

Clergy, staff, volunteers, or other agents of the Church or religious institution shall report suspected abuse if he or she:

- a. Has actual knowledge that a child is the victim of abuse.
- b. Has “reasonable cause” to suspect that a child has been sexually abused.

“Reasonable cause” means a reason that would motivate a person of ordinary intelligence under the circumstances to believe, based on observations or conversations that a child has been or is being abused.

The only exception to this policy is disclosures made to a priest in the sacrament of reconciliation. However, any priest who hears the confession of someone who abuses children or someone who is the victim of abuse shall urge the penitent to report the abuse to the proper civil and Church authorities.

2.2 The Code of Canons of the Eastern Churches and other particular law governs the relationship between the priest and the Church. Careful adherence to canon law is the Church’s access to permanently removing offending clergy from ministry. The Eparchy will follow the applicable canon law when making decisions about an accused person’s ministry and during all investigations of allegations against clergy. (cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995).

2.3 The Eparchy will strictly adhere to all procedures adopted by the Congregation for the Doctrine of the Faith for reporting allegations and complaints of sexual abuse of minors by clergy. (cf. “Procedural Norms” for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 201.)

2.4 Upon receipt of a complaint of child sexual abuse by clergy, staff, or volunteers, the Eparchy will refer the matter to civil authorities and begin an internal investigation according to established procedures and, if the accused is clergy, in accordance with canons 1468 -1470 of the Code of Canons of the Eastern Churches. When civil authorities are conducting a criminal investigation, the Eparchy will defer to that investigative process.

2.5 The Eparchy shall retain all records and other materials related to the matter that may be considered as evidence. The records shall contain claims, intakes, investigation reports, and records of services provided to those harmed by sexual misconduct.

Files maintained on the case are confidential and may contain both privileged and non-privileged information. “Privileged” documents include records protected from disclosure by state or federal statute such as medical records, citizenship status, etc. Access to privileged documents is limited to the Bishop, Chancellor, Review Board, diocesan counsel, other necessary diocesan or organizational personnel, and those authorized through appropriate Court Order.

Documents shall include:

- a. The complainant’s detailed description of the allegations.
- b. The Investigation Report, including the accompanying witness affidavits and documentation.

### Section 3:

#### Administrative Guidelines for Dealing with a Complaint

These policies are administrative, not penal, in nature and take into account the rights and

duties imposed by civil and canon law. These guidelines are not intended to create any rights in any person, to obligate the Eparchy to take action, or to establish any responsibility of the Eparchy.

3.1 The Eparchial response to complaints and allegations is multifaceted and includes:

- a. The pastoral care of the victim.
- b. The well-being of the community.
- c. A thorough, fair, and objective investigation.
- d. The assessment and treatment of the alleged offender.

All persons involved shall be treated in a manner consistent with the Gospel values of dignity, compassion, understanding, and justice.

3.2 Allegations against a member of a religious institute, a society of apostolic life, or a society of common life providing services in the Eparchy will be forwarded to the competent ecclesiastical superior of the member for consultation on the proper procedure to be followed.

3.3 The Eparchy shall maintain a list of available resources for victims, faith communities, and those accused of abuse. Those resources shall include the following disciplines:

- a. Pastoral/Psychological counseling
- b. Legal Issues
- c. Medical Treatment
- d. Victim support groups
- e. Treatment facilities

3.4 The Eparchy shall maintain records of all complaints against clergy, staff, or volunteers, including anonymous complaints.

3.5 The Bishop shall establish an independent review board whose composition shall include a priest, and lay members who have expertise in the area of child abuse. The Review Board’s duties are outlined in Section 7.1 of this document.

3.6 Actions taken by the Eparchy when an allegation is made are not an expression of judgment concerning the validity of the complaint or the veracity of the complainant. Actions are intended to indicate the serious nature of such cases and to respect the rights of all concerned.

3.7 Any person may secure legal representation to pursue claims. However, it is not necessary to retain an attorney or file a lawsuit to resolve a complaint with the Eparchy.

3.8 Retaliation or discrimination against a person who complains or who reports sexual abuse is strictly prohibited and will not be tolerated.

3.9 Individual circumstances may prescribe a course of action at variance with these guidelines. Actions that are inconsistent with these guidelines will be documented and will include a statement setting forth the circumstances requiring the variance and the actions taken in place of those prescribed in these guidelines.

### Section 4:

#### Services to Victims

4.1 The Eparchy offers pastoral, psychological, and spiritual support to victims, their families, and the faith community. Such assistance is pastoral and shall not, in any way, be considered as an indication that the Eparchy is legally responsible for the actions of the accused clergy, staff, or volunteer.

4.2 The Bishop, assisted by his chancellor, protopresbyters, and the Victim’s Assistance Coordinator, will organize and direct outreach to victims and the delivery of victim assistance and support services to persons who claim to have been sexually abused when they were minors by priests

or deacons.

4.3 The Eparchy will:

- a. Be respectful of all persons bringing a complaint.
- b. Help victims obtain counseling support.
- c. Help victims and families obtain spiritual direction.
- d. Provide printed material that outlines procedures for making a complaint.

4.4 The Eparchy will not bind any complainants to a condition of confidentiality or nondisclosure of the complaint except at the specific request of the complainant for substantial reasons. The text of the agreement shall contain the reasons for the confidentiality agreement.

4.5 While reconciliation remains desirable as a part of the healing process for victims, the Eparchy will not attempt to force reconciliation between the offender and the victim. Any involvement in non-authorized reconciliation efforts by diocesan staff or agents will be considered a violation of these policies.

4.6 Families and significant others require the same consideration, compassion, and sensitivity as that for the victim in the healing process.

4.7 Parishes and religious communities/institutes are also victims of child sexual abuse by clergy or other Church personnel. The Church is guided by the following principles in its response to affected communities:

- a. Faith communities, organizations, and institutions undergo a complex process of grieving when they learn about accusations of child sexual abuse by a trusted and respected leader.

- b. A critical element in healing is providing accurate information regarding the facts of the allegations and investigations.

- c. Communication may be limited by the concern for privacy of the victim and the victim’s family and the need to protect the rights of the accused, particularly when criminal charges are pending.

- d. The healing of a parish, organization, or religious community/institute is a multidisciplinary challenge requiring expertise from a variety of experts.

- e. An official representative of the Bishop and/or the particular religious community/institute will meet with the community.

### Section 5:

#### The Accused

5.1 In both civil and canon law, a person is presumed innocent until proven guilty. The presumption of innocence does not preclude the Eparchy from taking immediate, prudent action to protect the community in response to complaints even before an investigation is complete.

5.2 After an allegation is made, the bishop or any priest involved in the investigation may not hear the sacramental confession of the accused.

5.3 When an allegation of child sexual abuse is made against a priest or deacon, the Church will initiate a prompt, objective, preliminary investigation in accord with canons 1468 -1470 of the Code of Canons of the Eastern Churches. During the investigation, the Church will take all appropriate steps to protect the reputation of the accused. When there is credible evidence that child sexual abuse has