevention of sexual abuse and the pastoral response to complaints of sexual abuse should include the following elements:

Element 2.1: Bishop's Delegate and Deputy Delegate

The Bishop should appoint a Bishop's delegate for issues related to sexual abuse or allegations of sexual misconduct or sexual abuse (cf. c. 1717, § 1). The Bishop's delegate may be a priest, a deacon or any other person (male or female) who is trustworthy and qualified to perform these duties.

The Bishop's deputy delegate should be appointed at the same time as the delegate and be similarly qualified. In the absence of the delegate or in the event of the delegate's incapacity, the deputy delegate has the same role and functions as the delegate.

Element 2.2: Advisory Committee

The diocesan protocol should provide for the formation of an advisory committee of at least three persons who, under the authority of the Bishop's delegate, are to assist the Bishop's delegate in matters relating to the prevention of sexual abuse of minors and in responding to allegations of sexual abuse. Taking into consideration the resources that are available, neighbouring dioceses might agree to establish an inter-diocesan advisory committee.

The advisory committee should also be mandated to provide advice on the diocesan protocol relating to sexual abuse.

Element 2.3: Reports of Allegations

Every allegation of sexual abuse by a member of the clergy, or a layperson engaged in diocesan activities, whether of a doubtful nature or well-founded, is to be reported to the Bishop's delegate or deputy delegate. The Bishop's delegate is also to comply with the reporting obligations imposed by civil law, and must cooperate with the police in the investigation of abuse allegations.

Element 2.4: Dissemination of Information

The diocesan protocol should provide for a mechanism to inform the clergy, religious personnel and diocesan faithful about the duly approved diocesan protocol and the means to access this information.

The protocol should be published and made available to the diocesan faithful and the general public through a brochure or by publication on the diocesan Website, if there is one. The protocol should be written in plain language so that it is easily accessible and understood.

The information required to contact the Bishop's delegate and the deputy delegate should be publicized and made available in all locations where pastoral activities take place, and posted on the diocesan Website.

Element 2.5: Person Responsible for Relations with the Media

The diocesan protocol should provide for the appointment of a person responsible for relations with the media for all questions concerning allegations of sexual abuse; this person is not to be the Bishop's delegate or deputy delegate. The designation of one person as the official spokesperson leads to better mutual understanding and more effective collaboration with the media, and avoids confusion. This person should work closely with the Bishop and his delegate.

Element 2.6: Canonical Action

In consultation with the Bishop's delegate, the diocesan Bishop should consider whether to undertake a preliminary canonical inquiry and, if necessary, is to refer the case to the Congregation for the Doctrine of the Faith, according to the Roman norms [cf. Apostolic Letter issued *Motu Proprio* beginning with the words "*Sacramentorum sanctitatis tutela*"].

Element 2.7: Insurance

The protocol should recognize that the responsibility of the diocese is primarily pastoral and that under no circumstances are its pastoral responsibilities to be overcome by its concerns about the possibility of forfeiting insurance coverage. Appropriate counselling and therapy to complainants are to be provided without admitting liability in those instances where there is no admission by the alleged abuser. The protocol should provide for immediate notice of a claim to be given to the relevant insurer, as required by insurance law and policies.

Element 2.8: Pastoral Care of the Christian Community

The protocol should provide a mechanism by which the community of the faithful, distressed by the prosecution or conviction of one of its priests or lay people for the sexual abuse of one or more minors, may receive special support. The members of the affected community are to be provided the pertinent information, while respecting all those involved in the case as well as maintaining the confidentiality of personal information relating to the situation.

Element 2.9: Canonical Measures

The protocol should provide for a mechanism whereby the Bishop systematically assesses the canonical measures to be implemented with respect to a person who has committed sexual abuse. These measures should be adapted to the abuser's canonical

status. They may include restrictions, a temporary or permanent suspension of the exercise of ministry, or even a request for laicization, which is to be submitted to the Holy See. Canonical measures do not depend on whether the abuser was charged or convicted of a crime under the *Canadian Criminal Code* or other civil legislation, or whether the abuser was found to have committed the abuse by a civil court.

Element 2.10: Mentoring and Support for Diocesan Clergy

The protocol should provide for measures supporting Recommendations 34 to 43 in *From Pain to Hope*, regarding the mentoring of and support for diocesan clergy. **Appendix A** contains the text of these Recommendations.

Element 2.11: Selection and Formation of Future Priests

The protocol should provide for measures supporting Recommendations 24 to 33 in *From Pain to Hope*, regarding the selection and formation of future priests. **Appendix B** contains the text of these Recommendations.

Element 2.12: Responsibility in Ministry

The protocol should include provisions for adapting and implementing the guidelines in *Responsibility in Ministry: A Statement of Commitment*, issued by the Canadian Conference of Catholic Bishops (available on the CCCB Website.)

Element 2.13: Program for Prevention of Sexual Abuse

The protocol should provide measures for the prevention of sexual abuse. Such measures should include, among other elements, a screening mechanism and a mechanism for verifying the legal records of everyone working with children in a diocesan context; a training program in preventing sexual abuse to be given systematically to everyone working with children; an information program on sexual abuse created in consultation with parents to be made available to all children receiving pastoral services; and a risk management program. For this purpose, participation in a program for the prevention of sexual abuse of minors may be helpful, as developed by various private and public bodies such as school boards, the Canadian Red Cross and Hockey Canada.

Element 2.14: Mechanism for Updating the Diocesan Protocol

A protocol should be updated every four years.

Element 2.15: The protocol should be officially approved by the diocesan Bishop.

APPENDIX A

Excerpts from *From Pain to Hope*, Recommendations 34 to 43 regarding those responsible for diocesan clergy:

34. To appoint, in consultation with the diocesan Bishop, an experienced priest to be available to newly ordained priests as their mentor, and to assist them in the transition from seminary life to the many forms of ministry in the local Church community.

35. To put in place, when opportune, a plan of action (including time for meeting, resource persons, etc.) for sustaining the spiritual direction which the newly ordained priests began during their years in seminary.

36. To invite newly ordained priests to set personal and ministerial goals for the period of their initial assignments; these goals are to be reviewed periodically, especially when the priest takes on new pastoral assignments.

37. To encourage policies on the need for periodic updating, renewal and specialized training, in view of fostering life-long, ongoing formation of all the priests of the diocese.

38. To provide priests with regular opportunities for up-dating their pastoral knowledge through seminars, with these to address periodically the issue of child abuse from three perspectives:

- Scientific knowledge;
- Church policies as well as civil and criminal laws;
- Issues relating to moral theology, professional ethics, and the theology of sexuality.

39. To pay particular attention to priests who are experiencing a major personal or pastoral crisis, offering them counselling, if requested or judged necessary. In such circumstances, immediate consideration is to be given to evaluating whether it is preferable to allow the priest to continue his ministry or to invite him to take on another type of work more suited to this difficult moment.

40. To inform an accused priest about the availability and possibility of supportive treatment or counselling during the legal process, and to encourage him, according to the advice of his counsellor, to use such services.

41. To place a priest accused of child sexual abuse on administrative leave with pay, from the time there are reasonable and probable grounds for believing that child sexual abuse occurred until completion of the investigative and legal process. Such leave does not imply either the guilt or the innocence of the person under investigation.

42. To ensure that the Bishop's delegate, the diocesan vicar general or the Bishop himself (or the religious superior, if such is the case) continue caring for the incarcerated priest, visiting him periodically, offering him the moral support needed, and never forgetting he is a fellow human being and a child of God in need of compassion.

APPENDIX B

Excerpts from *From Pain to Hope*, Recommendations 24 to 33, regarding those responsible for the formation of future priests:

24. To advocate, among those who accompany priesthood candidates in order to discern their vocation, the accompaniment of the candidates by a spiritual guide who can also serve as a mentor (for example, a wise and experienced counsellor whose life witness is inspiring).

25. To propose and apply criteria for a candidate's admission to the priesthood based on his personal fundamental strengths, as these relate to the stages of his human growth. Special attention is to be paid to the harmony or disharmony that exists between the candidate's chronological age and his lifestyle.

26. To implement a selection process for candidates that focuses more on a candidate's personal fundamental strengths, rather than on factors of vulnerability, without disregarding the latter. In the same spirit, it is suggested there be an initial meeting involving the candidate and those responsible for his formation before there is psychological testing.

27. To "personalize" the whole process of the candidate's formation, paying special attention to each candidate's personal strengths, history, age, the progress of his achievements, and his development toward maturity.

28. To pay particular attention to a candidate's progress in the following areas: assumption of commitments; responsibility for personal development; concern for others; lifestyle and the attainment of a certain financial independence; the adequate satisfaction of basic needs and the presence of a healthy balance in life; emotional stability.

29. To examine with the candidate his capacity for self-insight, including the identification of strengths and weaknesses of key life experiences.

31. To foster agreement and collaboration among the various resource people who have special responsibilities in the formation of candidates (including the academic, spiritual, human, pastoral, aesthetic, missionary, and community dimensions).

32. As part of the formation process of future priests, to provide statistics and related information on the contemporary phenomenon of family violence, especially the frequency of sexual abuse of minors, with special attention to the sexual abuse of minors by priests.

33. To ensure that those responsible for the formation of seminarians provide the diocesan Bishop, and eventually those responsible for clergy, a profile of each deacon to be ordained priest, in order to determine what first assignments would be appropriate.