

## CHAPTER THREE

# Findings

### TO PROMOTE HEALING AND RECONCILIATION WITH VICTIMS/SURVIVORS OF SEXUAL ABUSE OF MINORS

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**ARTICLE 1.** Dioceses/eparchies are to reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Each diocese/eparchy is to continue its outreach to every person who has been the victim of sexual abuse\* as a minor by anyone in church service, whether the abuse was recent or occurred many years in the past. This outreach may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative is to offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002).

#### NOTE

\* In accord with *Sacramentorum sanctitatis tutela* (SST), article 4 §1, sexual abuse, for purposes of this *Charter*, shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in the *Code of Canon Law*, c. 1395 §2 (“A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years [raised in SST to eighteen years which has been the age of majority for the USA since 1994], is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants”) and the *Code of Canons of the Eastern Churches*, c. 1453 §1 (“A cleric who lives in concubinage or gives permanent scandal by publicly sinning against chastity is to be punished with a suspension, to which, other penalties can be gradually added up to deposition, if he persists in the offense”).

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

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All dioceses/eparchies that participated in the 2007 compliance audits were in compliance with Article 1.

Article 1 of the *Charter for the Protection of Children and Young People* requires dioceses/eparchies to reach out to victims/survivors and their families in an effort to offer healing and reconciliation. This expectation applies to recent cases of abuse as well as cases that have occurred in the past. In addition to the offer of outreach, the bishop/eparch or his representative is directed to offer to meet with victims and their families.

Article 1 of the *Charter* calls for outreach to victims of sexual abuse as a minor committed by *anyone* in church service; the compliance audit focuses on victims of clergy sexual abuse. This report does not comment on the efforts of dioceses/eparchies to assist with the healing of those abused by church workers who are not members of the clergy.

While all audited dioceses/eparchies have outreach programs in place and the bishops/eparchs reach out to victims of abuse, the scope and range of the outreach varies from diocese/eparchy to diocese/eparchy. In places where victims continue to come forward in steady numbers, full-time staffs are in place to respond to the healing needs of victims and their families. When the number of new victims coming forward is smaller, oftentimes victim assistance services are provided by professional counselors with whom the diocese/eparchy contracts.

Dioceses/eparchies report that outreach was provided to 3,273 victims/survivors and their families. This outreach included 951 victims/survivors and family members who came forward during the 2007 audit period and 2,322 who came forward during previous years or audit periods.

In general, healing initiatives focus on psychological/therapeutic counseling and spiritual care. Identifying providers skilled in working with victims of child sexual abuse is often challenging. Determining the length of time for effective healing support is another challenge faced at the diocesan/eparchial level. To help them sort through these issues, some dioceses/eparchies are using outside agencies or appointing treatment review boards to make recommendations about the extent of treatment and the credentials of the therapists. While there is no single standard for treatment protocols, dioceses/eparchies are challenged to offer consistency from one place to another in the healing support they offer.

The 2007 audit indicated that dioceses/eparchies continue to offer individual counseling, healing weekends, retreat days, facilitated support groups, and spiritual direction for victims and their families. Requests for the spiritual components of healing are becoming more frequent.

Reaching out to victims of clergy sexual abuse can be restricted when the diocese/eparchy learns of the abuse from an attorney. Oftentimes the legal process can impede the offering of healing support. One way in which dioceses/eparchies circumvent this limitation is by writing to the victim's attorney to request that the attorney convey the offer of pastoral assistance from the diocese to the victim.

The 2007 audit also indicated effective cooperation between and among dioceses/eparchies when a victim was abused in one diocese/eparchy and now lives in another part of the country. Most often, the diocese/eparchy of which the abusing priest is a member assumes responsibility for healing support and works out a repayment arrangement with the diocese/eparchy in which the victim resides.

Recognizing that healing can take many forms, and that the needs of victims can take many forms, dioceses/eparchies are offering outreach in the form of rent, transportation, no-interest loans, and employment counseling.

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**ARTICLE 2. Dioceses/eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. The procedures for those making a complaint are to be readily available in printed form in the principal languages in which the liturgy is celebrated in the diocese/eparchy and be the subject of public announcements at least annually.**

**Dioceses/eparchies are also to have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members are to be lay persons not in the employ of the diocese/eparchy (see Norm 5 in *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2002). This board is to advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. It is regularly to review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.**

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**All dioceses/eparchies that participated in the 2007 compliance audits were in compliance with Article 2.**

Article 2 requires that dioceses/eparchies have a mechanism in place to respond promptly to allegations of clergy sexual abuse. In addition to confirming that such a mechanism is in place, the auditor also confirms that the diocese/eparchy has a victim assistance coordinator and reviews his or her qualifications. According to this Article, a diocesan review board must be established, and its role and composition are to be reviewed during the audit period. Finally, the auditor is to look at the process for filing a complaint and to confirm that this process is well publicized.

These procedures, as well as the name and contact information for the victim assistance coordinator, should be easily accessible by the public within a diocese/eparchy. When a victim finally finds the courage, often after many years of pain, to reach out to the diocese/eparchy and report the abuse, it is vital that the diocese/eparchy respond quickly and that the opportunity for healing begin positively. The *Charter* states that the

procedures for those making a complaint are to be readily available in printed form in the principal languages in which the Liturgy is celebrated in the diocese/eparchy and that the procedures are to be the subject of public announcements at least annually. Finding the name and phone number for the diocesan victim assistance coordinator should not be difficult or challenging for any victim. To have this information easily identifiable on the diocesan Web site, in church bulletins, through special brochures, in diocesan newspapers, and on parish bulletin boards serves two purposes aside from *Charter* compliance: it sends a message to the victims that the Church cares about them, and it reinforces the commitment of bishops/eparchs to help heal the pain that has been caused by clergy sex abuse.

As of June 30, 2007, all dioceses/eparchies had established procedures for reporting incidents of clergy sexual abuse of a minor. These procedures can be found on diocesan Web sites, in diocesan newspapers, in parish bulletins, and in pamphlets and brochures. This information should be readily accessible to victims and to the Catholic population at large.

*Victim assistance coordinators* are in place in all dioceses/eparchies. The coordinators are often the first point of contact when a victim comes forward with allegations. The coordinator is responsible for determining the interest of the victim in receiving pastoral outreach and connects the victim with appropriate resources. Often the coordinator works with the victim as the preliminary investigation is conducted. Many victim assistance coordinators have prior experience working in the social service program of the diocese. Others have been hired specifically for this work and bring a background of work with victims of trauma and abuse. Most victim assistance coordinators do not provide direct counseling services; rather, they ensure that the victims, and often their families, are connected with services that will promote healing and reconciliation. Again, the contact information for the diocesan/eparchial victim assistance coordinator should be easily found in prominent places in the diocese/eparchies.

*Diocesan review boards* have been established in all dioceses/eparchies that participated in the 2007 audit. Often small eparchies with a significant geographic spread use the resources of the diocese closest to the parish where the complaint is received. The diocesan review board serves the bishop as a confidential and consultative body. The diocesan bishop/eparch determines how the review board will function. Review boards have an average of eight members who bring a range of professional experience to their work. The *Charter* specifically states that the majority of review board members will be lay persons not in the employ of the diocese/eparchy. Diocesan review boards often include a psychologist/counselor whose experience includes working with children who are victims of sexual abuse. Other professions often represented include a member of the legal profession, a member of law enforcement, and an educator. All review boards are expected to include a respected pastor of the diocese/eparchy.

In addition to reviewing policies and procedures for handling allegations of clergy sexual abuse, in some dioceses/eparchies, the bishop/eparch requests that the review board review codes of conduct and cases of child abuse reported against lay employees and volunteers. As the number of allegations decreases, it has been noticed that some

diocesan review boards have not met in over a year. It is recommended that diocesan review boards consider the diocesan policies on an annual basis to ensure that they are current, as well as to review how the *Charter* is being implemented in the diocese/eparchy. These reviews can provide valuable insight to the bishop/eparch on how well things are working and also identify areas that need to be strengthened. Issue fatigue is commonplace, but being aware of its danger can help prevent the dioceses/eparchies from becoming lax in their effective *Charter* implementation. This, in turn, helps to ensure the continued effective outreach to victims and the protection of children by the Church.

Procedures for making a complaint are readily available in printed form in all of the dioceses/eparchies that participated in the 2007 audit. The real test here, however, comes when a victim seeking help enters a church building, goes on the diocesan/eparchial Web site, reads the diocesan/eparchial newspaper, or picks up a church bulletin. Can she or he find these procedures? If not, the Church's outreach needs improvement.

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**ARTICLE 3. Dioceses/eparchies 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.**

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**All dioceses/eparchies that participated in the 2007 compliance audits were in compliance with Article 3.**

Article 3 bars a diocese/eparchy from entering into confidential settlement agreements with victims. However, if requested by the victim, such agreements may still be entered into, and the victim's request will be noted in the agreement.

At the request of the victim/survivor, a small number of dioceses have entered into agreements that contain confidential aspects. For the most part, victims have asked that the diocese maintain confidentiality about the financial terms of the settlement, but not about the circumstances of the abuse.

***To Guarantee an Effective Response to  
Allegations of Sexual Abuse of Minors***

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**ARTICLE 4. Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.**

**Dioceses/eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor.**

**In every instance, dioceses/eparchies are to advise victims of their right to make a report to public authorities and support this right.**

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**Of the 190 dioceses/eparchies that participated in the 2007 audit, 188 were found to be compliant with Article 4.**

**The following dioceses were found to be non-compliant with Article 4 as of June 30, 2007:**

- **Archdiocese of Anchorage\***
- **Archdiocese of Denver\***

**\*Both archdioceses took actions that brought them into compliance by December 31, 2007.**

Article 4 requires that each diocese/eparchy report any allegation of clergy sexual abuse of a person who is a minor to the public authorities, comply with all applicable civil laws, and cooperate with the investigation conducted by civil authorities.

During the 2007 audit period, participating dioceses/eparchies reported 55 allegations of abuse of minors who were minors when they reported the abuse. All allegations in which the accused and the alleged victim are identified have been reported to civil authorities.

Handling allegations of abuse/boundary issues/poor judgment on behalf of minors who are minors at the time of the report raised specific challenges. Article 4 stipulates that all allegations of clergy sexual abuse of a person who is a minor be reported to civil authorities. The investigation of these allegations requires great skill and objectivity. In the judgment of the auditors, all allegations or suggestions of the sexual abuse of a person who is a minor are to be turned over to civil authorities for investigation.

Of the 55 allegations, 12 were determined to be credible; 24 were found to be unfounded and fell in the categories of poor judgment, boundary violations, or not meeting the definition of sex abuse; and 6 were still under investigation at the time of the audit. There were 13 allegations categorized as “Other” because the investigations could not be completed due to insufficient information. Twenty-nine of the allegations involved females as victims, and 25 involved males as victims; the gender of one alleged victim is unknown. Two of the accused with credible allegations entered into plea agreements with prosecutors and the courts and then left this country or returned to their country of origin. Two are awaiting trials, two are on probation, one is in jail serving a life sentence, and one fled this country to his country of origin.

This Article also requires dioceses/eparchies to cooperate with civil authorities when the person reporting abuse is no longer a minor and, in all instances, to advise victims of their right to report directly to public authorities. Many public jurisdictions have instructed dioceses/eparchies to limit their reports to cases that fall within the local statute of limitations. Other jurisdictions require that all cases be reported, including cases when the accused is deceased or when the incident of abuse happened many decades ago.

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**ARTICLE 5.** We affirm the words of His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers: “There is no place in the priesthood or religious life for those who would harm the young.”

Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1). Because of the seriousness of this matter, jurisdiction has been reserved to the Congregation for the Doctrine of the Faith (*Motu proprio Sacramentorum sanctitatis tutela*, AAS 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.

Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor\*—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this *Charter*, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.

The diocesan/eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as described below (see note) shall not continue in ministry.

A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is not proven, every step possible is to be taken to restore his good name, should it have been harmed.

In fulfilling this article, dioceses/eparchies are to follow the requirements of the universal law of the Church and of the *Essential Norms* approved for the United States.

**NOTE**

\* In accord with *Sacramentorum sanctitatis tutela* (SST), article 4 §1, sexual abuse, for purposes of this *Charter*, shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in the *Code of Canon Law*, c. 1395 §2 (“A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years [raised in SST to eighteen years which has been the age of majority for the USA since 1994], is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants”) and the *Code of Canons of the Eastern Churches*, c. 1453 §1 (“A cleric who lives in concubinage or gives permanent scandal by publicly sinning against chastity is to be punished with a suspension, to which, other penalties can be gradually added up to deposition, if he persists in the offense”).

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual*

*Misconduct and Dismissal from the Clerical State, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.*

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**All dioceses/eparchies that participated in the 2007 compliance audit were found to be compliant with Article 5.**

Article 5 requires that all dioceses/eparchies have a policy to conduct a prompt and objective preliminary investigation of an allegation of clergy sexual abuse. The Article includes steps to be followed, as outlined in canon law, when an allegation is found to be credible, is admitted, or is established.

The process for conducting a preliminary investigation is determined by each local bishop/eparch. Processes vary from one diocese/eparchy to another. If the priest/deacon accused in an allegation is in active ministry, he is often removed and placed on administrative leave while the investigation is undertaken. In some cases, he is placed on restrictive ministry or remains in active ministry until the preliminary investigation is complete.

Within the limitations of confidentiality, privacy, and civil and canon law, the auditors examine all allegations that have been made during the audit period. In 2007, 1,504 victims made allegations of clergy sexual abuse in dioceses/eparchies that participated in the audit process. These allegations identified 977 clerics (priests and deacons).

Of the 1,504 victims reporting clergy sexual abuse in the 2007 audit period, 55 were minors when they reported the abuse. All cases were reported to civil authorities for investigation. Of these, 24 were determined to be unfounded or were disproved by civil authorities and diocesan review boards; 12 were credible, 6 were still under investigation at the time of the audit, and 13 were categorized as “Other” due to insufficient information.

The number of victims who came forward and the number of accused during this audit period are higher than the numbers reported in the 2005 audit period because for most dioceses/eparchies, the 2007 audit period covered a two-year period. Eleven dioceses participated in full on-site audits in 2006.

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**ARTICLE 6. There are to be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the church in positions of trust who have regular contact with children and young people.**

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**All dioceses/eparchies that participated in the 2007 compliance audit were found to be compliant with Article 6.**

Article 6 requires all dioceses/eparchies to establish and publicize standards for behavior of both clergy and other church workers who have regular contact with children and young people. “Regular contact with children and young people” is defined by each

diocese/eparchy. These definitions address the frequency of contact in terms of hours per week or month. Even though the definitions vary, the fact that efforts are in place to clarify the meaning of “regular contact” indicates that protecting children remains the goal.

What many dioceses/eparchies have done to avoid the challenge of defining or discerning the definition of “regular contact with children” (keeping in mind the need to protect all children anytime they are under the care of the Church) is to require that anyone who has contact with children receive a copy of the diocesan/eparchial code of conduct. “Grooming” children for future abuse is something against which all need to guard. Knowing the expectations of the diocese/eparchy, being aware of grooming behaviors and signs of abuse, and knowing to whom suspicious behavior should be reported are things everyone who has contact with children should know.

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**ARTICLE 7. Dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by ministerial misconduct involving minors.**

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**All dioceses/eparchies that participated in the 2007 compliance audit were found to be compliant with Article 7.**

Though Article 7 is one of the shorter Articles, this Article requiring that the diocese/eparchy be open and transparent in communicating with the public about sexual abuse of minors is one of the most important. It is important for credibility purposes and for avoiding a backslide into an environment of secrecy. Most importantly, openness and transparency are critical for the protection of children. Not being aware of possible predators in our midst decreases the hedge of protection for our children—something that should never be done.

## **To Ensure the Accountability of Our Procedures**

**(Articles 8-11 are not included in the audit process)**

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**ARTICLE 8. By the authority of the United States Conference of Catholic Bishops, the mandate of the Ad Hoc Committee on Sexual Abuse is renewed, and it is now constituted the Committee for the Protection of Children and Young People. It becomes a standing committee of the Conference. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.**

**The Committee is to advise the USCCB on all matters related to child and youth protection and is to oversee the development of the plans, programs, and budget of the Office of Child and Youth Protection. It is to provide the USCCB with**

**comprehensive planning and recommendations concerning child and youth protection by coordinating the efforts of the Office and the National Review Board.**

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**Membership of the Committee for the Protection of Children and Young People (CPCYP) includes the following bishops as well as the region they represent:**

Bishop Gregory M. Aymond (Chairman)	Term expires November 2008
Bishop Richard J. Malone (I)	Term expires November 2008
Bishop Howard J. Hubbard (II)	Term expired November 2007
Bishop Joseph R. Cistone (III)	Term expires November 2009
Bishop Mitchell R. Rozanski (IV)	Term expires November 2010
Bishop Thomas J. Rodi (V)	Term expired November 2007
Bishop R. Daniel Conlon (VI)	Term expires November 2009
Bishop Thomas G. Doran (VII)	Term expired November 2007
Bishop Paul J. Swain (VIII)	Term expires November 2009
Bishop William J. Dendinger (IX)	Term expires November 2008
Bishop Edward J. Slattery (X)	Term expires November 2008
Bishop Stephen E. Blaire (XI)	Term expired November 2007
Bishop George L. Thomas (XII)	Term expires November 2008
Bishop David L. Ricken (XIII)	Term expires November 2008
Bishop J. Kevin Boland (XIV)	Term expires November 2008
Bishop William C. Skurla (XV)	Term expires November 2009
Bishop Blase J. Cupich (Chair-Elect)	Term began in November 2007/Expires in 2011

In November 2007, the terms of four members expired:

Bishop Howard J. Hubbard (II)  
Bishop Thomas J. Rodi (V)  
Bishop Thomas G. Doran (VII)  
Bishop Stephen E. Blaire (XI)

Upon the recommendations of their metropolitan archbishops, the following bishops accepted the invitation by Bishop Aymond to participate in the CPCYP:

Bishop Robert J. Cunningham (II)	Term expires November 2010
Bishop George J. Lucas (VII)	Term expires November 2010
Bishop Ronald W. Gainer (V)	Term expires November 2010

The representative for Region XI is still pending at the time of this Report.

**The CPCYP is also assisted by the following consultants:**

Rev. Msgr. Edward Burns, Executive Director of the Office of Priestly Formation-Vocations  
Rev. Msgr. Ronny Jenkins, Associate General Secretary of the USCCB  
Rev. Paul Lininger, OFM Conv., Executive Director of CMSM

Ms. Helen Osman, Secretary of Communications for the USCCB  
Mr. Anthony Picarello, General Counsel, USCCB  
Very Rev. Thomas Picton, CSSR, President of the Conference of Major Superiors of Men  
Sr. Mary Ann Walsh, RSM, Director of the Office of Media Relations

The CPCYP meets jointly several times a year with the National Review Board to discuss matters of child and youth protection, specific policies, and best practices.

During the 2007 audit year, Bishop Aymond, Msgr. Jenkins, and Executive Director Kettelkamp participated in the Eighth Anglophone Conference in Rome, Italy. This conference provides a forum for English-speaking countries to discuss the issue of clergy sexual abuse.

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**ARTICLE 9. The Office for Child and Youth Protection, established by the Conference of Catholic Bishops, is to staff the Committee for the Protection of Children and Young People and be a resource for dioceses/eparchies for the implementation of “safe environment” programs and for suggested training and development of diocesan personnel responsible for child and youth protection programs, taking into account the financial and other resources, as well as the population, area, and demographics of the diocese/eparchy.**

**The Office is to produce an annual public report on the progress made in implementing and maintaining the standards in this *Charter*. The report is to be based on an annual audit process whose method, scope, and cost are to be approved by the Administrative Committee on the recommendation of the Committee for the Protection of Children and Young People. This public report is to include the names of those dioceses/eparchies which the audit shows are not in compliance with the provisions and expectations of the Charter.**

**As a member of the Conference staff, the Executive Director of the Office is appointed by and reports to the General Secretary. The Executive Director is to provide the Committee for the Protection of Children and Young People and the National Review Board with regular reports of the Office’s activities.**

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At the beginning of the audit period, the Office of Child and Youth Protection (OCYP) consisted of the following four staff members: Executive Director Teresa Kettelkamp, Associate Director Sheila Kelly, Executive Assistant Margaret Sienko, and Staff Assistant Mary Ann McGuire. During the summer of 2007, Ms. Mary Ann McGuire moved to the Office of Family, Laity, Women, and Youth; and Ms. Nija Hepburn-Nelson was hired as the new Staff Assistant.

Monthly reports are provided to the members of the CPCYP and the National Review Board (NRB) that reflect the administrative efforts of the OCYP within the USCCB, external support by OCYP of the dioceses/eparchies with *Charter*-related matters, and efforts in support of the work of the CPCYP and of the NRB.

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**ARTICLE 10. The whole Church, especially the laity, at both the diocesan and national levels, needs to be engaged in maintaining safe environments in the Church for children and young people.**

**The Committee for the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of the Office of Child and Youth Protection on the implementation of this *Charter* in each diocese/eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.**

**The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate's diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines to be developed by the Board in consultation with the Committee for the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines are to set forth such matters as the Board's purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.**

**The Board will offer its advice as it collaborates with the Committee for the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. The Board and Committee for the Protection of Children and Young People will meet jointly several times a year.**

**The Board will review the work of the Office of Child and Youth Protection and make recommendations to the Director. It will assist the Director in the development of resources for dioceses.**

**The Board is to oversee the completion of the study of the causes and context of the recent crisis. The Board will offer its assessment of the data gathered and preliminary results to the Committee for the Protection of Children and Young People as the study moves forward.**

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In 2007, the terms of four original National Review Board members expired:

Dr. Michael Bland  
Ms. Jane Chiles  
Dr. Paul McHugh  
Justice Petra Maes

The following individuals were appointed by Bishop William S. Skylstad, then-President of the USCCB, to serve on the NRB:

Dr. Emmet M. Kenney, Jr.  
Ms. Diane M. Knight, ACSW, CISW  
Justice Robert C. Kohm  
Dr. Susan Steibe-Pasalich

The current membership of the National Review Board comprises the following individuals:

Judge Michael R. Merz, Chair	Term expires June 2009
Mr. Thomas DeStefano, MSW, LittD	Term expires June 2009
Dr. Patricia O'Donnell Ewers	Term expires June 2008
Dr. Angelo P. Giardino	Term expires June 2008
Dr. Emmet M. Kenney Jr.	Term expires June 2010
Ms. Diane M. Knight, ACSW, CISW	Term expires June 2010
Justice Robert C. Kohm	Term expires June 2010
Mr. Ralph I. Lancaster Jr., Esq.	Term expires June 2008
Mr. William McGarry	Term expires June 2009
Dr. Joseph G. Rhode	Term expires June 2009
Mr. Joseph Russoniello, Esq.	Term expires June 2008*
Dr. Susan Steibe-Pasalich	Term expires June 2010

\*resigned January 4, 2008, to become United States Attorney in San Francisco

Per Article 10 of the *Charter*, the Board is to “oversee the completion of the study of the causes and context of the recent crisis. The Board will offer its assessment of the data gathered and preliminary results to the Committee for the Protection of Children and Young People as the study moves forward.” This study is underway and is being headed by a research team from the John Jay College of Criminal Justice in New York City. The NRB Research Committee has worked closely with the John Jay researchers, and the CPCYP and the body of bishops were provided a progress report during the USCCB General Meeting in November 2007. The Study is expected to be completed in 2009, with a preliminary written report to be provided to the bishops in June 2008.

The National Review Board released the following Report of the National Review Board to the Catholic Faithful of the United States in December 2007, on the fifth anniversary of the establishment of the NRB, which occurred upon the adoption of the *Charter for the Protection of Children and Young People* in June 2002.

## **REPORT OF THE NATIONAL REVIEW BOARD**

**December 2007**

### **To the Catholic Faithful of the United States:**

On the fifth anniversary of its establishment, the National Review Board for the Protection of Children and Young People (NRB) sends this report on its work to the Catholic community. It is a record of accomplishments, unfinished work, and challenges that lie ahead.

The members of the Board, representing the diversity of the Church in the United States, have worked diligently with the United States Conference of Catholic Bishops (USCCB) through its Committee for the Protection of Children and Young People (CPCYP) to address the nature, causes, and consequences of the sexual abuse crisis and the prevention of such action in the future. The Board concentrates on the responsibilities assigned to it in the *Charter for the Protection of Children and Young People (Charter)*. They include:

- advising on the audits of the dioceses and eparchies to assure compliance with the *Charter* adopted in Dallas,
- reviews the work of the Office of Child and Youth Protection (OCYP),
- completing major research studies,
- reviewing policies and practices for the protection of children and youth,
- recommending ways to provide safer environments.

Though much has been accomplished, much remains to be done.

## **Accomplishments**

### ***The Audit Process***

For the past four years, dioceses and eparchies have been audited to assure the implementation and maintenance of the standards established in the *Charter*. Those audits provide substantial evidence of the bishops' efforts to protect children and respond to the abuses of the past and present. As of 2006, 98% of the dioceses and eparchies are participating in the audits. Those audited are in full compliance with the standards.

- The standards require implementation of safe environment programs and background checks for employees and volunteers. To this point over six million children have participated in educational programs and over 1.6 million background investigations have taken place.
- In addition dioceses have established procedures to respond promptly to allegations, including reports of allegations to public authorities, diocesan review boards to evaluate allegations, and programs to reach out to victims and their families.
- In an effort to maintain transparency, the USCCB publishes the results of these audits in an annual report that includes the numbers of new credible allegations and the financial costs of responding to allegations.

### ***Research Projects***

The Charter called for two major research studies.

- The John Jay College of Criminal Justice completed the first of these studies, *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950-2002*, in 2004. That study provided an analysis of what happened: the number and nature of the allegations, the characteristics of the abusers and victims, and the financial impact on the Church.
- The second study, *Causes and Contexts*, will explore the why and how. It is discussed later under work to be done.

### ***Oversight Structures***

Successful implementation of the *Charter* and *Norms* necessitated structures to oversee and deliver programs at both the national and diocesan levels. These structures and programs are now in place and are being accepted as part of the fabric of the Church for the future.

- At the national level the CPCYP and NRB oversee the implementation of programs through their review of the work of the Office for Child and Youth Protection, which has responsibility for insuring *Charter* compliance on a day-to-day basis.

- On the local level, the dioceses and eparchies have offices that offer safe environment programs and respond to allegations and the needs of victims and their families.
- Although the presence of such structures and programs cannot ensure that abuse will not take place, each year the NRB has seen a strengthening of the processes that are needed to make such abuse less likely to occur, appropriately handle allegations, and address the needs of victims and their families.

Though these accomplishments are impressive, the Board believes that its work is only beginning.

### **Work to Be Done**

The audits have provided assurance that the dioceses and eparchies are doing what is required to meet the obligations of the *Charter*.

- What the audits do not measure is the quality of the work that the dioceses and parishes are doing. To gain that understanding, the Board is encouraging the USCCB to do random audits of the parishes and to work toward establishing best practices in educational programs, victim care, background checks, and investigation of allegations. During 2007, to provide a model to study for the future, a number of dioceses volunteered to pilot audits at the parish level. The NRB fully supports and encourages these parish audits.
- As to the adoption of best practices, a Safe Environment Work Group, comprised of bishops, board members, and consultants, completed a major report on safe environment training for children that included studies on the appropriateness of training, its scope, sequence, age and grade appropriateness, and the key elements of Church teaching as it applies to this training. Dioceses and eparchies are encouraged to follow the recommendations made in the report. The NRB made a similar set of recommendations for best practices for diocesan review boards that is presently under consideration by a committee of the USCCB.
- For the second research project, the *Causes and Context* Study, John Jay College is once again the principal investigator. Fordham University is collaborating in the research. The USCCB selected the College based on its excellent proposal, expertise in the area, and knowledgeable background, including the completion of the *Nature and Scope* Study. The research will explore the historical context of the abuse, the seminary training during the historical period, the psychological profiles of the offenders, the responses of the Church, and the nature and consequences of victimization. Fund raising is underway to meet the cost of the \$2.6 million study. The final results should be available in 2009 and provide the Church with insights to guide future actions.

### **Challenges That Lie Ahead**

The most difficult challenges that still face the bishops and the Board are not easily resolved since they involve extremely complex issues.

- One of the most significant issues is the need for a greater understanding of victimization and its consequences. Discussions with victims provide evidence of serious needs that still must be addressed in order for the victims and their families to find the healing that they need. The Board is hopeful the results of the *Causes and Context* Study will provide needed insights and recommendations.
- Another set of issues relates to the relationship of the Church to its priests, the vast majority of whom are not involved in the scandal, but many of whom feel alienated from both the bishops and the laity.
- There is a particular need to provide appropriate protection and restoration for those accused but later found innocent.
- Other issues include the need for greater speed in the process of determining credibility of allegations and consequent responses, as well as determination of an appropriate role for the Church in the supervision of offenders.
- During the past few years, it has become apparent to members of the NRB that parishes also become victims of sexual abuse. Members of parishes experience both a sense of betrayal or

outrage over accusations that lead to the removal of a pastor or associate. Often parishioners do not know how to respond to victims and their families and agonize over the lengthy process of determining appropriate responses. This is an area that needs much more attention.

- Finally, the Board is seeking ways to communicate more effectively to the laity so that members of the Church are both better informed on the positive responses the Bishops have made and more active observers of the programs and processes in their parishes and dioceses. Such communication is vitally important since the work of the National Review Board is strengthened by vigilant parents and parishioners who investigate the presence and quality of the programs in their parishes and dioceses. The obligation to provide safe environments that prevent damage to children, young people, families, parishes, dioceses, and the Church rests with all Catholics.

The laity can be assured of the Board's continuing dedication. We ask in return for your prayers, support, and vigilance.

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**ARTICLE 11. The President of the Conference is to inform the Holy See of this revised *Charter* to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to continue our commitment to the protection of children and young people. The President is also to share with the Holy See the annual reports on the implementation of the *Charter*.**

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A copy of this Annual Report has been presented to the Holy See as directed by this Article.

## **To Protect the Faithful**

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**ARTICLE 12. Dioceses/eparchies are to maintain “safe environment” programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses/eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to children.**

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**Of the 190 dioceses/eparchies who participated in the 2007 compliance audit, ten dioceses were found to be non-compliant with Article 12. Those dioceses are:**

Archdiocese of Anchorage, Alaska	Children, Priests, and Volunteers
Diocese of Baker, Oregon	Children
Diocese of Baton Rouge, Louisiana	Children in Religious Education
Archdiocese of Boston, Massachusetts	Children in Religious Education
Eparchy of St. Nicolas, Chicago, Illinois	Children in Religious Education
Diocese of Las Cruces, New Mexico	Children
Diocese of Rockville Centre, New York	Volunteers

Archdiocese of San Francisco, California	All categories except Priests, Deacons, and candidates for Ordination
Diocese of Tulsa, Oklahoma	Children in Religious Education and Volunteers
Archdiocese of Military Services	Children in Religious Education

Article 12 is the most challenging of the articles for the dioceses and one in which the audits identified the most non-compliance. This difficulty has to do with a number of factors: the sheer number of individuals in each category to receive safe environment training; the fluctuation of those numbers; the need to develop and maintain concise record keeping, which, in many cases, is handled by personnel who have a number of other responsibilities; and the time-consuming process of selecting safe environment programs that are age-appropriate and in accord with Catholic moral principles. Also, it is not uncommon for a diocese to use more than one program depending on the age group, which, in turn, places increased demands on the trainers to be able to train to a number of programs.

For compliance purposes, the auditors asked each diocese/eparchy to show evidence that the respective individuals who should have received safe environment training had done so.

Also, in 2006, the bishops' Committee for the Protection of Children and Young People heard the concerns of the bishops regarding the criteria for Article 12 compliance. The Committee wished to help each diocese and eparchy to be effective and successful in its efforts to provide safe environment training. Success benefits the children. At the same time, the question at the heart of the discussion was how to judge compliance with the bishops' commitment to provide training to create and maintain a safe environment.

The Committee recognized that while achieving complete training for 100% of children in their programs at any moment in time is the goal they all share and strive for, that benchmark is unattainable due to the many factors beyond their control in their dioceses/eparchies. Thus, the Committee proposed compliance criteria to the Administrative Committee, all of which were accepted.

In addition to the diocese/eparchy's providing the estimated number of personnel in each category and, of that number, how many have received safe environment training, the following questions were asked by the auditors to ascertain Article 12 compliance:

1. a. Does the diocese/eparchy have the curricula and materials to verify that safe environment programs exist for each of the various groups set forth in Article 12?
- b. Does that documentation include an official letter from the diocese/eparchy promulgating the programs(s)?
2. Does the diocese/eparchy have verification that this training is ongoing by having the number of times and places where safe environment training occurred during the audit year?

3. Does the diocese/eparchy have a calendar of training scheduled through December 31, 2007?
4. Does the diocese/eparchy have documentation from each pastor that the parish has received the required safe environment programs and has implemented them?
5. Does the diocese/eparchy have estimates of how many people are eligible in each category and the approximate number who have received such training?
6. For those parents who choose not to have their child participate in the diocesan/eparchial safe environment training
  - a. Does the diocese/eparchy have documentation of the signed parental declination?
  - b. Does the diocese/eparchy have documentation that the safe environment training materials have been offered to parents?
  - c. If parents refuse to sign any form, has a record been maintained by the parish/diocese/eparchy?

Overall, the dioceses/eparchies have done a tremendous job in providing safe environment training to the respective categories enumerated in the *Charter*. The chart below reflects the safe environment training for 2007:

Category	Number to Be Trained	Number Trained	Percentage
Priests	37,327	37,063	99.3
Deacons	14,406	14,350	99.6
Candidates for Ordination	4,986	4,918	98.6
Educators	163,933	162,997	99.4
Employees	233,517	228,792	98.0
Volunteers	1,337,079	1,396,561	97.9
Parents	793,472		
Children	5,883,978	5,683,940	96.6

Safe environment training will continue to be a challenge for the dioceses/eparchies due to the factors mentioned in the first paragraph. However, the challenges should never outweigh the important need for the Church to create a safe environment for her children and youth. The safe environment training that is being conducted by the Church will hopefully filter into a wider society and serve as a benchmark for all those who have the responsibility to protect those in their care.

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**ARTICLE 13. Dioceses/eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. United**

**States Conference of Catholic Bishops, *Program of Priestly Formation* [Fifth Edition], 2006, no. 39).**

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**Of the 190 dioceses/eparchies that participated in the 2007 audit process, three dioceses were found to be non-compliant with Article 13.**

Additionally, an asterisk denotes that the diocese/eparchy achieved compliance with a particular Article after July 1, 2007, but prior to the publication of this Report.

Archdiocese of Galveston-Houston, Texas	Volunteers*
Diocese of Las Cruces, New Mexico	Employees and Volunteers
Archdiocese of San Francisco, California	Employees and Volunteers

Background evaluation methodologies vary from diocese/eparchy to diocese/eparchy due to differences in state laws, the budget of the diocese/eparchy, and the number of personnel for whom background evaluations are to be conducted. In the earlier years, the determination of the background evaluation process, identifying all for whom background evaluations should be conducted, the actual process of conducting the evaluations, and the record keeping all experienced growing pains. Now, however, the procedures in these areas seem to have been worked out, and though the task is still large and expensive, overall compliance with this Article does not seem to be the huge difficulty it was in the past.

The chart below reflects the background evaluation findings:

Category	Number to be Checked	Number Checked	Percentage
Priests	37,327	37,181	99.6
Deacons	14,406	14,371	99.8
Candidates for Ordination	4,986	4,955	99.4
Educators	163,933	163,705	99.9
Employees	233,517	231,260	99.0
Volunteers	1,337,079	1,307,973	97.8

The percentages show a tremendous effort by the dioceses/eparchies to comply with this Article.

A question that now needs to be addressed is how to measure the effectiveness of background evaluations along with the effectiveness of the other safe environment steps the Church has taken. How can this be done? Should questions designed to measure effectiveness be incorporated into the audit process, or should a separate study be conducted for this purpose? OCYP and the NRB are in the process of exploring the best, most useful method.

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**ARTICLE 14. Transfers of clergy who have committed an act of sexual abuse**

**against a minor for residence, including retirement, shall be as in accord with Norm 12 of the *Essential Norms*. (Cf. *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, adopted by the USCCB, the Conference of Major Superiors of Men, the Leadership Conference of Women Religious, and the Council of Major Superiors of Women Religious in 1993.)**

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**All dioceses/eparchies that participated in the 2007 audits were found to be compliant with Article 14.**

The audits reflect that the dioceses/eparchies are very careful to comply with this Article. This is one of the issues in which the Church received a great deal of criticism in the past. The bishops are aware of this criticism and the past wrongs that have been done, which resulted in more tragedies caused by the transfers of clergy who had committed acts of sexual abuse. The policies in the dioceses/eparchies are strong in this area and are strongly monitored.

Priests who vacation for extended periods of time in other parts of the country, away from the diocese/eparchy in which they are incardinated, still provide a challenge in this regard. If they are retired, they can move without the knowledge of the bishop of the diocese of their incardination. Many dioceses/eparchies frequented by vacationing priests have established policies requiring parish leaders to verify that a visiting priest has the authorization to perform ministerial services.

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**ARTICLE 15. To ensure continuing collaboration and mutuality of effort in the protection of children and young people on the part of the bishops and religious ordinaries, two representatives of the Conference of Major Superiors of Men are to serve as consultants to the Committee for the Protection of Children and Young People. At the invitation of the Major Superiors, the Committee will designate two of its members to consult with its counterpart at CMSM. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates are to meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.**

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**All dioceses/eparchies that participated in the 2007 audit were found to be compliant with Article 15.**

According to Article 15, bishops/eparchs and major superiors of religious institutes are required to communicate with each other when one of their members is being transferred to another diocese/eparchy for residence or for a ministerial assignment. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment to another diocese/eparchy or religious province.

Article 15 requires periodic communication between bishops/eparchs and major superiors of religious institutes regarding their respective roles when allegations are brought against a cleric member of a religious institute. Many bishops report that they participate in an annual meeting with major superiors and the bishop at the state or province level. Others host regular meetings of major superiors and also meet with major superiors who

do not reside in the diocese when the major superior is visiting the members of his institute working in the diocese.

The president and executive director of the Conference of Major Superiors of Men serve as permanent consultants to the Committee for the Protection of Children and Young People. Two representatives of the CPCYP attended the winter meeting of the CMSM executive board.

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**ARTICLE 16. Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.**

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**All dioceses/eparchies that participated in the 2007 compliance audits were found to be compliant with Article 16.**

Article 16 asks that bishops/eparchs demonstrate a willingness to participate in research in the area of sexual abuse of minors being conducted by other churches, religious bodies, or educational institutes.

In 2006, 193 dioceses and eparchies participated in the annual CARA survey of allegations and costs.

Three dioceses reported participating in research on the effectiveness of safe environment training: one with a university and one with a doctoral student, and the third is initiating its own research. The outcome of these studies will be helpful to the National Review Board.

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**ARTICLE 17. We pledge our complete cooperation with the Apostolic Visitation of our diocesan/eparchial seminaries and religious houses of formation recommended in the Interdicasterial Meeting with the Cardinals of the United States and the Conference Officers in April 2002.**

**We commit ourselves to work individually in our dioceses/eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly formation and for the ongoing formation of priests. With new urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in *Pastores Dabo Vobis*, the *Program of Priestly Formation*, and the *Basic Plan for the Ongoing Formation of Priests*. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.**

**We bishops and eparchs commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses/eparchies, especially with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.**

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**All dioceses/eparchies that participated in the 2007 audit were found to be compliant with Article 17.**

The Apostolic Visitation of Seminaries and Houses of Religious Formation was completed in 2005. Programs for human formation for chastity and celibacy are in place in the dioceses and eparchies.

The audit results indicate that dioceses/eparchies continue to reach out to faith communities that are directly impacted by allegations of clergy sexual abuse. This is especially common when an allegation results in the removal of a clergyman currently serving the community. This outreach includes listening sessions, healing Masses, and/or a letter from the bishop/eparch to the affected community. When follow-up care is also provided, it is based on the needs of the faith community.

In addition to reaching out to parishes and faith communities, many bishops reach out to the lay faithful by holding public Masses/prayer services for the healing of victims of clergy sexual abuse.