



FOR THE PROTECTION OF CHILDREN AND YOUTH

Diocese of Erie, Pennsylvania

SEXUAL ABUSE OF MINORS BY PRIESTS AND DEACONS

Children deserve to grow and mature in a safe and nourishing environment. Many, unfortunately, do not. Many become victims of sexual abuse. They suffer and their families suffer as well. The effects of such abuse are devastating and often lifelong.

Sexual abuse of minors, as defined in the *Policy for the Protection of Children of the Diocese of Erie*, is a sin and is also a crime in civil and canon law. It is morally wrong and reprehensible. It cannot be tolerated in society let alone in the Church.

The first diocesan policy on the sexual abuse of minors by priests and deacons was promulgated on October 5, 1986. The policy has been amended several times, primarily to reflect a growing understanding of the problem of the sexual abuse of minors. The changes also reflect an ongoing commitment to ensure the protection of children as well as a desire to provide greater sensitivity in the Church's pastoral outreach to victims.

Since the last revision of this policy, the Ad Hoc Committee for Sexual Abuse of the United States Conference of Catholic Bishops (USCCB) has revised the *Charter for the Protection of Children and Young People*. The revised *Charter* was approved by the full body of bishops at their June 2005 General Meeting. A second revision followed and was approved by the bishops at their June 2011 General Meeting. The revised *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons* were approved in June 2005 and received the subsequent *recognitio* of the Holy See on January 1, 2006. They were officially promulgated on May 5, 2006. The *Essential Norms* constitute particular law with respect to all deacons and priests in the ecclesiastical ministry of the Church in all the dioceses of the United State of America.

The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

Priests and Deacons have been given the responsibility to shepherd a people in the likeness of Christ, the Good Shepherd. This policy marks a renewed commitment to this responsibility, especially as it applies to the safety and protection of children and young people and is once again revised in order to conform to both the *Charter* and *Essential Norms (EN)*.

1. The welfare of victims and their families is critically important. Pastoral outreach to them will include counseling, spiritual assistance and other social service assistance as appropriate. The *Victim Assistance Coordinator* will provide immediate assistance to them and coordinate whatever range of pastoral care is deemed necessary (EN, 3).

2. The Diocesan Review Board is charged with the responsibility to confidentially advise the Diocesan Bishop in assessing allegations of the sexual abuse of minors by priests and deacons and in his determination of their suitability for ministry.

Other responsibilities include:

- To review diocesan policies for dealing with sexual abuse of minors;
- To offer advice on all aspects of these cases, whether retroactively or prospectively;
- To review and approve diocesan policies regarding the sexual abuse of minors (EN, 4).

3. When an allegation of sexual abuse of a minor by a priest or deacon is received by diocesan authorities, the Diocesan Bishop, either personally or through a delegate, will promptly employ the following measures (EN, 6):

- Meet with the accuser to listen to the complaint, acknowledge the right and expectation of that person to have the complaint addressed by the Church by means of proper canonical processes; advise and support the person's right to make a report to civil authorities (EN, 11) and invite the person to read and sign the diocesan Advisory Statement;
- Notify the appropriate civil authorities and comply with all applicable civil laws with respect to the reporting of sexual abuse of a minor (EN, 11);
- Initiate a preliminary investigation of the allegation by a private investigation service to insure objectivity and transparency; simultaneously, initiate a preliminary investigation in accord with Canon Law (c. 1717, EN,6);
- Meet with the accused to give notice of the allegation and the investigation;
- Advise the accused of his canonical rights, including the right to retain the assistance of civil and canonical counsel (EN, 6);
- Notify the Congregation for the Doctrine of the Faith when the investigation is completed and there is sufficient evidence of sexual abuse of a minor. The accused will be likewise notified of the results of the investigation. The diocesan

Bishop shall then apply the precautionary measures mentioned in CIC, canon 1722, i.e., withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process. The priest or deacon will be prohibited from having contact with minors. These exclusions and prohibitions will remain in effect pending the outcome of the investigation and any subsequent canonical process (*EN*, 6);

- Take care to safeguard the right to privacy and good reputation of all parties associated with the incident(s) under investigation, especially the accuser and the accused (c. 1717, §2, *EN*, 6);
- Ask, and if necessary, strongly encourage the alleged offender to seek an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and the accused (*EN*, 7).

4. In every case, canonical penalties will be applied in accord with the norm of canon law (*EN*, 8a).

5. When a single act of sexual abuse of a minor by a cleric is admitted by the accused or is established after an appropriate process in accord with civil and canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state (*EN*, 8). The priest or deacon may at any time request a dispensation from the obligations of the clerical state (*EN*, 10).

If extenuating circumstances such as advanced age and infirmity do not warrant a petition for laicization or dismissal from the clerical state, the cleric will be required to live a life of prayer and penance. He will be prohibited from celebrating the sacraments of the church, and forbidden both to represent himself publicly as a priest and to wear clerical garb. (*EN*, 8b)

6. No priest or deacon who has committed even a single act of sexual abuse of a minor will be transferred for a ministerial assignment in another diocese (*EN*, 12).

7. Before any priest or deacon who has committed even a single act of abuse chooses to reside in another diocese, the Bishop of this Diocese shall forward, in a confidential manner, to the Bishop of the proposed place of residence, any and all information concerning any act of sexual abuse of a minor and any indication that he has been or may be a danger to children and young people (*EN*, 12). The cleric will be prohibited from celebrating the sacraments of the church and forbidden to both represent himself publicly as a priest and to wear clerical garb (*EN*, 8b).

8. In the case of residence in the Diocese of Erie for a clerical member of an Institute or Society, the Superior must inform the diocesan Bishop. The Superior must share with the

diocesan Bishop all information concerning any act of sexual abuse of a minor or any other information indicating that he has been or may be a danger to children or youth in order to put in place suitable safeguards for the protection of children and young people (*EN*, 12). The cleric will be prohibited from celebrating the sacraments of the church and forbidden to both represent himself publicly as a priest and to wear clerical garb (*EN*, 8b).

9. When an accusation is proved to be unfounded, the Diocesan Bishop will take whatever steps are appropriate to restore the individual's good name and reputation (*EN*, 13).

The failure of a cleric to cooperate with any provisions of this policy will result in further actions or penalties according to Church law.

The Most Reverend Lawrence T. Persico, J.C.L.
Bishop of Erie

Promulgated following the approval of the Presbyteral Council on
October 5, 1986
+ Michael J. Murphy, Bishop of Erie

Amended and approved by the Presbyteral Council on May 11, 1993
+ Donald W. Trautman, Bishop of Erie

Amended and approved by the Presbyteral Council on October 6, 1997
+Donald W. Trautman, Bishop of Erie

Amended and approved by the Presbyteral Council on March 8, 2002
+Donald W. Trautman, Bishop of Erie

Amended and approved by the Presbyteral Council and the Diocesan
Review Board on June 16, 2003
+Donald W. Trautman, Bishop of Erie

Amended and approved by the Presbyteral Council and the Diocesan
Review Board on August 15, 2007
+Donald W. Trautman, Bishop of Erie

Amended and approved by the Diocesan Review Board on July 11, 2013
+Lawrence T. Persico, Bishop of Erie

Amended and approved by the Diocesan Review Board on June 8, 2016
+Lawrence T. Persico, Bishop of Erie