



An Analysis of the VIRTUS® Programs

And their Compliance with the *Charter for the Protection of Children and Young People, Revised Edition (Charter)* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (Norms)*

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

Introduction:

On November 19, 2002, the United States Conference of Catholic Bishops revised the *Charter for the Protection of Children and Young People (Charter)* and *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or other Church Personnel (Norms)*. The *Charter* states that the bishops will adopt and implement policies to promote healing and reconciliation with people harmed by child sexual abuse by clergy and other Church personnel. The *Norms* decree certain procedures for addressing and dealing powerfully with the issue of child sexual abuse in the Church. The *Norms* were officially promulgated as particular law of the United States on December 12, 2002.

The *Charter* and the *Norms* focus on the development and maintenance of safe Church environments for children and young people and providing compassionate, generous, just treatment for victims of child sexual abuse—regardless of their current age. Most of the policies and procedures called for in the *Charter* and *Norms* are already a part of the VIRTUS® programs model policies and procedures and other training, prevention, and risk control programs and services.

The following VIRTUS programs and services are included in this analysis:

- The ***Protecting God's Children™*** program is the VIRTUS child sexual abuse prevention program. Most organizations that work with children have some sort of child safety program. Through the *Protecting God's Children* program, the VIRTUS programs maximize those efforts by helping churches and religious organizations renew their roles as child-safe environments and providing them with the tools to help adults and parents protect children. The *Protecting God's Children* program includes training to teach adults how to protect children.
- ***VIRTUS Online™*** is a web-based platform that provides best practice resources (training, education, policies and procedures) 24 hours a day, seven days a week. *VIRTUS Online* provides a comprehensive menu of programs and services for churches, religious organizations, and facilities from one convenient web-based resource. Through this menu of programs and services *VIRTUS Online* helps Church organizations prevent wrongdoing, manage risk, and improve service to the community through education, training, and best practices.
- The ***Victim Advocacy Program*** creates a pool of people trained to lend a compassionate ear and a supportive hand to those harmed by abuse. Volunteers are trained to advocate for victims throughout the healing process. Under the supervision of qualified lay personnel, volunteers are trained to work one-on-one with victims to empower them during their recovery.
- The ***Pastoral Case Management Program*** is a framework for providing the appropriate support, services, and interventions necessary to preserve the rights of the victim, the perpetrator, the faith community, and the Church. It also provides a vehicle for any member of the community to bring forward concerns about situations, observations, or incidents involving clergy or other Church personnel that appear inappropriate or have the potential of placing children or vulnerable adults at risk of harm.
- The ***Investigation Program*** raises awareness about the nature of a quality investigation that addresses both civil and canonical considerations, trains Church personnel to respond to complaints about incidents, concerns, and allegations quickly and fairly to assure justice, mercy, and healing for all involved. The program teaches investigators to communicate effectively, listen carefully, respect the neutrality of their position, and interview all witnesses respectfully and thoroughly so that the facts are revealed.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

- **Collective Risk Management® Team Training** is a best practice technique for the intake of and response to most forms of wrongdoing. A team of employees and/or volunteers is trained to make and document proper decisions when responding to wrongdoing. A Collective Risk Management Team is responsible for managing the crisis of wrongdoing involving volunteers and staff (with the exception of priests for reasons covered under canon law). The team is also responsible for the intake of claims of wrongdoing (e.g., violence, sexual harassment, fraud, embezzlement) with the exception of claims of abuse (taken by the victim advocate).
- **Model Policies and Procedures for Responding to Allegations of Sexual Abuse** (*Model Response Policies*) are designed to help protect and promote the safety of children. The *Model Response Policies* provide a detailed outline that a diocese, religious community/institute, or organization can use as a frame of reference for openly and straightforwardly managing the issue of sexual abuse by clergy, staff, and volunteers. The *Model Response Policies* emphasize the Church's commitment to take all necessary actions to assure the safety of the faith community around clergy, staff, volunteers, facilities, and programs. The *Model Response Policies* affirm that the Church will actively encourage complainants to come forward and will assure that justice, fairness, compassion, and respect are the hallmark of all services to those harmed by sexual abuse committed by clergy and other Church personnel. And, the *Model Response Policies* make a commitment that the Church will comply with all civil reporting laws; will cooperate with civil authorities investigating sexual abuse allegations; and, when the accused is clergy, will follow canon law directives.
- **The Model Code of Pastoral Conduct** and **Volunteer's Code of Conduct** are risk management tools for use by bishops, pastors, and administrators. Their purpose is to assist in developing and implementing uniform guidelines for appropriate behavior in situations of pastoral counseling and spiritual direction. The *Model Code of Pastoral Conduct* is not intended to address all situations that may arise in pastoral counseling relationships. It is intended to create a structure for addressing a variety of circumstances that, if not appropriately addressed, may create a risk of claims and/or lawsuits.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

I. *Charter* Mandates:

Each Article of the *Charter* sets forth standards of implementation by United States dioceses/eparchies. The following is an overview of how VIRTUS programs meet or exceed those standards. Each “Article” is quoted here with permission from the United States Conference of Catholic Bishops and is the Copyright property of the United States Conference of Catholic Bishops, Washington, D.C. 20017.¹

This use of the individual “Articles” does not constitute an endorsement of the VIRTUS programs by the United States Conference of Catholic Bishops. To review the entire Charter, visit the USCCB website at: <http://www.usccb.org/bishops/charter.htm>.

“To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors”²

Following is the actual text of Article 1:

“ARTICLE 1. Dioceses/eparchies will 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. Where such outreach is not already in place and operative, each diocese/eparchy is to develop an outreach to every person who has been the victim of sexual abuse¹ as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by abuse should be fostered and encouraged in every diocese/eparchy and in local parish communities.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative will 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 our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the bishop or his delegate will also be directed to faith communities in which the sexual abuse occurred.”³

What the VIRTUS programs offer regarding Article 1:

The *Pastoral Case Management Program* and *Victim Advocacy Program* provide structures, processes, and procedures for development of comprehensive outreach services for victims of child sexual abuse including faith communities. The programs include procedures for managing all forms of allegations,

¹ The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002. The *Charter* and its contents are the copyright property of the United States Conference of Catholic Bishops. The actual text from each “Article” of the *Charter for the Protection of Children and Young People, Revised Edition* is quoted here with permission from the United States Conference of Catholic Bishops. This use of the “Articles” does not constitute an endorsement of the VIRTUS® programs by the United States Conference of Catholic Bishops.

² The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002. To minimize any possible confusion by readers, the titles that divide the sections in the *Charter* are quoted here in the same exact language as used in the *Charter*. The *Charter* and its contents are the copyright property of the United States Conference of Catholic Bishops and are quoted here with permission.

³ The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002. Article 1.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

including allegations of abuse by clergy and by members of religious communities/institutes providing services in the diocese, complaints without merit, and allegations of past abuse.

The *Pastoral Case Management Program* and the *Victim Advocacy Program* also provide structures and models for meetings between bishops or their representatives and victims of abuse, their families, and the faith communities impacted by the abuse. Support materials include:

- An outline for victim/survivor support groups,
- Training for advocates who can provide one-on-one support for victims through the healing process,
- Educational resource material,
- Support for healing faith communities,
- Sample press releases, brochures, and posters, and
- Training for administrators and advocates.

The programs are designed for customization to meet the individual concerns and needs of the diocese/eparchy.

The VIRTUS programs will offer ongoing training and development to expand the competency of everyone involved in preventing and managing child sexual abuse. The articles, training bulletins, and thought-provoking interaction with trainees raise awareness and educate clergy, staff, volunteers, parents, and others about the relevant issues. Program developers realize that a “one-shot” training course is not sufficient to bring about systemic change. Ongoing education, training, and development are necessary to repair the existing damage and prevent future wrongdoing.

Following is the actual text of Article 2:

“ARTICLE 2. Dioceses/eparchies will have mechanisms in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies will have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused as minors by clergy or other church personnel. Dioceses/eparchies will also have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members will 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 will advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. It will regularly 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 required in connection with these cases. The procedures for those making a complaint will be readily available in printed form and will be the subject of periodic public announcements.”⁴

What the VIRTUS programs offer regarding Article 2:

The authors of the VIRTUS programs have developed both the *Pastoral Case Management Program* and the *Victim Advocacy Program* to assist dioceses/eparchies in developing outreach and advocacy programs to serve victims of abuse. These two program manuals include comprehensive procedures, structures, and tools for establishing and customizing programs that meet the needs of individual dioceses/eparchies. These materials call for the diocese/eparchy to provide printed material that outlines the services available, procedures for making a complaint, appellate procedures, and civil reporting requirements.

⁴ Ibid. Article 2.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

The *Model Response Policies* include the establishment of a review board consistent with the guidelines established in the *Charter*. The policies define the membership, terms, duties, and responsibilities of the board consistent with the *Charter* and *Norms* (the *Model Response Policies* also are included in their entirety in the *Pastoral Case Management Program* manual and the *Victim Advocacy Program* manual). Additionally, we can assist you in developing customized policies and procedures.

Following is the actual text of Article 3:

“ARTICLE 3. Dioceses/eparchies will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.”⁵

What the VIRTUS programs offer regarding Article 3:

Article 3 is an issue involving legal procedure and is outside the scope of the VIRTUS programs. Therefore, the VIRTUS programs do not address it.

“To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors”⁶

Following is the actual text of Article 4:

“ARTICLE 4. Dioceses/eparchies will report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies 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 in accord with the law of the jurisdiction in question.

Dioceses/eparchies will cooperate with public authorities about reporting in cases when the person is no longer a minor.

In every instance, dioceses/eparchies will advise victims of their right to make a report to public authorities and will support this right.”⁷

What the VIRTUS programs offer regarding Article 4:

In both the *Pastoral Case Management Program* manual and the *Victim Advocacy Program* manual, the civil reporting requirements are clearly stated. Plus, the mandates for reporting, and incidents or concerns that should trigger reporting during an investigation, are addressed and explained several times. The procedures outlined in the manuals also call for cooperation with civil authorities and deference to civil investigatory processes during those times when failure to do so could impede the investigation. The VIRTUS programs train clergy, staff, and volunteers to advise victims of the right to report, the statutory obligations to report, and the procedures for making reports.

The *Protecting God’s Children* program expands the training to include all adults in the faith community. It raises awareness about warning signs and provides each person with accurate information about local

⁵ Ibid. Article 3.

⁶ The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002. To minimize any possible confusion by readers, the titles that divide the sections in the *Charter* are quoted here in the same exact language as used in the *Charter*. The *Charter* and its contents are the copyright property of the United States Conference of Catholic Bishops and are quoted here with permission.

⁷ The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002. Article 4.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

reporting laws. One of the primary objectives of the *Protecting God's Children* program is to overcome the resistance to reporting abuse or raising concerns about potentially risky behaviors.

In addition, the *Model Response Policies* establish clear, unambiguous reporting procedures. They note that failure to report to civil authorities can result in serious penalties, and that reporting to superiors does not absolve an individual of their obligation to report.

Following is the actual text of Article 5:

“ARTICLE 5. We repeat the words of our Holy Father 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."

When an allegation of sexual abuse of a minor by a priest or a deacon is received, a preliminary investigation, in harmony with canon law (CIC, cc. 1717-1719; CCEO, cc. 1468-1470), will be initiated and conducted promptly and objectively. If this investigation so indicates, the diocesan/eparchial bishop will both notify the Congregation for the Doctrine of the Faith and apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., relieve the alleged offender promptly of his ministerial duties. The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by civil authorities. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the priest or deacon.

When sexual abuse of a minor by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, the following will pertain:

- Diocesan/eparchial policy will provide that for even a single act of sexual abuse (see Article 1, note ⁸[⁸]) of a minor—past, present, or future—the offending priest or deacon will be permanently removed from ministry, not excluding dismissal from the clerical state, if the case so warrants. In keeping with the stated purpose of this Charter, an offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.
- In every case involving canonical penalties, the processes provided for in canon law must be observed (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest or deacon.

⁸ The asterisk (*) is an original note from the *Charter for the Protection of Children and Young People*. The content of that note is as follows: “* Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (CIC, c. 1395 §2, CCEO, c. 1453 §1). Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, “imputability [moral responsibility] for a canonical offense is presumed upon external violation ... unless it is otherwise apparent” (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, cc. 1322-1327, and CCEO, cc. 1413, 1415, and 1416. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be obtained (*Canonical Delicts*, 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.”

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

- Also provided for in canon law are the following: a request by the priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state or a request by the bishop for dismissal from the clerical state even without the consent of the priest or deacon (cf. *Canonical Delicts*).
- 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 to be instructed not to wear clerical garb or to present himself publicly as a priest.
- At all times, the diocesan bishop/eparch has the executive power of governance, 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 is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch 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 above shall not continue in active ministry.”⁹

What the VIRTUS programs offer regarding Article 5:

The *Model Response Policies*, the *Investigation Program* manual, and the *Pastoral Case Management Program* manual are consistent with the mandates of the revised *Charter*. VIRTUS programs recommend placing clergy, staff, or volunteers on administrative leave pending resolution of a credible complaint.

The *Model Response Policies* go beyond the *Charter* mandates to address relevant issues that could arise as a result of an accusation. For example, the *Model Response Policies* restrict the ability of any priest involved in or connected to any investigation of misconduct to hear the sacramental confession of the accused. In addition, the *Model Response Policies* also call for the diocese/eparchy to provide housing and other support for accused clergy during administrative leave and to offer broad support services to the family of accused permanent deacons.

The *Model Response Policies* include provisions for offering medical, psychiatric, and other support services to clergy accused of sexual misconduct. Plus, the *Model Response Policies* address the issue of clergy who refuse therapeutic support, and provide a guideline for seeking restitution from a convicted offender.

The VIRTUS *Investigation Program* offers a unique format for conducting internal investigations of all wrongdoing—including sexual abuse allegations—that complies with both the “fair and objective” standards in Federal Title VII cases and the processes mandated by canon law. When the allegations are from years past, VIRTUS trained investigators can begin immediately to provide unbiased, factual, supported information to the diocesan/eparchial bishop, the accused, and all others involved in the investigation. When civil investigations are completed, the procedures outlined in the *Investigation Program* can assist in the development of necessary information to initiate and complete any canonical or employment-related disciplinary processes.

⁹ The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002. Article 5.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

Following is the actual text of Article 6:

“ARTICLE 6. While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people.”¹⁰

What the VIRTUS programs offer regarding Article 6:

In 1999 our developers posted the *Model Code of Pastoral Conduct* on the VIRTUS program website. The *Model Code of Pastoral Conduct* was written specifically for people serving as pastoral ministers and spiritual directors. It establishes standards that govern the behavior between clergy, staff, and volunteers, and the children, youth, and adults in Church-sponsored programs and events. The *Model Code of Pastoral Conduct* includes a clear and unambiguous blueprint of appropriate and inappropriate behavior and recommends that clergy, staff, and volunteers who disregard the code of conduct be subject to disciplinary action—up to and including removal from ministry.

Included in the *Model Code of Pastoral Conduct* is a *Volunteer’s Code of Conduct* that lays out, in simple, unambiguous language, the standards of behavior expected of volunteers in youth-serving roles. The *Model Code of Pastoral Conduct* recommends that any volunteer serving children and young people read and sign the *Volunteer’s Code of Conduct* as a pre-condition for participating in the program.

Following is the actual text of Article 7:

“ARTICLE 7. Each diocese/eparchy will develop a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, dioceses/eparchies will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors.”¹¹

What the VIRTUS programs offer regarding Article 7:

In the *Model Policies*, Section 10 covers media responses to allegations. The *Model Policies* recommend that one person act as the spokesperson for the diocese/eparchy for all allegations of child sexual abuse and that there be no mention of names or any acknowledgement of an allegation until charges are filed or the claim becomes public. The recommended policy is intended to protect the privacy rights of all involved until an allegation becomes general knowledge and to make sure that one designated person in the diocese/eparchy can work to create a relationship of trust with the media and public.

The VIRTUS programs also have a structure for supporting and working with faith communities impacted by allegations of abuse by clergy or other Church personnel. The process includes an unusually high level of disclosure. This process brings a new level of transparency to the way that the Church manages allegations and a new level of openness between the Church and the faith community. The outline and structure for the faith community meetings is found in both the *Pastoral Case Management Program* manual and the *Victim Advocacy Program* manual.

¹⁰ Ibid. Article 6.

¹¹ Ibid. Article 7.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

“To Ensure the Accountability of Our Procedures”¹²

Following is the actual text of Articles 8, 9, 10, and 11

“ARTICLE 8. To assist in the consistent application of these principles and to provide a vehicle of accountability and assistance to dioceses/eparchies in this matter, we authorize the establishment of an Office for Child and Youth Protection at our national headquarters. The tasks of this Office will include (1) assisting individual dioceses/eparchies in the implementation of “safe environment” programs (see Article 12 below), (2) assisting provinces and regions in the development of appropriate mechanisms to audit adherence to policies, and (3) producing an annual public report on the progress made in implementing the standards in this Charter. This public report shall include the names of those dioceses/eparchies which, in the judgment of this Office, are not in compliance with the provisions and expectations of this Charter. This Office will have staffing sufficient to fulfill its basic purpose. Staff will consist of persons who are expert in the protection of minors; they will be appointed by the General Secretary of the Conference.”¹³

“ARTICLE 9. The work of the Office for Child and Youth Protection will be assisted and monitored by a Review Board, including parents, appointed by the Conference President and reporting directly to him. The Board will approve the annual report of the implementation of this Charter in each of our dioceses/eparchies, as well as any recommendations that emerge from this review, before the report is submitted to the President of the Conference and published. To understand the problem more fully and to enhance the effectiveness of our future response, the National Review Board will commission a comprehensive study of the causes and context of the current crisis. The Board will also commission a descriptive study, with the full cooperation of our dioceses/eparchies, of the nature and scope of the problem within the Catholic Church in the United States, including such data as statistics on perpetrators and victims.”¹⁴

“ARTICLE 10. The membership of the Ad Hoc Committee on Sexual Abuse will be reconstituted to include representation from all the episcopal regions of the country.”¹⁵

“ARTICLE 11. The President of the Conference will inform the Holy See of this Charter to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to address this present crisis.”¹⁶

What the VIRTUS programs offer regarding Articles 8, 9, 10, and 11:

Articles 8, 9, 10, and 11 involve internal procedures at the USCCB and are outside the scope of the VIRTUS programs. Therefore, the VIRTUS programs do not address them.

¹² The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002. To minimize any possible confusion by readers, the titles that divide the sections in the *Charter* are quoted here in the same exact language as used in the *Charter*. The *Charter* and its contents are the copyright property of the United States Conference of Catholic Bishops and are quoted here with permission. Also, the word “Our” is the exact language used by the United States Conference of Catholic Bishops and is not a National Catholic reference to procedures utilized in the VIRTUS programs.

¹³ The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002. Article 8.

¹⁴ *Ibid.* Article 9.

¹⁵ *Ibid.* Article 10.

¹⁶ *Ibid.* Article 11.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

“To Protect the Faithful in the Future”¹⁷

Following is the actual text of Article 12:

ARTICLE 12. Dioceses/eparchies will establish "safe environment" programs. They will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children. Dioceses/eparchies will 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 sexual abuse.”¹⁸

What the VIRTUS programs offer regarding Article 12:

The *Protecting God's Children* program, *VIRTUS Online*, and other elements of the VIRTUS programs focus on the education and training of clergy, staff, volunteers, parents, and other adults about the nature of child abuse, child sexual abuse, and how adults can help prevent harm to children. Additionally, program developers have researched possible school curricula and religious education programs to include children and young people as partners in prevention. The *Protecting God's Children* program turns every parish into a child-safe haven. Through expert trainers, the VIRTUS programs bring education and awareness to the entire faith community, and ongoing training is provided through *VIRTUS Online*.

VIRTUS program researchers developed the *Model Code of Pastoral Conduct and Volunteer's Code of Conduct* to address standards of behavior for clergy, staff, and volunteers in positions of trust. The *Model Code of Pastoral Conduct* establishes behavioral and boundary standards for those providing services to young people, adults, and the faith community. It also establishes standards for anyone providing professional services to members of the faith community and includes mandates for reporting ethical and professional misconduct. The *Model Code of Pastoral Conduct* addresses confidentiality, maintenance of records, administration, and employee/volunteer well-being. The *Model Code of Pastoral Conduct* also contains a *Volunteer's Code of Conduct* that outlines the appropriate standards of behavior for adult volunteers who work with children and youth.

Following is the actual text of Article 13:

ARTICLE 13. Dioceses/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513).¹⁹

What the VIRTUS programs offer regarding Article 13:

The *Model Policies* establish:

- a. Standards for psychological screening and background checks for clergy applicants to assess the individual's fitness for ministry and fitness to work with minors.

¹⁷ The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002. To minimize any possible confusion by readers, the titles that divide the sections in the *Charter* are quoted here in the same exact language as used in the *Charter*. The *Charter* and its contents are the copyright property of the United States Conference of Catholic Bishops and are quoted here with permission.

¹⁸ The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002. Article 12.

¹⁹ *Ibid.* Article 13.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

- b. Requirements for screening and selection of staff and volunteers including application forms, reference request forms, and waivers for criminal background checks.
- c. Standards and procedures for any clergy seeking incardination and for the use of incardinated priests for parish or organizational ministries.
- d. Procedures for managing applicants who refuse to allow any of the required background checks.
- e. A procedure for managing staff and volunteers when the Church discovers that false information was provided in the application process.
- f. The VIRTUS programs include training for employees, and training for managers and human resource personnel regarding how best to screen, interview, and select employees and volunteers.

Following is the actual text of Article 14:

“ARTICLE 14. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information that he has been or may be a danger to children or young people. (Cf. National Conference of Catholic Bishops and Conference of Major Superiors of Men, *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, 1993.)”²⁰

What the VIRTUS programs offer regarding Article 14:

The *Model Response Policies* address this issue and include limitations on the ability of clergy to serve in a diocese/eparchy unless the individual is approved as a minister by the new bishop prior to the assignment. Through the *Model Response Policies* a diocese/eparchy can also manage additional issues that arise such as who can and cannot hear the accused’s sacramental confession and how a local parish or organization can ascertain the fitness of a clergy applicant from outside the diocese/eparchy.

Following is the actual text of Articles 15, 16, and 17:

“ARTICLE 15. The Ad Hoc Committee on Sexual Abuse and the Officers of the Conference of Major Superiors of Men will meet to determine how this Charter will be conveyed and established in the communities of religious men in the United States. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates will 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.”²¹

”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.”²²

”ARTICLE 17. We pledge our complete cooperation with the Apostolic Visitation of our

²⁰ Ibid. Article 14.

²¹ Ibid. Article 15.

²² Ibid. Article 16.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

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. Unlike the previous visitation, these new visits will focus on the question of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis*. We look forward to this opportunity to strengthen our priestly formation programs so that they may provide God's people with mature and holy priests. Dioceses/eparchies will develop systematic ongoing formation programs in keeping with the recent Conference document *Basic Plan for the Ongoing Formation of Priests* (2001) so as to assist priests in their living out of their vocation."²³

What the VIRTUS programs offer regarding Articles 15, 16, and 17:

The only issues in these three articles that are applicable to the VIRTUS programs are seminary formation and continuing education of clergy. Although the VIRTUS programs have not generated seminary curriculum, our researchers have discovered valuable resources for seminaries on the issues of human sexuality, sexual maturity, and celibate chastity. These resources are available to any bishop upon request. In addition, through the *Protecting God's Children* program and *VIRTUS Online*, clergy will have access to continuing education on a variety of topics that address the concerns identified by the bishops in Article 17.

II. Norms

The Congregation of Bishops approved a number of proposed *Norms* on December 8, 2002. The *Norms* were promulgated on December 12, 2002 as particular law of the United States. The *Norms* include obligating each diocese/eparchy to put policies and procedures in place to address the problems of sexual abuse of minors by clergy and other Church personnel. A few of the *Norms* address only the process of application for approval and how the determination by the Holy See will affect the implementation of these *Norms*. Many others articulate and expand on the provisions of the *Charter* and give details about the intentions in certain *Charter* articles. VIRTUS programs and services address, in a professional and effective manner, the mandates for services, policies, procedures, and structures that are set forth in the *Norms*.

Each "Norm" is quoted here with permission from the United States Conference of Catholic Bishops and is the Copyright property of the United States Conference of Catholic Bishops, Washington, D.C. 20017.²⁴

This use of the individual "Norms" does not constitute an endorsement of the VIRTUS programs by the United States Conference of Catholic Bishops. To review the Norms (the entire document), visit the USCCB website at: <http://www.usccb.org/bishops/norms.htm>.

Following is the actual text of Norm 1:

1. "Having received the *recognitio* of the Apostolic See on December 8, 2002, and having been legitimately promulgated in accordance with the practice of this Episcopal Conference on December 12, 2002, these Norms constitute particular law for all the dioceses/eparchies of

²³ Ibid. Article 17.

²⁴ The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002. The *Norms* and its contents are the copyright property of the United States Conference of Catholic Bishops. The actual text from each "Norm" of the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* is quoted here with permission from the United States Conference of Catholic Bishops. This use of the "Norms" does not constitute an endorsement of the VIRTUS® programs by the United States Conference of Catholic Bishops. Note: The *Norms* were officially promulgated as particular law of the United States on December 12, 2002.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

the United States of America.³²⁵ Two years after *recognitio* has been received, these norms will be evaluated by the plenary assembly of the United States Conference of Catholic Bishops.²⁶

What the VIRTUS programs offer regarding Norm 1:

Norm 1 involves legal and procedural issues affecting the USCCB and is outside the scope of the VIRTUS programs. Therefore, the VIRTUS programs do not address it.

Following is the actual text of Norm 2:

2. "Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications."²⁷

What the VIRTUS programs offer regarding Norm 2:

Norm 2 involves procedural issues between the USCCB and its dioceses/eparchies and is outside the scope of the VIRTUS programs. Therefore, the VIRTUS programs do not address it.

Following is the actual text of Norm 3:

3. "Each diocese/eparchy 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."²⁸

What the VIRTUS programs offer regarding Norm 3:

The VIRTUS *Victim Advocacy Program* and the *Pastoral Case Management Program* include a job description for the person charged with the development of assistance programs, the delivery of service, and the management of complaints by those abused by clergy or other Church personnel. The programs include checklists and sample structures for creating assistance programs to meet the needs of each diocese/eparchy. In addition, there are job descriptions for volunteer advocates and model forms for recruiting, screening, and selecting staff and volunteers.

VIRTUS programs also address the comprehensive need for services to those harmed by abuse—victims, family members, and others—faith communities, and the accused. The *Victim Advocacy Program* trains advocates for the diocese and trains a trainer (someone already on staff) so the diocese/eparchy can conduct its own advocate training in the future. Through *Victim Advocacy Training*, potential

²⁵ The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002. The *Norms* and its contents are the copyright property of the United States Conference of Catholic Bishops. This is the original note ³ from the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. It states "Due regard must be given to the proper legislative authority of each Eastern Catholic Church."

²⁶ The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002, Norm 1.

²⁷ Ibid. Norm 2.

²⁸ Ibid. Norm 3.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

advocates have an opportunity to look carefully at the “job” of being an advocate and, once the training is complete, applicants can assess their willingness and their fitness to provide advocacy services.

Following is the actual text of Norms 4 and 5:

4. “To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include
 - A. advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
 - B. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and
 - C. offering advice on all aspects of these cases, whether retrospectively or prospectively.”²⁹

5. “The review board, established by the diocesan/eparchial 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/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.”³⁰

What the VIRTUS programs offer regarding Norms 4 and 5:

The *Model Response Policies* establish a review board consistent with both the *Charter* and the *Norms*. In addition, the policies outline the qualifications of members, terms of service, and a recommended process for providing notice of the findings of the board to the accused and complainant. The duties and responsibilities of the review board are also defined in the *Pastoral Case Management Program* manual.

Following is the actual text of Norms 6 and 7:

6. “When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., remove the accused from the sacred ministry or from any ecclesiastical office or

²⁹ Ibid. Norm 4.

³⁰ Ibid. Norm 5.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

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.”³¹

7. “The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.”³²

What the VIRTUS programs offer regarding Norms 6 and 7:

The *Model Response Policies* provide for immediate administrative leave for any clergy, staff, or volunteer against whom there is a credible complaint of sexual misconduct with a child or young person. The specific canon law guidelines for imposing administrative leave on clergy are included in the policy. There are also recommendations for managing administrative leave for other Church personnel. The *Model Response Policies* include provisions for laicization, when appropriate, and for priests who are not laicized to live a life of prayer and penance in a secluded environment. All accused clergy are also offered mental health services and spiritual and pastoral counseling. The policies also include procedures for managing accused clergy who refuse recommended treatment and/or evaluation and, further, require any person accused to read and sign a “Rights and Responsibilities of the Accused” form at the initial interview with the diocese/eparchy.

Following is the actual text of Norms 8, 9 and 10:

8. “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 (CIC, c. 1395 §2; CCEO, c. 1453 §1).⁴ [33]”
 - A. 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 (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch how to proceed (Article 13, “Procedural Norms” for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.
 - B. 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

³¹ Ibid. Norm 6.

³² Ibid. Norm 7.

³³ *The Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002. The *Norms* and its contents are the copyright property of the United States Conference of Catholic Bishops. This is the original note ⁴ from the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. It states “Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment.”

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.³⁴

9. "At all times, the diocesan bishop/eparch has the executive power of governance, 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.⁵³⁵ Because 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) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.⁶³⁶³⁷
10. "The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon."³⁸

What the VIRTUS programs offer regarding Norms 8, 9, and 10:

The *Model Response Policies*, the *Investigation Program* manual and the *Pastoral Case Management Program* manual are consistent with this Norm. All call for permanent removal from ministry of any clergy who has abused children and all allow a bishop to determine that a life of prayer and penance is the most

³⁴ The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002, Norm 8.

³⁵ The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002. The *Norms* and its contents are the copyright property of the United States Conference of Catholic Bishops. This is the original note ⁵ from the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. It states "Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1°-2°, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, 1389-1396."

³⁶ The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002. The *Norms* and its contents are the copyright property of the United States Conference of Catholic Bishops. This is the original note ⁶ from the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. It states "The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff; CCEO, cc. 178, 979ff):

- a. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).
- b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).
- c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).
- d. The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
- e. Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1-1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1°-2°, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2, 1520) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff; CCEO, cc. 999ff)."

³⁷ The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002, Norm 9.

³⁸ *Ibid.* Norm 10.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

appropriate action to take in some cases. The *Model Policies* also address the issue of how a diocese/eparchy will manage an accused who holds an ecclesiastic office.

The VIRTUS *Investigation Program* offers a unique format for conducting internal investigations of all wrongdoing—including sexual abuse allegations—that complies with both the “fair and objective” standards in Federal Title VII cases and the processes mandated by canon law. When the allegations are from years past, VIRTUS trained investigators can begin immediately to provide unbiased, factual, supported information to the diocesan/eparchial bishop, the accused, and all others involved in the investigation.

Following is the actual text of Norm 11:

11. “The diocese/eparchy 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. In every instance, the diocese/eparchy will advise and support a person's right to make a report to public authorities.”^{39,40}

What the VIRTUS programs offer regarding Norm 11:

The *Model Response Policies* outline, in great detail, the mandates for reporting suspected abuse and the penalties for failure to report, and are more specific than the Norm. In addition to reporting to civil authorities, the *Model Response Policies* include reporting requirements mandated by the Holy See and the reporting policies of the local Church officials.

The *Pastoral Case Management Program* manual and the *Victim Advocacy Program* manual each clearly set forth the reporting laws and the internal reporting requirements when the complaint alleges abuse by a cleric, a member of the staff, or a volunteer. They also establish procedures for managing various “real life” situations.

One of the objectives of *Protecting God's Children* awareness and training for adults is to overcome the natural reluctance of most adults to report suspected abuse. The program confronts the tendency of adults to want to investigate their suspicions and be **sure** that abuse is occurring before reporting it. It emphasizes that, in all states, the law requires adults to report “suspected” abuse and that the investigatory body is the state child protection agency. The program presentation is customized to each state's specific reporting laws and people are invited to employ the philosophy “when in doubt, report” as a commitment to erring on the side of caution and protecting children.

Following is the actual text of Norm 12:

12. “No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) 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

³⁹ The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002. The *Norms* and its contents are the copyright property of the United States Conference of Catholic Bishops. This is the original note ⁷ from the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. It states, “The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.”

⁴⁰ The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002, Norm 11.

An Analysis of the VIRTUS® Programs

Consistency with the *Charter* revised in November 2002 by the United States Conference of Catholic Bishops, and the *Norms* approved by the Congregation for Bishops, December 8, 2002.

to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary 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.”⁴¹

What the VIRTUS programs offer regarding Norm 12:

The *Model Response Policies* require that a Norm 12-like notice be provided before a cleric is transferred. It also requires that any cleric desiring transfer or residence provide the new bishop with a written statement from his ordinary/hierarchy that states in clear, unequivocal terms that there is nothing in the history of his behavior that presents a risk of harm to children and young people. Furthermore, the *Model Response Policies* specifically prohibit any parish or other Church-affiliated organization from hiring a cleric from outside the diocese if the local bishop has not approved him for ministry in the diocese/eparchy.

Following is the actual text of Norm 13:

13. “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 proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.”⁴²

What the VIRTUS programs offer regarding Norm 13:

The *Model Response Policies*, *Pastoral Case Management Program*, and *Victim Advocacy Program* all stress protection of the rights of everyone involved. The *Model Response Policies* establish structures for managing false and unsupported accusations that guarantee that the accused and the accuser are protected. In addition, the *Pastoral Case Management Program* and the *Victim Advocacy Program* include an entire section on *Complaints Without Merit* and how to manage such complaints so that the accused is restored to his or her good name in the community. The process includes training competent investigators through the VIRTUS *Investigation Program* so that everyone is assured that a fair and objective investigation was conducted and the results are reliable.

⁴¹ Ibid. Norm 12.

⁴² Ibid. Norm 13.