



**DIOCESE OF EVANSVILLE
POLICIES AND PROCEDURES REGARDING
ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY CLERGY**

**SECTION 1
GENERAL PROVISIONS**

Sexual abuse of minors by clergy or any diocesan personnel violates human dignity, childhood innocence, and the mission of the Church as established by our Lord.

Scope of these policies and procedures

Please refer to the Glossary in Section 7 of this policy for better understanding of the terms used herein. Throughout this document, reference is made to the ordinary; this includes, for example, the bishop, the diocesan administrator, or a religious superior.

These policies and procedures are for the Diocese of Evansville, its agencies, institutions, curia, parishes, schools, and religious communities.

The primary purposes of these policies and procedures are the safety of minors, the well-being of the community, the integrity of the diocese and the Church as well as a fair and just response to all allegations of clergy sexual abuse of a minor (for definition, see Section 7, Glossary and Further Provisions).

These policies and procedures are intended and designed to facilitate cooperation with public authorities responsible for investigating allegations of sexual abuse of a minor; all allegations of sexual abuse of a minor are reported to public authorities who may conduct an investigation. After public authorities have conducted any investigation or authorized the diocese to proceed, the bishop may initiate a preliminary canonical investigation in accord with the laws of the Church. "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."¹

Nothing in these policies and procedures shall be interpreted so as to abridge an individual's right to civil and canonical counsel.

These policies and procedures shall be published and accessible in paper and electronic format in English and Spanish so that those affected may readily seek and receive assistance.

¹ *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, June 2018, footnote 8.

Sexual abuse of a minor, as applied in these policies and procedures, refers to recent acts as well as to events alleged to have occurred in the past.

SECTION 2 PRESENTING AND RESPONDING TO AN ALLEGATION

2.1. Presenting an Allegation: Reporting to Public Authorities

If a person has been sexually abused, he or she shall immediately report such information to public authorities or local law enforcement. If anyone has reason to believe that a minor or vulnerable person has been sexually abused, he or she shall immediately report such information to public authorities or local law enforcement. To the extent possible, the person making the report is to provide to the Department of Child Services at (800) 800-5556 or local law enforcement all pertinent information available to him or her, and related civil laws must be followed. “In every instance, the diocese will advise and support a person’s right to make a report to public authorities.”²

“The diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation,”³ including but not limited to when:

- a) the alleged victim is a minor;
- b) the alleged victim is no longer a minor;
- c) the alleged perpetrator is deceased;
- d) an allegation is received in some manner other than a first-hand direct report.

Allegations which are received during the Sacrament of Penance are prohibited from being divulged by the priest.⁴ However, the priest is to urge the penitent to report any allegation to public authorities and to the diocese.

2.2. Informing the Diocese of Evansville of an Allegation

After public authorities are notified, the diocese should be informed either by calling the victim assistance coordinator at (866) 200-3004 or (812) 490-9565, or by communicating with the diocesan safe environment coordinator at (800) 637-1731 or (812) 424-5536. The bishop is notified of all allegations. After public authorities are notified and have conducted any investigation, and the bishop receives the allegation, the canonical process for a resolution of the allegation commences.

² *Essential Norms*, art. 11.

³ *Ibid.*

⁴ See *Code of Canon Law*, canons 983 §§1 and 2 and 984 §§1 and 2. See also *Charter*, art. 4.

“Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.”⁵

A canonical preliminary investigation is not initiated before public authorities have been notified and conducted any investigation of their own or authorized the diocese to proceed.

If the diocesan victim assistance coordinator is first informed of an allegation, he or she shall report this to public authorities, and notify the bishop, the vicar general, and the diocesan safe environment coordinator. The chairperson of the diocesan review board shall also be notified by the bishop, vicar general, or the diocesan safe environment coordinator so as to communicate the allegation to the other members.

If the bishop, vicar general, or diocesan safe environment coordinator is first informed of an allegation, the person first informed shall report the allegation to public authorities, and the victim assistance coordinator shall then be notified. The chairperson of the diocesan review board shall also be notified by the bishop, vicar general, or the diocesan safe environment coordinator so as to communicate the allegation to the other members.

In addition to the vicar general, diocesan safe environment coordinator, victim assistance coordinator, and diocesan review board, the bishop may report the allegation with others whom he designates, including but not limited to: the chancellor, promoter of justice, “experts in canonical penal matters”⁶ (canon lawyer), diocesan attorney, diocesan finance officer, and director of the permanent diaconate. The bishop may seek consultation from any person or persons he deems necessary to consult.

If the bishop, vicar general, diocesan safe environment coordinator, or victim assistance coordinator learns of an allegation in some manner other than a first-hand direct report, inquiries shall be made, and the diocese will proceed in the same manner as any other allegation.

Special Circumstances

Allegations against Retired Clergy: If an allegation is received against a retired diocesan cleric, following report to public authorities and their own investigation or authorization for the diocese to proceed, the allegation shall be investigated according to these policies and procedures and in accord with Church law.

Allegations against Deceased Clergy: If an allegation against a deceased diocesan cleric is received, following report to public authorities and their own investigation or authorization for the diocese to proceed, the bishop may make a decision to investigate the allegation to the extent

⁵ *Essential Norms*, art. 13. See also: *Code of Canon Law*, canon 220.

⁶ Congregation for the Doctrine of the Faith, *Vademecum*, art. 29.

possible in order to provide information regarding whether to include the cleric's name on the list of allegations determined to be credible against clergy on the diocesan website; however, an investigation is not necessary for a deceased cleric since a penalty may not be imposed on him or a process initiated. "It sometimes happens that the *notitia de delicto* concerns a cleric who is already deceased. In this case, no type of penal procedure can be initiated."⁷

Allegations against Religious Order Clergy: If an allegation against a religious order cleric is received, following report to public authorities and their own investigation or authorization for the diocese to proceed, the diocese shall notify the cleric's superior or provincial. The religious order usually takes responsibility for this investigation in accord with its own policies and procedures, although the Diocese of Evansville may decide or be requested to handle this investigation.⁸

Allegations against Laicized Clergy or Clergy Who Have Resigned: If an allegation is received against a cleric who has already been laicized [returned to the lay state] or who has resigned from public ministry, following report to public authorities and their own investigation or authorization for the diocese to proceed, the allegation may be investigated according to these policies and procedures and Church law. "If, in the phase of the preliminary investigation, an accused cleric has lost his canonical status as a result of a dispensation or a penalty imposed in another proceeding, the Ordinary or Hierarch should assess whether it is suitable to carry on the preliminary investigation, for the sake of pastoral charity and the demands of justice with regard to the alleged victims. If the loss of canonical status occurs once a penal process has already begun, the process can in any case be brought to its conclusion, if for no other reason than to determine responsibility in the possible delict [a crime in canon law] and to impose potential penalties."⁹

Allegations Made Concerning the Occasion of the Sacrament of Penance: "In cases concerning the delicts mentioned of in art §1, the Tribunal cannot indicate the name of the accuser to either the accused or his patron [duly appointed canon lawyer] unless the accuser has expressly consented. . . . Nevertheless, it must always be observed that any danger of violating the sacramental seal be altogether avoided."¹⁰

Canons 982 and 1390 specify possible delayed absolution and penalties for falsely accusing a confessor for sins against the Sixth Commandment.¹¹

Anonymous Allegations: Anonymous allegations are those which are "...from unidentified or unidentifiable persons."¹² These allegations will be given due consideration and investigated to the extent possible by an administrative inquiry in accord with canon 50 of the *Code of Canon Law*.

⁷ Ibid., art. 160. See also arts. 161-162.

⁸ Ibid. See arts. 22, 31.

⁹ Ibid., art. 163.

¹⁰ *Sacramentorum sanctitatis tutela*, art. 24 §§1-3.

¹¹ See *Code of Canon Law*, canons 982 and 1390.

¹² Congregation for the Doctrine of the Faith, *Vademecum*, art. 11.

An administrative inquiry is not the preliminary investigation of canon 1717. If the information is independently verified, the verified information becomes the source of the allegation and may proceed to the preliminary investigation.

It should be kept in mind, however, that the identity of the accuser and/or alleged victim will ultimately have to be revealed to the cleric (except for cases involving the Sacrament of Penance unless the accuser has expressly consented to the use of his or her name); the cleric has the right of defense which includes knowledge of the identity of his accuser. The initial treatment of the allegation may proceed even though the identity is not yet known or revealed.

Anonymous allegations are reported to public authorities for compliance with civil law reporting requirements related to alleged sexual abuse of a minor. In addition to public authorities, the victim assistance coordinator shall report these allegations to the bishop as well as the vicar general, and the diocesan safe environment coordinator; the diocesan review board shall be notified as well. If the cleric is able to be identified, he may be contacted.

An individual who does not disclose his or her name and contact information shall be advised that the lack of information may hinder or impede any investigation.

2.3. The Diocesan Victim Assistance Coordinator

“Each diocese will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons”¹³ or other diocesan personnel.

The victim assistance coordinator shall comply and cooperate with all reporting requirements under Indiana law and civil and canonical investigations related to sexual abuse of a minor. The victim assistance coordinator and all others involved in the matter of the allegation shall disclose such information as may be required by Indiana law or by enforceable legal process.

The victim assistance coordinator shall promptly make efforts to contact, by telephone or in person, an individual who presented any allegation of sexual abuse of a minor by a cleric or other diocesan personnel. The victim assistance coordinator shall provide the individual presenting any such allegation:

- a) assurance of pastoral outreach by the diocese;
- b) a written copy of these policies and procedures;
- c) a Statement of Understanding for the individual presenting the allegation to review and sign for diocesan records, acknowledging receipt of these policies and procedures. The Statement of Understanding includes information about the right to personally make a report to public authorities. “In every instance, dioceses are to advise victims of their right

¹³ *Essential Norms*, art. 3.

to make a report to public authorities and support this right.”¹⁴ A signature is not required for public authorities to conduct an investigation or for the canonical investigation.

To the extent possible, the victim assistance coordinator shall gather from the individual presenting an allegation as much information as possible, including but not limited to: the name of the cleric who is accused of sexual abuse, the name or names and contact information of the alleged victim or victims, a copy of the driver’s license, government-issued identification card, or a certified copy of the birth certificate(s) of the alleged victim or victims, an accurate description of the alleged acts of sexual abuse, the specific dates, times, and locations in which the abuse allegedly occurred, the name or names of any other person or persons involved in the alleged abuse, circumstances surrounding the alleged abuse, whether the alleged abuse has stopped, and the names and contact information for other persons who may have knowledge of the alleged abuse. Information is gathered to assist with any possible canonical investigation.

If the person presenting the allegation is a minor or vulnerable person, a parent or legal guardian shall be present during the interview whether the interview is in-person or, as an exception, by telephone, with the victim assistance coordinator and any other subsequent interviews.

The victim assistance coordinator shall transcribe the statement of a person presenting an allegation into a written report which shall be as detailed as possible. After the report has been written, the individual presenting the allegation will be asked to read it so that he or she may correct any inaccuracies or make clarifications. The individual presenting the allegation will be asked to sign the report to assure that it is an accurate representation of the individual’s statement, though a signature is not required to proceed. The victim assistance coordinator signs the dated report. The signed report shall be submitted to the bishop as well as the vicar general, and the diocesan safe environment coordinator who shall provide copies of it for review by the diocesan review board members and the accused cleric.

If the individual presenting the allegation is not the alleged victim, efforts shall be made to contact the alleged victim, with respect for the right of the alleged victim not to engage or cooperate with these procedures, though the lack of cooperation may hinder or impede an investigation.

“Through pastoral outreach to victims and their families, the diocesan bishop or his representative is to offer to meet with them, to listen with patience and compassion to their experiences and concerns ...”¹⁵ after public authorities have conducted any investigation or authorized the diocese to proceed.

2.4. Initially Informing the Cleric of the Allegation

After the bishop is informed of the allegation, and the victim assistance coordinator report is received, and following any investigation by public authorities or authorization for the diocese to

¹⁴ *Charter*, art. 4.

¹⁵ *Ibid.*, art. 1.

proceed, the bishop may then inform the cleric about the allegation. When the cleric is initially notified, he is provided with information concerning the allegation. The cleric is provided the opportunity to be heard and may respond in writing or verbally if he chooses within 30 consecutive days.

The cleric has the right and shall be encouraged to retain the assistance of civil and canonical counsel. The priest or deacon may at any time request a dispensation from the obligations of the clerical state.

2.5. Temporary Leave from Public Ministry and Precautionary Measures

If an allegation of sexual abuse of a minor by a cleric is received, following reporting to public authorities, the cleric may be placed on a temporary leave of absence after he has been heard by the bishop. In accord with canon 223 §2, such action is in consideration of the safety of minors and the common good.

The temporary leave of absence remains in place until the bishop may decide to impose precautionary measures on the cleric by means of an administrative leave of absence at any point during the preliminary investigation in accord with canon 1722.

The cleric placed on a temporary leave of absence is to promptly leave the premises of any ministerial assignment(s). This temporary leave of absence is not a penal sanction and does not affect his salary or any ecclesiastical office he may hold; however, he is temporarily dispensed from any associated obligations entailed by an ecclesiastical office (c. 87 §1). If the cleric is uncooperative, the bishop may use other options available to him through his executive power of governance.

The cleric is to refrain from any contact with the alleged victim, the alleged victim's family, and any possible witnesses who have may have knowledge of the alleged sexual abuse of a minor.

If any associated publicity regarding the temporary or administrative leave ensues, reasonable effort will be made not to harm illegitimately the good reputation which the cleric possesses or injure his right to protect his privacy. "No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy."¹⁶

"The alleged offender may be requested to seek, and may be urged to voluntarily comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and to the accused"¹⁷, provided that such evaluation does not interfere with any investigation by public authorities.

¹⁶ *Code of Canon Law*, canon 220.

¹⁷ *Essential Norms*, art. 7.

2.6. Initial Consideration of the Allegation

Following consultation with others, particularly the diocesan review board, the bishop shall make an initial determination as to whether or not the allegation has the semblance of truth. This refers to the nature of the allegation, not the guilt or innocence of the cleric. “In these sensitive preliminary acts, the Ordinary can seek the advice of the Congregation for the Doctrine of the Faith (as is possible at any time during the handling of a case) and freely consult with experts in canonical penal matters.”¹⁸

The chairperson of the diocesan review board will promptly convene its members after an allegation has been received.

When first informed of an allegation, the diocesan review board shall determine whether any additional steps need to be taken by the bishop regarding the safety of children as well as whether a preliminary investigation should be initiated. The diocesan review board may recommend delaying the preliminary investigation until public authorities have conducted any investigation of their own or authorized the diocese to proceed.

2.7. Canonical Preliminary Investigation

In accord with canon 1717 §1, “Whenever an ordinary has knowledge, which at least seems true, of a delict, he is to inquire personally or through another suitable person about the facts, circumstances, and imputability [responsibility of the cleric], unless such an inquiry seems entirely superfluous¹⁹ (e.g. the cleric admits the alleged sexual abuse, the information is unable to be investigated, the allegation is manifestly false and lacks any foundation of truth, or the facts are notorious). The alleged victim and the cleric are notified that the preliminary investigation has commenced, and each is invited to participate by being interviewed on separate days by the investigator. The alleged victim and cleric are also invited to provide contact information for any witnesses to be interviewed. The ordinary may seek the advice of the diocesan review board before, during, and after the preliminary investigation. “Ultimately, it is the responsibility of the diocesan bishop, with the advice of a qualified review board, to determine the gravity of the alleged act.”²⁰

In accord with canon 1717 §§1-3 of the *Code of Canon Law*, the ordinary shall appoint an investigator to conduct the preliminary investigation²¹; the investigator may have assistants who shall also be appointed by the ordinary. The investigator has the same powers as an auditor²² and must be outstanding in good character, prudence, and doctrine²³; the ordinary may also remove the

¹⁸ Congregation for the Doctrine of the Faith, *Vademecum*, art. 29.

¹⁹ *Code of Canon Law*, canon 1717 §1.

²⁰ *Charter*, footnote 1.

²¹ See *Code of Canon Law*, canon 1717 §§1-3.

²² *Ibid.*, canon 1717 §3.

²³ *Ibid.*, canon 1428 §2.

investigator or any assistants. The ordinary may seek the advice of the diocesan review board prior to the appointment or removal of the investigator or any of the investigator's assistants. The investigator and any assistants are to comply with civil and canon law.

If another allegation surfaces during the course of the preliminary investigation, the diocese shall promptly report that to public authorities who may conduct an investigation or authorize the diocese to proceed; the investigator shall also report the new allegation to the bishop, the victim assistance coordinator, and the diocesan safe environment coordinator.

The investigator shall consult with the bishop's designated canon lawyer to ensure the observance of canon law; he or she shall also consult with the diocesan safe environment coordinator.

The investigator and any assistants shall comply with all civil law reporting requirements related to sexual abuse of a minor as well as follow the law of the Church regarding the preliminary investigation. The investigator and any assistants shall disclose such information accumulated by the investigator as may be required by law, or by enforceable legal process.

The investigator conducts interviews with the alleged victim, the cleric, and any witnesses named by the alleged victim and the cleric, and the testimony is transcribed. The cleric may admit the offense if he so chooses, but he cannot be compelled to confess or to state anything self-incriminating and is not interviewed under oath²⁴; his interview is also transcribed. Each transcribed interview is reviewed by the person who was interviewed so that any necessary amendments may be made by the one interviewed before the transcribed interview is signed by the one interviewed as well as the interviewer. The investigator also gathers other information and documentation pertinent to the preliminary investigation. The diocesan review board may submit questions for the investigator to ask related to the course of the preliminary investigation as well as to provide ideas for the investigation; these proposals shall be submitted in writing to the bishop who may authorize the investigator to attempt to obtain the information.

"Care must be taken so that the good name of anyone is not endangered from this investigation."²⁵ The investigator and any assistants are to maintain confidentiality and protect the good reputation of the alleged victim, the cleric, and any others involved in the case.

"Furthermore, the persons involved are to be informed that in the event of a judicial seizure or a subpoena of the acts of the investigation on the part of civil authorities, it will no longer be possible for the Church to guarantee the confidentiality of the depositions and documentation acquired from the canonical investigation."²⁶

²⁴ See *Code of Canon Law*, canon 1728 §2.

²⁵ *Ibid.*, canon 1717 §2.

²⁶ Congregation for the Doctrine of the Faith, *Vademecum*, 44.

Directly responsible to the ordinary, the investigator is to submit a written report of the elements gathered along with all evidence, testimony and documentation to the ordinary upon conclusion of the preliminary investigation.

2.8. Consideration of the Preliminary Investigation by the Diocesan Review Board

Following review, the ordinary submits the materials from the preliminary investigation as well as the investigator's report and other related information to the diocesan review board for its review and recommendations to him. If requested by the diocesan review board, the investigator may provide a verbal presentation of the facts for the members in preparation for making recommendations to the ordinary. If the members of the diocesan review board believe that additional information would be of assistance, the board submits that request in writing to the ordinary who authorizes the investigator to attempt to obtain such information.

The investigator, any assistants, and the diocesan review board shall recognize and consider the possibility of false accusations or unsubstantiated claims. Neither the investigator nor the diocesan review board shall hesitate to issue an opinion so describing any allegation where such a recommendation is warranted. "During the investigation the accused enjoys the presumption of innocence, and all appropriate steps are to be taken to protect his reputation."²⁷

Following the preliminary investigation, the bishop instructs the diocesan review board to study the information obtained during the course of the preliminary investigation and the investigator's report; also considered by the board is documentation and information provided by the cleric, the alleged victim, witnesses, the victim assistance coordinator, the diocesan safe environment coordinator, and other persons.

In making its recommendations to the bishop, the diocesan review board shall consider:

- a) Whether the cleric's conduct constitutes sexual abuse of a minor by a cleric (a more grave delict) or is a sexual boundary violation or is otherwise inappropriate behavior;
- b) Whether the allegation has semblance of truth and is credible, that is, believable and plausible, has no semblance of truth and is false, is unsubstantiated, is delictual but not reserved to the Congregation for the Doctrine of the Faith, or is not delictual but recommends that the ordinary should issue a warning or other penal remedy to the cleric;
- c) If the cleric has already been placed on a temporary leave from ministry, whether the cleric should be placed on administrative leave of absence in accord with the precautionary measures of canon 1722²⁸;

²⁷ *Essential Norms*, art. 6.

²⁸ See *Code of Canon Law*, canon 1722.

- d) If the cleric has not been placed on a temporary leave from ministry, whether he should be placed on administrative leave of absence in accord with the precautionary measures of canon 1722²⁹;
- e) If the temporary leave should continue or be discontinued due to evidence that the allegation did not constitute sexual abuse of a minor by a cleric but is of another nature such as a boundary violation, and whether any restrictions should be placed on the accused cleric³⁰;
- f) Other recommendations.

Written recommendations to the bishop by the diocesan review board will be signed and forwarded immediately to him; in an emergency situation, the signed recommendation will be verbally communicated to the bishop prior to the reception of the signed recommendation.

2.9. Notification of the Cleric of the Preliminary Investigation, Recommendations of the Diocesan Review Board, and the Ordinary’s Decision

Following the canonical preliminary investigation and the cleric’s review of the information, the ordinary shall provide the cleric an opportunity to be heard by him as well as provide the cleric with the recommendations of the diocesan review board.

The ordinary may then appoint two judges or other experts of the law (assessors) with whom he consults and will then notify the cleric of his decision of whether a process to inflict or declare a penalty can be initiated and whether this is expedient; he hears the cleric.³¹

The ordinary is to formulate his opinion - or *votum* - on whether or not it seems true that a delict has been committed. The case is forwarded to the Congregation for the Doctrine of the Faith which notifies the ordinary how to proceed.³² “If the case would otherwise be barred by prescription [in penal law, the canonical provision for time limits within which a criminal action can be brought to justice], because sexual abuse of a minor is a grave offense, the bishop may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons.”³³

The Congregation for the Doctrine of the Faith may request of the Holy Father the dismissal of the priest or deacon from the clerical state “when it is manifestly evident that the delict was committed and after having given the guilty party the possibility of defending himself.”³⁴

²⁹ Ibid.

³⁰ Ibid., canon 1395 §2. See also *Essential Norms*, art. 9 and *Charter*, art. 6.

³¹ Ibid., canon 1718 §§1, 1° and 2° and §3.

³² See *Sacramentorum sanctitatis tutela*, art. 16, and Congregation for the Doctrine of the Faith, *Vademecum*, art. 69.

³³ *Essential Norms*, art. 8a.

³⁴ *Sacramentorum sanctitatis tutela*, art 21, §2, 2°.

2.10. Action Where an Allegation is Unsubstantiated or False

If the diocesan review board determines that the allegation of sexual abuse of a minor by a cleric is unsubstantiated or is false, the review board may recommend to the bishop that:

- a) The cleric be notified by the bishop that the allegation is unsubstantiated or false, and any restrictions that may have been placed on the cleric be promptly removed;
- b) The accuser be notified by the bishop's delegate of this determination;
- c) The cleric be provided with appropriate assistance and support to allay any personal hurt or injury to reputation that may have resulted from the unsubstantiated or false allegation.

If the allegation is deemed not substantiated, every step possible is taken to restore the good name of the cleric, should it have been harmed.³⁵ “When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.”³⁶

In the estimation of the ordinary, if the proofs gathered during the preliminary investigation are insufficient to establish the probability of a delict [canonical crime], the accused is to be promptly notified of the results of the investigation³⁷; the acts of the preliminary investigation and the *votum* of the bishop explaining the insufficiency or the doubtful nature of the proofs are transmitted to the Congregation for the Doctrine of the Faith³⁸; and if deemed necessary, administrative actions may be taken by the bishop³⁹.

If the allegation against the cleric is deemed as a sexual boundary violation or otherwise inappropriate behavior, administrative actions may be taken by the bishop.

It is important to note that both civil and canon law provide for the possibility of penalties for the crime of falsehood (false reporting of a crime) by an accuser or person alleged to have been a victim.

2.11. Action Where an Allegation is Deemed Credible (Has the Semblance of Truth)

A credible allegation of sexual abuse of a minor is one for which, following a review of information, the diocesan review board recommends as believable and plausible, and the bishop has determined that the alleged offense which has been investigated has the semblance of truth, or the accused admits the allegation.

³⁵ See *Code of Canon Law*, canon 220, and *Charter*, art. 5.

³⁶ *Essential Norms*, art. 13.

³⁷ See *Essential Norms*, art. 6.

³⁸ *Ibid.*, art. 8a. See *Vademecum*, art. 69.

³⁹ See *Essential Norms*, art. 9.

The ordinary shall transmit the case to the Congregation for the Doctrine of the Faith which can then choose to act in a variety of ways⁴⁰; a canonical penal process may be initiated or other actions taken.

The alleged victim will be notified of such actions by the bishop's delegate. The victim assistance coordinator continues to provide information regarding counseling and other assistance.

2.12. Precautionary Measures (Administrative Leave)

“The 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.”⁴¹ Imposition of precautionary measures (administrative leave) may occur at any stage of the preliminary investigation.

2.13. Addition of Cleric's Name to the List of Allegations Determined to Be Credible

If an act of sexual abuse of a minor by a cleric has been established after an appropriate canonical process, or if the allegation is admitted by the cleric, the name of the cleric will be added to the list on the diocesan website.

2.14. Removal of Cleric from Ministry after Self-Admission or an Appropriate Process in Canon Law

“When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants.”⁴²

In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered.⁴³

2.15. Life of Prayer and Penance

If the penalty of dismissal from the clerical state has not been applied (e.g. for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is instructed not to wear clerical garb, or to present himself publicly as a priest.⁴⁴

⁴⁰ See *Vademecum*, 77.

⁴¹ *Code of Canon Law*, canon 1722, and *Essential Norms*, art. 6.

⁴² *Essential Norms*, art. 8. See also *Sacramentorum sanctitatis tutela*, art. 6, and *Code of Canon Law* canon 1395 §2.

⁴³ *Essential Norms*, art. 8a

⁴⁴ *Ibid.*, art. 8b.

2.16. Bishop’s Executive Power of Governance

“At all times, the diocesan bishop has the executive power of governance, within the parameters of the universal law of the Church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described shall not continue in active ministry.”⁴⁵ Sexual boundary violations by a cleric which are not a more grave delict may be addressed in this manner, though this is not a permanent penalty; canon law provides additional options for addressing offenses against the Sixth Commandment of the Decalogue.

In accord with the bishop’s executive power of governance, if dismissal from the clerical state has not occurred, the safety plan for the cleric is also to be followed.

2.17. Settlement Agreements

“Dioceses are not to enter into settlements which bind the parties to confidentiality, unless the victim/survivor requests confidentiality, and this request is noted in the text of the agreement.”⁴⁶

SECTION 3 DIOCESAN REVIEW BOARD

3.1. Functions of the Diocesan Review Board

“The functions of the review board may include:

- Advising the bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
- Reviewing diocesan policies for dealing with sexual abuse of minors;
- Offering advice on all aspects of these cases, whether retrospectively or prospectively”⁴⁷;
- Recommending to the bishop amendments to these policies and procedures as well as the safe environment program *Code of Conduct*;

⁴⁵ Ibid., art. 9.

⁴⁶ *Charter*, art. 3.

⁴⁷ *Essential Norms*, art. 4.

- Recommending to the bishop any candidates for the position of victim assistance coordinator, and recommend the removal of the victim assistance coordinator;
- Recommending supervision practices consistent with the law of the Church for clergy who are subject to a decree of ministerial restrictions or a life of prayer and penance; and
- Offering recommendations to reduce the risk of child sexual abuse by priests and deacons.

Since the diocesan review board functions as a consultative body to the bishop, the bishop may attend any and all meetings of the board.

In every case that an allegation of sexual abuse of a minor by a cleric is presented to the diocese, the matter shall be brought to the attention of the diocesan review board.

The members of the diocesan review board shall receive no compensation for their services, but all members shall be reimbursed for their necessary expenses. Meetings shall be held in neutral locations, arranged and cost incurred, by the diocese. Such locations shall consider the travel distances of all concerned.

3.2. Membership, term, officers, attendees

“The review board, established by the diocesan bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese; but at least one member should be a priest who is an experienced and respected pastor of the diocese in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors.”⁴⁸

“The members will be appointed for terms of five years, which can be renewed”⁴⁹ or until a successor is appointed.

Terms may be staggered, and no member shall be appointed for more than two consecutive five-year terms. If a member should desire to resign, advance notice shall be given to the bishop in writing.

The diocesan review board shall elect one board member as chairperson and one board member as vice-chairperson for a two-year term each; the chairperson and vice-chairperson shall not serve as chairperson or vice-chairperson past the term of service on the diocesan review board. The

⁴⁸ *Essential Norms*, art. 5.

⁴⁹ *Ibid.*

chairperson will ordinarily convene and preside at meetings of the board; the vice-chairperson will perform these functions when the chairperson is unable to do so. If a chairperson is not elected, the bishop shall appoint a chairperson. If the chairperson should resign, the vice-chairperson shall succeed as chairperson. When the bishop is present at meetings, he presides at those portions of the meeting he determines since the board is a consultative body to him.

If a diocesan review board member becomes aware of a conflict of interest, he or she is to promptly make that known to the bishop and to the other members so as to recuse himself or herself; in these circumstances, he or she shall abstain from voting.

The promoter of justice or another canonical consultant (canon lawyer) appointed by the bishop participates in all meetings of the diocesan review board by providing education, information, and discussion but not deliberation or vote. “It is desirable that the promoter of justice participate in the meetings of the review board.”⁵⁰ Since the promoter of justice is responsible for the prosecution of a penal trial held in the tribunal, he or she may attend the meetings by voice but not deliberation or vote. Following the recommendations of the review board, the Congregation for the Doctrine of the Faith is notified, and the promoter of justice proceeds, following directives from the Congregation for the Doctrine of the Faith unless the Congregation calls the case to itself.⁵¹

Appointed by the bishop, the diocesan safe environment coordinator participates in all meetings of the diocesan review board by providing education, information, and discussion but not deliberation or vote.

A recording secretary may be appointed by the bishop for the purpose of taking minutes of the meetings of the diocesan review board, though the recording secretary is not a member of the diocesan review board and does not participate in the meetings by voice, deliberation, or vote; the recording secretary shall be bound by confidentiality along with the members of the diocesan review board and other participants as designated by the bishop.

Minutes of the meetings of the diocesan review board shall indicate the date and time of meeting, the individuals in attendance, agenda items, matters discussed, and recommendations; minutes will be retained in the diocesan chancery. Unless otherwise specified by the diocesan safe environment coordinator, documents distributed to the diocesan review board shall be collected at the conclusion of each meeting and returned to the diocesan chancery. Document retention is in accord with the law of the Church⁵² and civil law.

The bishop, the bishop’s appointed designee(s), the promoter of justice or canonical consultant, and other persons designated by the bishop may attend diocesan review board meetings for purposes of providing education, information, and discussion but not deliberation or vote. If the diocesan review board would like to suggest someone for attendance at a specified meeting by

⁵⁰ Ibid., art. 5.

⁵¹ See *Essential Norms*, art. 8a.

⁵² See *Code of Canon Law*, canon 1719.

voice but not deliberation or vote, the board is to communicate that suggestion in writing to the bishop for his written approval. All attendees at diocesan review board meetings are bound by confidentiality.

3.3. Quorum and majority for meeting and making a recommendation to the bishop

A two-thirds majority of the appointed members of the diocesan review board shall constitute a quorum, whether present in person, or if necessary, by means of combined video and audio technology. The concurrence of more than one-half of all appointed members of the review board shall be necessary to make a recommendation to the bishop.

3.4. Meetings

The board shall meet at least once per year and as often as necessary to conduct reviews, make recommendations to the bishop, and perform any other assigned or requested duties. The board ordinarily will meet in person, but, if necessary, one or more members may attend a meeting by means of combined video and audio technology with prior approval of the chairperson. The chairperson shall hold the members accountable for attendance at meetings since absences may hinder the work of the board.

The members of the diocesan review board shall not discuss the meetings and recommendations of the board or information presented to the board outside of board meetings, except that the bishop or the bishop's delegate(s) may communicate with board members outside of board meetings as necessary. Likewise, board members shall not make independent inquiries or conduct independent investigations about any matters before the diocesan review board. All deliberations shall be reserved for meetings of the review board.

Diocesan review board meetings shall reflect the consultative role which the board has in providing advice to the bishop. The board receives and considers information as well as deliberates and formulates its recommendations to the bishop for his determination. When deliberating to formulate recommendations to the bishop, the diocesan review board members shall discuss the reasons both for and against any particular proposed recommendation; these reasons are included in the recommendation.

3.5. Engagement with Media

All media inquiries regarding matters considered by the diocesan review board shall be forwarded to the diocesan communications director. In keeping with its role as a confidential, consultative group, members of the diocesan review board are not to engage with the media.

3.6. Document Retention

In accord with canon law, the acts of the investigation, the decrees of the ordinary which initiated and concluded the investigation, and everything which preceded the investigation are to be kept in the diocesan curia if they are not necessary for the penal process.⁵³ All documentation is to be retained in the diocesan curia to ensure accountability and an appropriate record-keeping system.

SECTION 4 SCREENING, FORMATION, EDUCATION, AND ASSIGNMENT TO MINISTRY

4.1. Screening and Education

The diocese shall review and augment ongoing programs for the continuing education of its personnel in matters related to youth protection and safe environments. Diocesan personnel who work with minors in any capacity shall be required to submit to a criminal history background check and to have safe environment training, which includes a review of the safe environment program *Code of Conduct* prior to beginning any assignment, work, or volunteer service with minors.

4.2. Relationship with Religious Communities

In regard to religious clerics who have or seek the extension of faculties for ministry in the Diocese of Evansville:

- a) The cleric's religious community shall expect its cleric to abide by diocesan policies and procedures relating to prevention of sexual abuse of minors;
- b) The religious community shall provide the Bishop of Evansville with a copy of its own policies and procedures regarding allegations of sexual abuse of minors if a religious cleric is assigned to ministry in the diocese;
- c) As to each candidate presented for ministerial assignment in the Diocese of Evansville, the presenting religious community shall provide a written statement about such candidate's status, background, character and reputation in addition to a letter of suitability and the cleric's file for review by the bishop. A written request for the extension of faculties is to be submitted to the bishop by the candidate's superior.
- d) A criminal history background check and safe environment training by the Diocese of Evansville are required prior to the cleric's beginning any assignment, temporary ministry,

⁵³ See *Code of Canon Law*, canon 1719.

or volunteer service in the Diocese of Evansville. Compliance with the safe environment program *Code of Conduct* and all immigration laws is required.

- e) If any cleric will be serving within the diocese for more than thirty days, in addition to a letter of suitability, he must complete a criminal history background check, sign certification of completion of safe environment training by the Diocese of Evansville, and receive written confirmation from the chancery of the Diocese of Evansville to perform ministry or volunteer service.

4.3. Extern Clergy (Not incardinated in the Diocese of Evansville)

- a) The cleric's diocese shall expect its cleric to abide by policies and procedures relating to prevention of sexual abuse of minors;
- b) The cleric's diocese shall provide the Bishop of Evansville with a copy of its own policies and procedures regarding allegations of sexual abuse of minors if a cleric is assigned to ministry in the diocese;
- c) As to each candidate presented for ministerial assignment in the Diocese of Evansville, the presenting diocese shall provide a written statement about such candidate's status, background, character and reputation in addition to a letter of suitability and the cleric's file for review by the bishop. A written request for the extension of faculties is to be submitted to the bishop by the candidate's bishop.
- d) A criminal history background check and safe environment training by the Diocese of Evansville are required prior to the cleric's beginning any assignment, temporary ministry, or volunteer service in the Diocese of Evansville. Compliance with the safe environment program *Code of Conduct* and all immigration laws is required.
- e) If any cleric will be serving within the diocese for more than thirty days, in addition to a letter of suitability, he must complete a criminal history background check, sign certification of completion of safe environment training by the Diocese of Evansville, and receive written confirmation from the chancery of the Diocese of Evansville to perform ministry or volunteer service.

4.4. Letter of Suitability

Each religious order cleric or cleric who is incardinated in another diocese who will be present in the Diocese of Evansville for an act of sacramental ministry or to celebrate or concelebrate a

funeral or to preach is required to present a letter of suitability from his respective diocese or religious community in sufficient time prior to the scheduled ministerial event.

4.5. Transfer of Clerics to another Diocese or Religious Community

“No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese. Every bishop who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

Before such a diocesan priest or deacon can be transferred for residence to another diocese, his diocesan bishop 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 other information indicating that he has been or may be a danger to children or young people.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese, the major superior shall inform the diocesan bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor and any other information, indicating that he has been or may be a danger to children or young people so that the bishop can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the bishop; of the provisions of canons 678 and 679; and of the autonomy of the religious life (canon 586).⁵⁴

SECTION 5 ALLEGATIONS AGAINST BISHOPS AND THEIR EQUIVALENTS

In accord with *Vos estis lux mundi*⁵⁵ (You are the light of the world), a process exists for Church investigations of complaints against bishops and their equivalents as well as clerics and religious for delicts (canonical crimes) against the Sixth Commandment of the Decalogue. Also addressed are complaints against bishops, clerics, and religious for sexual acts involving vulnerable persons and “... actions or omissions intended to interfere or avoid civil investigations or canonical investigations”⁵⁶ of such acts. It mandates internal reporting of such cases, offers whistleblower protection for those reporting, and prohibits any imposition of silence on those reporting.

If a bishop has performed sexual acts with a minor or vulnerable person; forced someone to perform or to submit to sexual acts through violence, threat or abuse of authority; produced, exhibited, possessed, or distributed child pornography, including by electronic means, or recruited or induced a minor or vulnerable person to participate in pornographic exhibitions; or executed

⁵⁴ *Essential Norms*, art. 12.

⁵⁵ *Vos estis lux mundi*, May 7, 2019.

⁵⁶ *Ibid.*, art. 1, §1, b).

actions or omissions intended to interfere with or avoid a civil or canonical [Church] investigation into allegations of sexual abuse committed by a cleric or religious, reports are to be made to local law enforcement, the local chancery, the local Ordinary where the events are said to have occurred or to another Ordinary, the Papal Nuncio, or to the Holy See directly. A third-party Catholic Bishop Abuse Reporting service has been established to gather and relay such reports to the appropriate Church authorities. Reports may be made online at www.reportbishopabuse.org or by calling 1-800-276-1562.

SECTION 6 COMMUNICATIONS WITH THE PUBLIC

In accord with article 7 of the United States Conference of Catholic Bishops' *Charter for the Protection of Children and Young People*, communications with the public, the parish, and other church communities directly affected by sexual abuse of a minor by a cleric shall be open and transparent within the confines of respect for the privacy and reputation of the individuals involved.⁵⁷

In order to promote safe environment through awareness, education, and prevention of sexual abuse of minors by clergy, the Diocese of Evansville fosters communication and provides information and training available on the diocesan website, the diocesan newspaper, and in print and other electronic media forms. Policies and procedures related to safe environment and reporting of allegations of sexual abuse of minors by clergy are readily available electronically and in print. Codes of conduct are publicized for those who serve in positions of trust.

In every instance, the Diocese of Evansville advises and supports one's right to make a report to public authorities, as noted in article 11 of the *Essential Norms*.⁵⁸

So that all are made aware, priests and deacons of the Diocese of Evansville who are restricted in their public ministry are not listed in the Diocesan *Yearbook* which is available for review on the diocesan website. If an allegation against a priest or deacon is currently under review and still pending, the listing in the Diocesan *Yearbook* will note the temporary or administrative leave of absence.

Communication with other dioceses and religious communities specifically occurs when a cleric from outside the Diocese of Evansville seeks to minister here or if an allegation of sexual abuse of a minor is made against a religious or cleric from another diocese.

⁵⁷ See *Charter*, art. 7.

⁵⁸ See *Essential Norms*, art. 11.

SECTION 7 GLOSSARY AND FURTHER PROVISIONS

7.1. Glossary

Administrative Leave: a term used for the temporary removal of a cleric from his assignment during an investigative process, prior to any determination of guilt or innocence.⁵⁹

Assessor: one who acts as a consultant to the bishop in conducting an administrative penal process.⁶⁰

Auditor: canon 1428 §1 The judge or the president of a collegiate tribunal can designate an auditor, selected either from the judges of the tribunal or from persons the bishop approves for this function, to instruct the case. §2 The bishop can approve for the function of auditor clerics or lay persons outstanding for their good character, prudence, and doctrine. §3 It is for the auditor, according to the mandate of the judge, only to collect the proofs and hand those collected over to the judge. Unless the mandate of the judge prevents it, however, the auditor can in the meantime decide what proofs are to be collected and in what manner if a question may arise about this while the auditor exercises his or her function.⁶¹

Canon law: the term used to describe the laws of the Roman Catholic Church. The primary sources are the *Code of Canon Law* promulgated in 1983 and the *Code of Canons of the Eastern Churches* promulgated in 1990. Supplemental law dealing with the sexual abuse of minors and other *graviora delicta* (more serious crimes) is contained in the *motu proprio Sacramentorum Sanctitatis Tutela* promulgated in 2001.⁶²

Child Pornography: as defined by *Sacramentorum sanctitatis tutela* (“SST”) and referenced in the *Charter for the Protection of Children and Young People* (“Charter”), sexual abuse of a minor will be understood as the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of eighteen, for purposes of sexual gratification, by whatever means or using whatever technology.⁶³ As defined by *Vos estis lux mundi*, child pornography means any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes.⁶⁴

⁵⁹ Congregation for the Doctrine of the Faith, “Glossary of Terms”, http://www.vatican.va/resources/resources_glossary-terms_en.html, accessed August 16, 2020.

⁶⁰ Ibid.

⁶¹ *Code of Canon Law*, Latin-English Edition, 1983.

⁶² Congregation for the Doctrine of the Faith, “Glossary of Terms”. Other sources of supplemental law are available.

⁶³ *Sacramentorum sanctitatis tutela*, article 6, §1, 2°. See also *Charter for the Protection of Children and Young People*, United States Conference of Catholic Bishops, June 2018, p. 17, footnote 1.

⁶⁴ Pope Francis, *motu proprio, Vos estis lux mundi*, May 7, 2019.

Clergy or Cleric: one who is constituted in sacred ministry in the Church; clerics are divided into deacons, priests and bishops.⁶⁵

Delict: a crime in canon law, an external violation of a law or precept gravely imputable by reason of malice or negligence.⁶⁶

Diocese: a particular church entrusted to the responsibility of a bishop usually established by territory within the Catholic Church.⁶⁷

Diocesan personnel: all ordained and non-ordained ministers, employees, volunteers, seminarians, Father Deydier House of Discernment residents, and permanent deacon candidates who provide services, paid or unpaid, for the diocese or any of its entities.

Full Communion: those baptized are fully in the communion of the Catholic Church on this earth who are joined with Christ in its visible structure by the bonds of the profession of faith, the sacraments, and ecclesiastical governance (canon 205).⁶⁸

Judge: the person in canon law charged with the responsibility of conducting a canonical trial whereby a decision is made on a matter in controversy, or a penalty is imposed in a case involving an alleged delict.⁶⁹

Minor: a person under the age of eighteen years.⁷⁰ Vulnerable persons are equated with minors.

Ordinary (hierarchy): a diocesan bishop, or others who are placed over a particular church or community that is equivalent to a diocese, as well as those persons who possess ordinary executive power.⁷¹

Penal Trial: the judicial canonical process by which the truth of an allegation is determined and, if the accused is found to have responsibility for the delict, a penalty is imposed.⁷²

Preliminary Investigation: the initial inquiry by which a diocesan bishop or ordinary determines whether an alleged delict such as sexual abuse of a minor has a semblance of truth. Once that low threshold is met, the case should be referred to the Congregation for the Doctrine of the Faith where the next stage of the process is determined.⁷³

⁶⁵ Congregation for the Doctrine of the Faith, “Glossary”.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ *Code of Canon Law*, canon 205.

⁶⁹ Congregation for the Doctrine of the Faith, “Glossary”.

⁷⁰ Ibid. See also Congregation for the Doctrine of the Faith, *Vademecum*, July 16, 2020, and *Vos estis lux mundi*.

⁷¹ *Committed to Accountability: Ecclesial Terms*, United States Conference of Catholic Bishops, 2019.

⁷² Congregation for the Doctrine of the Faith, “Glossary”.

⁷³ Ibid.

Prescription: in penal law, the canonical provision for time limits within which a criminal action can be brought to justice.⁷⁴

Promoter of Justice: the person appointed in each diocese and in the higher tribunals of the Catholic Church whose responsibility it is to provide for the public good. In penal proceedings, he brings the accusation on behalf of the Church and prosecutes it before the tribunal.⁷⁵

Safe environment: term used to refer to a wide assortment of practices that contribute to preventing child abuse.⁷⁶

Safety plan: a formal, written supervision program for a cleric who has been determined to have sexually abused a minor.⁷⁷ This may also apply to a cleric who is subject to a decree of ministerial restrictions due to boundary violations.

Semblance of truth: at least seems true,⁷⁸ not manifestly false or frivolous.

Sexual abuse of a minor: contact or interaction between a minor and an adult when the minor is being used for sexual stimulation of the adult. This occurs when an adult engages a minor in any sexual activity.⁷⁹

Sacramentorum Sanctitatis Tutela, article 6, §1 The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: 1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor. 2° the acquisition, possession or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology; §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.⁸⁰

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III (g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes.⁸¹

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ *Code of Canon Law*, canon 1717 §1.

⁷⁹ Congregation for the Doctrine of the Faith, “Glossary”.

⁸⁰ *Sacramentorum sanctitatis tutela*, art. 6.

⁸¹ *Charter for the Protection of Children and Young People*, United States Conference of Catholic Bishops, p. 18, footnote 1.

The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* of the United States Conference of Catholic Bishops states in its Preamble, “For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 §2, and CCEO, canon 1453 §1 (*Sacramentorum sanctitatis tutela*, article 6 §1).⁸²

Victim Assistance Coordinator: the victim assistance coordinator coordinates assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.⁸³

Vulnerable Person: For situations pertaining to the competence of the Congregation for the Doctrine of the Faith, this refers to those who “habitually have an imperfect use of reason”. For other situations which fall under the competence of different Vatican congregations, this refers to any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense.⁸⁴

These terms are provided to assist the lay person in understanding concepts, mostly canonical in nature, often used regarding the handling of cases involving sexual abuse. The terms are drawn from canon law generally, as well as from other sources. The above terms, which are subject to revision and update, are designed to assist in understanding; the terms provide an aid, but cannot substitute, for careful study of canon law.⁸⁵

7.2. Funding

The diocese shall provide the resources and personnel to assure the effective implementation of these policies and procedures.

7.3. Education of Diocesan Personnel and Educational Outreach

The diocese shall provide current and continuing education programs for its personnel about the nature, effect, and prevention of sexual abuse of minors and vulnerable persons. The diocese shall develop and maintain programs for outreach so as to promote education and healing.

7.4. Review and Amendment

At least once per year, the diocesan review board shall meet to review these policies and procedures for continuing education purposes, and make any recommendations for amendment to

⁸² *Essential Norms*, Preamble.

⁸³ *Essential Norms*, art. 3.

⁸⁴ Congregation for the Doctrine of the Faith, *Vademecum*, July 16, 2020. See also: *Vos estis lux mundi*, art. 1, §1.

⁸⁵ Congregation for the Doctrine of the Faith, “Glossary”.

the bishop. The diocesan review board shall meet promptly as and when needed to review allegations.

Following consultation with the diocesan review board and any other advisors he may determine, the bishop may amend these policies and procedures at any time.

7.5. Compliance and Cooperation

In addressing allegations of sexual abuse, all diocesan personnel are expected to cooperate with public authorities and comply with reporting requirements established by Indiana civil law. In addition, all diocesan personnel shall comply fully with these policies and procedures as well as civil law and the laws of the Church related to allegations of sexual abuse of minors.

7.6. Publication of Telephone Number to Receive Allegations

Available on the diocesan website (evdio.org) and in the diocesan newspaper (*The Message*) is the victim assistance coordinator telephone number to facilitate receipt of allegations. The telephone numbers are: (866) 200-3004 or (812) 490-9565. A written record of all such calls shall be compiled by the victim assistance coordinator and maintained at the diocesan chancery offices to ensure accountability and an appropriate record-keeping system in accord with the laws of the Church and Indiana civil law.

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