

# *Charter for the Protection of Children and Young People*

## COMMUNICATING THE CHARTER

### Charter Discussion Guide — Single Session

**Note:** This guide is designed to discuss only the main points of the Charter. If you have any questions about the rest of the Charter or about material in this guide, please consult the **multiple sessions guide** or e-mail Monsignor Frank Maniscalco at [fmaniscalco@usccb.org](mailto:fmaniscalco@usccb.org).

*You will be receiving a DVD with a 5:23 video message in which Bishop Gregory gives viewers an overview of the Charter. This video is designed to introduce a one- or multiple-session discussion of the Charter. (Also contained on the DVD is a 8:02 reflection by Bishop Gregory on the bishops' response to the child sexual abuse problem which is currently a streaming video piece on the USCCB Web site.)*

#### Discussions of the Charter can be held as part of:

- ✦ regular or special meetings of the diocesan or parish pastoral council;
- ✦ diocesan or parish finance council meetings;
- ✦ meetings of parish, diocesan, or national societies;
- ✦ special meetings of parishioners called to discuss the Charter;
- ✦ presentations in seminaries and other instructional settings.

#### The outline for such discussions are provided by the Charter itself. The 17 articles in the Charter are contained under four main goals:

1. To Promote the Healing and Reconciliation with Victims/Survivors of Child Sexual Abuse of Minors
2. To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors
3. To Ensure the Accountability of Our Procedures
4. To Protect the Faithful in the Future

#### Thus the Charter provides a “comprehensive framework” for:

- ✦ Dealing with past abuse and its consequences in the lives of victims, offenders, and the Catholic community;
- ✦ Dealing with cases that arise in the future;
- ✦ Providing that this comprehensive framework is being implemented now and will be maintained in the future;
- ✦ Providing the Catholic community not only with protection from abuse, but an environment that actively promotes the safety and security of children within the Church and in society at large.

**Preliminaries:**

1. Have your diocesan policy statement available to distribute to the group and any statements made by your diocesan bishop. Refer to them regularly.
2. There are pdf files at [www.usccb.org](http://www.usccb.org) to which this discussion is keyed. They can be turned into a slide presentation to accompany the discussion.
3. Before going into the details of the Charter, it might be good—even with a familiar audience such as a parish council—to ask how each person became aware of the problem of child sexual abuse by clergy. This should be done without the discussion becoming too emotion-laden.
4. At the beginning of the session, make a list of questions that the participants have about the issue of child sexual abuse by clergy and how the Church has handled it. At the conclusion of the discussion, you can return to the list and see how many questions were answered by what is contained in the Charter.
5. Definition of Sexual Abuse: A footnote in Article One gives the definition of sexual abuse. The points to be noted are:
  - the Charter does not adopt any particular definition provided in civil law;
  - the basis for considering whether an act of sexual abuse of a minor has occurred is whether the act or acts constitute an external, objectively grave violation of the Sixth Commandment. Collecting child pornography would qualify under this definition.
6. For the Charter purposes, a minor is someone who has not yet attained his or her 18th birthday.
7. Eparchies are dioceses of the Eastern Catholic Church. Their bishops are called eparchs. Eparchies and eparchs are always included even where only the terms “diocese” or “bishop” are used.

## Preamble and To Promote the Healing and Reconciliation with Victims/Survivors of Child Sexual Abuse of Minors (Articles 1-3)

### Preamble: Draw attention to the bishops' expression of regret and apology.

*Comment:*

The bishops indicate that they realize it is not only the abuse itself that has been damaging but also “the ways in which we bishops addressed these crimes and sins.” Thus their expression of sorrow is to the victims and to the whole Catholic people:

*“As bishops, we acknowledge our mistakes and our role in [this] suffering, and we apologize and take responsibility for too often failing victims and our people in the past. We also take responsibility for dealing with this problem strongly, consistently, and effectively in the future. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people are enduring.”*

The bishops place the obligation they feel to resolve this crisis definitively within their role of carrying on the ministry of Christ himself with his “constant care for the vulnerable.” The bishops recall Christ rebuking his disciples for keeping the children away from him: “Let the children come to me” (Mt 19:14) and his “grave warning about anyone who would lead the little ones astray” (cf. Mt 18:6).

### Review the main points of Articles 1-3 as follows:

*Dioceses/Eparchies will:*

- ✦ Develop an outreach to all victims of sexual abuse of minors by anyone acting in the name of the Church.
- ✦ Through this outreach, listen with patience and compassion to their experiences.
- ✦ Respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred.
- ✦ Have a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused as minors by clergy or other church personnel.

*Discussion Starters:*

*What are your reactions to the bishops' expression of sorrow and regret?*

- ✦ Have a review board that functions as a confidential consultative body to the bishop/eparch—a majority of whose members will be lay persons not in the employ of the diocese/eparchy—to advise the bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry.
- ✦ Not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim.

*Comment:*

In the first article, the bishops designate, as their first obligation, healing and reconciliation with victims/survivors of child sexual abuse and recommend several forms of outreach. This outreach is “to every person who has been the victim of sexual abuse as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past.”

– Flowing from this Charter commitment to outreach is a concern that all victims come forward, even if others have already identified their offender or he is no longer in ministry or even deceased. This will enable the diocesan outreach to assist in healing all victims. In cases where the supposed offender is still in ministry, the victim can do a great service by coming forward so the individual can be investigated and removed from ministry, if the abuse is proven. Thus possible future acts are prevented and safe environments fostered. [Describe local diocesan outreach efforts.]

– Each diocese is required to have a competent person or persons to assist in the pastoral care of victims. [Have information about the local diocesan coordinator and her job description.]

– Each diocese is required to have a review board which “will regularly review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors.” Another function of the Board is to advise the diocesan bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. Note the conditions: “a majority of whose members will be **lay persons not in the employ** of the diocese/eparchy.” [Describe the members of the local review board.]

*Discussion Starters:*

*Why do you think the bishops designated outreach to victims as their first obligation?*

*Why do you think it is important to encourage all victims to come forward?*

*What do you think are the qualities the victims’ assistance coordinator should have?*

*What are the qualities that review board members should have?*

*What do you see as the advantages of greater lay involvement in dealing with the problem of child sexual abuse by clergy?*

## To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors (Articles 4-7)

Review the main points of Articles 4-7 as follows:

*Dioceses/Eparchies will:*

- ✦ Report an allegation of sexual abuse of a person who is a minor to the public authorities and cooperate with their investigation.
- ✦ Cooperate with public authorities about reporting in cases when the person is no longer a minor.
- ✦ Advise victims of their right to make a report to public authorities and support this right.
- ✦ Permanently remove from ministry a priest or deacon if sexual abuse of a minor is admitted or is established, after an appropriate process in accord with canon law. Do everything possible to restore the cleric's good name when the accusation has proved to be unfounded.
- ✦ Have clear and well-publicized standards of ministerial behavior.
- ✦ Develop a communications policy that reflects a commitment to transparency and openness.

*Comment:*

The bishops acknowledge that civil crimes are best investigated by civil authorities. Thus, in all cases when the victim is still a minor, dioceses/eparchies will report the allegation of sexual abuse to the public authorities designated to receive such allegations.

– Undoubtedly, when the person is still a minor the abuse will be investigated as a crime. So, in all instances, even in those jurisdictions where the clergy are not listed among the required reporters of abuse, dioceses will report these allegations. [Have on hand information about reporting sexual abuse of minors in your jurisdiction, including to whom to report and who are required reporters.]

– Obviously, it is equally important to cooperate in the investigation in accord with the laws of the jurisdiction in question.

*Discussion Starters:*

*Under what circumstances do you think you might have to report sexual abuse of minor?*

*How would you go about it?*

- In cases where a person is no longer a minor, civil authorities vary in their approaches. So the response in these cases is best determined in conjunction with local authorities. [Describe the policy of the local civil officials, if known, and the diocese’s response.]
- However, in every case—whether it the person is still a minor or not—dioceses/eparchies will advise victims of their right to report the allegations directly to public authorities and support them in doing this.
- Article 5 of the Charter opens with a quote from Pope John Paul II in his Address to the Cardinals of the United States and Conference Officers in April, 2002: “There is no place in the priesthood or religious life for those who would harm the young.”
- Emphasize that the goal of the procedures found in Article 5 of the Charter is permanently to remove from ministry a priest or deacon if sexual abuse of a minor is admitted or is established, after an appropriate process in accord with canon law.
- To achieve this goal in a way that is just and fair, the canonical procedures of the Church need to be followed.
- If the cleric is not dismissed from the clerical state—popularly known as “laicization”—(e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance, not permitted to celebrate Mass publicly or to administer the sacraments and instructed not to wear clerical garb or to present himself publicly as a priest.
- The Article 5 procedures deal with punishment of abuse by clerics in church law and with church penalties. They are needed to deal specifically with a cleric’s ministerial status. Civil proceedings against a cleric are an entirely separate process carried out by civil authorities, and they do not apply to the cleric’s ministerial standing.
- When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the priest or deacon. [Have on hand the local diocesan policy.]

*Discussion Starters:*

*Why is it important to “advise” and “support” victims with regard to their right to report to civil authorities?*

*Would you have the courage to report someone to civil authorities?*

*Have the bishops adequately provided for keeping clerics who have committed sexual abuse out of ministry?*

*What do you think of the criticism that this is a “one size fits all” approach to the problem of sexual abuse by priests?*

## To Ensure the Accountability of Our Procedures (Articles 8-11)

Review the main points of Articles 8-11 as follows:

*The Bishops established:*

- ✦ **An Office for Child and Youth Protection to assist dioceses/eparchies in implementing “safe environment” programs and to produce an annual public report on the progress made in implementing the Charter standards.**
- ✦ **A National Review Board to assist and monitor the Office and approve the annual report of the implementation of the Charter before the report is submitted to the President of the Bishops’ Conference and published.**
- ✦ **Two studies to be commissioned by the National Review Board to help understand the problem of child sexual abuse by clergy more fully and to enhance the effectiveness of their response.**
- ✦ **A restructured Ad Hoc Committee on Sexual Abuse to include representation from all the episcopal regions into which the membership of the United States Conference of Catholic Bishops is divided.**
- ✦ **In addition, the Bishops asked their Conference president to inform the Holy See of the Charter, to indicate the manner in which the bishops, together with the faithful in the United States, intend to address the crisis.**

*Comment:*

The Office of Child and Youth Protection is “to assist in the consistent application” of the Charter and “to provide a vehicle of accountability and assistance to dioceses/eparchies.” The director of the Office was appointed in November 2002. She is Kathleen McChesney, a former top FBI official. Her associate is Sheila Horan, also from the FBI. Note the choice of staff from a law enforcement background rather than a church background. They look at the problem with a fresh, independent, “no nonsense” point of view. [Describe any interaction the local diocese has had with the OCYP.]

The Office has instituted a compliance audit to determine whether dioceses are implementing the standards of the Charter. It is being conducted by the Gavin Group. The auditors are currently visiting about 11 dioceses a week, ending late October. They are interviewing diocesan officials, members of the review board,

*Discussion  
Starters:*

*In what ways can  
the Office for  
Child and Youth  
Protection  
(OCYP) help our  
diocese?*

*What are the  
advantages of its  
being staffed by  
persons from a law  
enforcement rather  
than church min-  
istry background?*

victims who came forward since June 2002, offenders, DAs, law enforcement personnel, parish priests, and seminary officials. The report of the audit will be released early next year.

The National Review Board (NRB) was appointed by Bishop Wilton D. Gregory of Belleville, the USCCB President, during the summer of 2002, and it reports to him. Its members are all Catholic and lay. Its first duty is to review and approve the annual report of the implementation of the Charter produced by the Office for Child and Youth Protection. A summary of the NRB's first year can be found on the Conference Web site, [www.usccb.org](http://www.usccb.org).

The Charter says that the NRB is to commission a comprehensive study of the causes and context of the current crisis and another one on the nature and scope of the problem within the Catholic Church in the United States, including such data as the number of perpetrators and victims and the financial cost of this abuse to the Church nationwide. John Jay College of Criminal Justice of the City University of New York is conducting the latter study. To know whether a problem has been adequately dealt with, it is essential to know its extent and exactly what was involved.

*Discussion Starters:*

*How important is this audit to assuring you that dioceses are doing what they are supposed to do?*

*The auditors are mostly former FBI agents. What do you think will be the impact of using law enforcement persons to do the audit?*

*Why is it important to have the National Review as an outside monitor?*

*Does the existence of this Board help assure you that dioceses are taking the right steps?*

*What recommendations and suggestions would you make to the NRB?*

*How important do you think it is that the bishops find out the number of offenders, victims and financial costs of this problem?*

## To Protect the Faithful in the Future (Articles 12-17)

Review the main points of Articles 12-17 as follows:

*Dioceses/Eparchies will:*

- ✦ Establish “safe environment” programs to provide education and training for youth and adults in ways to make and maintain a safe environment for children.
- ✦ Evaluate the background of diocesan and parish personnel with regular contact with minors, and employ adequate screening and evaluative techniques to decide fitness of candidates for ordination.
- ✦ Not transfer any priest or deacon with a proven act of sexual abuse of a minor for ministerial assignment in an another diocese.
- ✦ Before transferring a priest or deacon for residence elsewhere, provide the bishop or religious superior there with information about any act of sexual abuse of a minor or other information that the cleric may be a danger to children or young people.
- ✦ Meet periodically with superiors of religious communities to coordinate on allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.
- ✦ In addition, the Bishops offered to cooperate with other churches and organizations to conduct research about sexual abuse of minors, given the extent of the problem in society at large.

*Comment:*

Cooperative efforts among parents, civil authorities, educators, and community organizations, and dioceses are to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children. The Office for Child and Youth Protection has produced a set of guidelines for “safe environment” programs. They can be found at the USCCB Web site, [www.usccb.org](http://www.usccb.org). [Describe what diocesan office oversees your diocese’s “safe environment” program and its initiatives with regard to a safe environment program.]

*Discussion Starters:*

*What are the conditions to have a safe environment?*

*What environments in your experience do you consider “safe”?*

*What environments are not safe?*

*What do you teach your children about keeping themselves safe?*

Screening personnel is an important tool to prevent abuse in the first place. Dioceses/eparchies are to evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. It is especially important to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination to the priesthood and the diaconate.

Note:

The last article of the Charter pledges cooperation with a planned Apostolic Visitation of seminaries and religious houses of formation in the United States that was recommended by the cardinals of the United States and USCCB officers together with the heads of the relevant Vatican offices at the special meeting that took place in Rome, April 2002. An apostolic visitation is an inspection mandated by the Holy See and carried on by the local bishop directed by and with the results reported back to the Holy See. This **does not imply** that the current seminary training is related to the crisis which involves priests mainly from past eras of seminary formation. But the visitation does provide the opportunity to review the question of human formation for celibate chastity and is an opportunity to strengthen priestly formation programs so that they may provide God's people with mature and holy priests.

*To close, read the pledges made by the bishops in the conclusion of the Charter:*

In the Charter, the Bishops made the following pledges:

- ✦ We pledge most solemnly to one another and to you, God's people, that we will work to our utmost for the protection of children and youth.
- ✦ We pledge that we will devote to this goal the resources and personnel necessary to accomplish it.
- ✦ We pledge that we will do our best to ordain to the priesthood and put into positions of trust only those who share this commitment to protecting children and youth.
- ✦ We pledge that we will work toward healing and reconciliation for those sexually abused by clerics.
- ✦ We make these pledges with a humbling sense of our own limitations, relying on the help of God and the support of his faithful priests and people to work with us to fulfill them. Above all we believe, in the words of St. Paul as cited by Pope John Paul II in April 2002, that "where sin increased, grace overflowed all the more" (Rm 5:20). This is faith's message. With this faith, we are confident that we will not be conquered by evil but overcome evil with good (cf. Rm 12:21).

*Discussion Starters:*

*What should be looked for in background checks?*

*What is your reaction to this diocese's screening processes?*

*Discussion Starters:*

*Do you think the bishops are living up to these pledges?*

*How?*