



The Catholic Church in New Hampshire

The Protection of Children and Young People:
Policy and Procedures

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MANDATORY REPORTING REQUIREMENTS

Responsibilities of All Adults

N.H. Child Protection Act – Reporting Law RSA 169-C:29-32

The New Hampshire Child Protection Act provides, in pertinent part: “Any...person having reason to suspect that a child has been abused or neglected shall report the same” to the Division for Children, Youth & Families (“DCYF”). RSA 169-C:29. The law requires that an oral report “be made immediately by telephone or otherwise, and followed within 48 hours by a report in writing, if so requested, to [DCYF].” RSA 169-C:30. A “child” means “any person who has not reached his eighteenth birthday.” RSA 169-C:3.

Must Personally Report to

- The Division for Children, Youth & Families at (800) 894-5533

Additional Responsibilities of Church Personnel

When the above reporting requirement applies, any Church personnel who has reason to suspect that a child has been sexually abused by other Church personnel has additional reporting obligations:

When the Alleged Victim is Still a Minor

Must Personally Report to

1. The Division for Children, Youth & Families at (800) 894-5533; *and*
2. Local Law Enforcement; *and*
3. The Delegate of the Bishop of Manchester at (603) 669-3100.

When the Alleged Victim is No Longer a Minor

Must Personally Report to

- The Delegate of the Bishop of Manchester at (603) 669-3100.

Responsibilities of the Office of the Delegate

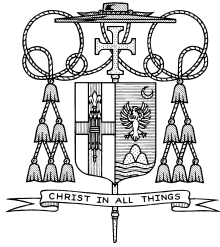
The Office of the Delegate for Ministerial Conduct will always report when it has reason to suspect that a minor has been sexually abused.

When the Alleged Victim is a Minor

- To DCYF, Local Law Enforcement, and the N.H. Attorney General’s Office

When the Alleged Victim No Longer is a Minor

- To the N.H. Attorney General’s Office



OFFICE OF THE BISHOP
DIOCESE OF MANCHESTER

Dear Sisters and Brothers in Christ,

The Church in New Hampshire is committed to the protection of children and young people and to the fulfillment of its pledge to help those who have been harmed by sexual abuse in the past to heal. Child sexual abuse is a terrible crime. It causes indescribable harm in the life of a child. It is an affront to the dignity of the person, and violates every principle of respect for human life.

The Diocese of Manchester is strongly committed to educate, train, and guide its communities to understand that the protection of minors is the work of the whole Church. The Diocese will continue to guide people to the Lord in order that healing can occur in their lives. It will also seek to promote justice, rehabilitation, and forgiveness for the perpetrators of these harmful acts.

The publication of *The Protection of Children and Young People: Policy and Procedures* (the “Policy”) sets forth clearly the standards to be used in protecting children within the Church. This Policy is intended to ensure that every suspicion or report of child sexual abuse is taken seriously and that the first response will be to the person who reports being harmed as a child, even if he or she is now an adult. The Policy provides structures that ensure effective, legitimate cooperation between civil and church authorities. It also ensures due civil and canonical legal processes for persons accused of the crime of child sexual abuse. The Policy provides for openness and accountability on the part of Church leaders and continued involvement by the laity in advising the bishop on all aspects of reports of child sexual abuse.

The Protection of Children and Young People: Policy and Procedures states that bishops, priests, and deacons are held to the highest standards of conduct in our Church. As clergy, we have the greatest responsibility to shepherd and protect God’s people, especially children. As Pope John Paul II has said,

‘God promises His people that He will never leave them without shepherds to gather and guide them. ‘I will set shepherds over them [my sheep] who will care for them, and they shall fear no more, nor be dismayed’ (23:14).¹

His promise is one of many reminders of the innate dignity of each human person and that all people share in His loving care. All persons in the Church must strive to conform to Christ Jesus, the Good Shepherd (Jn 10:11-16) who knows His sheep, cares for them, nurtures and protects them. It is Jesus the Christ who, gathering the children to Himself [Lk 18:15-17], lives the law of love, risking and laying His life down for the sake of God’s people.

¹ Pope John Paul II, Post Synodal Apostolic Exhortation, *I Will Give You Shepherds*, Boston: Pauline Books & Media, 1992, 1.

Pope John Paul II reminds us that “[A]ll Christians, without exception, [must know that] the radicalism the Gospel represents is a fundamental, undeniable demand flowing from the call of Christ to follow and imitate Him (cf. Mt 8:18ff; 10:16ff; Mk 8:34-38; 10:17-21; Lk 9:57ff).”²

This Policy has been developed through a lengthy and broad consultation with Catholics and non-Catholics. Lay people, clerics, and consecrated religious – child protection experts, mental health providers, canon law experts, and law enforcement representatives – all provided input and insight. I thank them and also Professor Elona K. Lucas of Saint Anselm College who generously donated her time and expertise to assist in editing the Policy.

I would also like to give special recognition to the members of the Task Force on Sexual Misconduct Policy who volunteered their expertise and time over the course of many months to revise the diocesan policy. The Task Force conducted listening sessions and prepared recommendations for a revised and improved policy. The Task Force developed a structure that provides prevention, intervention and remediation regarding acts of sexual abuse of minors in the Church in New Hampshire. This policy provides measures aimed at preventing the sexual abuse of minors, ones that offer pastoral care for those who have reported abuse, that ensure due process for persons accused of abuse, and for the permanent removal from ministry of anyone who is found to have sexually abused a child.

I believe we possess an effective Policy, one that codifies our diocesan goal to ensure that the Church is a better and safer place for all people, especially children and young people. Prevention and intervention is the work of the whole Church. As a community, I pray that we will continue to work together to fulfill our promises and pledges to be faithful to the Lord forever.

Christ in all things.

A handwritten signature in black ink, reading "John B. McCormack". The signature is written in a cursive style with a large, looping initial "J".

Bishop of Manchester

² Pope John Paul II, Post Synodal Apostolic Exhortation, *I Will Give You Shepherds*, Boston: Pauline Books & Media, 1992, 53.

PREAMBLE

Child sexual abuse is a horrible sin and crime in our Church and society. It is a matter of the gravest concern for our Diocese. The objectives of this policy are to prevent child sexual abuse in our Church before it occurs, respond with compassion and respect to those who report that they have been abused by church personnel, ensure due process and respect for the rights of those who have been accused of sexual abuse, provide for cooperation with the civil authorities, and address allegations of child sexual abuse openly.

In addition to this *The Protection of Children and Young People: Policy and Procedures* ("Policy"), the Diocese requires that church personnel comply with the diocesan *Serving Christ, Serving Others: Code of Ministerial Conduct* which sets forth additional standards of behavior for all who minister in the Church. The Code is intended to provide a broader context in which to view ministerial relationships by church personnel in the Diocese of Manchester.

Responsibility for adhering to this Policy rests with the individual. Church personnel who disregard this Policy will be subject to appropriate disciplinary action.

APPLICABILITY AND GENERAL DEFINITIONS

I. Applicability

This Policy applies to all who are engaged in ministry either by assignment, employment, or as a volunteer for the Diocese of Manchester or its parishes, Catholic regional and high schools, and institutions and agencies. The Policy applies to "church personnel," and where appropriate, applicants to become "church personnel" and independent contractors of the diocese.

II. General Definitions for the Purposes of This Policy

- A. **Accused:** The term "accused" means anyone accused of sexual abuse of a minor.
- B. **Church Law:** The term "Church law" means the 1983 *Code of Canon Law*,³ the *motu proprio* of Pope John Paul II, *Sacramentorum Sanctitatis Tutela* ("SST"),⁴ the *Essential Norms for Diocesan and Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* ("Essential Norms"),⁵ as well as other particular law of dioceses in the United States, and particular law of the Diocese of Manchester.

- C. **Church Personnel:** The following are included in the definition of church personnel:
 - 1. Clerics (bishops, priests, and deacons) who are either incardinated in or granted faculties in the Diocese of Manchester.
 - 2. Members of religious institutes, including all women and men religious assigned to ministry in the Diocese, its parishes, Catholic schools, institutions, or agencies.
 - 3. Lay employees and volunteers, including
 - a. Seminarians assigned to pastoral work in the Diocese of Manchester; seminarians seeking incardination in this Diocese; and those men enrolled in the Permanent Diaconate Formation Program;
 - b. All paid personnel, whether employed in areas of ministry or other kinds of services by the Diocese, its parishes, Catholic schools, institutions, or other agencies.
 - c. All volunteers. A volunteer is any person who performs a Church-related service without promise or expectation of monetary compensation on a regular and continual basis, including but not limited to catechists, coaches, youth ministers, lectors, ushers, Boy Scout leaders, Catholic Youth Organization volunteers, day care volunteers, volunteer camp counselors, children or youth choir directors, and parish outreach workers. Volunteers who are under the age of eighteen are expected to comply with the Standards for Working with Minors but are not subject to the Reporting Requirements for Church Personnel, the Screening of Church Personnel, and the Training of Church Personnel.
- D. **Complainant:** The term "complainant" refers to any individual who reports having been sexually abused as a minor. The term also includes anyone who has registered a complaint on behalf of the complainant.

³ The 1983 *Code of Canon Law* is the codification of church law for the Latin Rite of the Roman Catholic Church.

⁴ Pope John Paul II, *Sacramentorum Sanctitatis Tutela*, April 30, 2001.

⁵ The *Essential Norms* initially were approved in June 2002 by the Episcopal Conference at the Plenary Assembly of the United States Conference of Catholic Bishops. In November 2002, the *Essential Norms* were revised in a General Meeting of the Bishops, and on December 8, 2002, the Holy See issued a Decree of *recognitio*, making them particular law of the dioceses and eparchies of the United States.

- E. **Heads of Church Institutions:** “Heads of Church Institutions” are individuals who are responsible for the pastoral administration of diocesan parishes, Catholic schools, or institutions. Examples of Heads of Church Institutions are bishops (and their delegates), pastors, principals, and directors of nursing homes or children’s homes.
- F. **Inappropriate Conduct Involving Minors:** The phrase “inappropriate conduct involving minors” means any inappropriate conduct or violation of this Policy that relates to interactions with minors and that does not rise to the level of suspected abuse or neglect. Examples of such inappropriate behavior include, but are not limited to, using profane language in the presence of minors; discussing one’s own sexual orientation, sexual activities, or sexual history with minors; and showing minors sexually explicit, inappropriate, or offensive printed materials.
- G. **Minors:** “Minors” are individuals who have not yet reached their eighteenth birthday.
- H. **Policy:** The term “Policy” refers to this *The Protection of Children and Young People: Policy and Procedures*.
- I. **Sexual Abuse:** The term “sexual abuse” is any contact of a sexual nature that occurs between a minor and an adult.⁶ This term includes contact, activity, or interactions with a minor that is meant to arouse or gratify the sexual desires of the adult. “Sexual abuse” can occur whether or not this sexual activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the minor, and whether or not there is discernible harmful outcome. “Sexual abuse” includes any act constituting sexual abuse under New Hampshire law⁶ and is a grave delict (a serious crime) against the Sixth Commandment under the *1983 Code of Canon Law* and the *Essential Norms*.⁷

PREVENTION

I. Screening of Church Personnel

All church personnel must undergo background checks, based on the levels of risk for child abuse in the church positions they fill. Given the unique role and particular confidence that persons place in deacons, priests, and bishops, all applicants for ecclesiastical studies for ordination as deacons and priests, as well as all current deacons, priests, and bishops are held to the highest standards and undergo the strictest scrutiny through background screening. Likewise, all church personnel who regularly have contact with minors are subject to a thorough background screening.⁸

II. Assignments of Priests and Deacons

- A. **Ministerial Assignments.** The Bishop of Manchester is required by Church law to assign all deacons and priests in the Diocese of Manchester. All assignments of priests and deacons are subject to a recommendation process that will consider, among other things, how confident the Christian faithful would be in each assignment. The Bishop of Manchester relies upon the advice of the Priest Personnel Board and the Vicar for Clergy in making pastoral assignments of priests. A Permanent Deacon Personnel Board advises the Bishop on the assignment of permanent deacons.

In addition to the advice noted above, the Bishop of Manchester considers the complete records of priests and deacons, including but not limited to records of formational assessment, psychological evaluations, and other information regarding his suitability for a particular ministerial assignment.

The Delegate for Ministerial Conduct⁹ shall provide the people who assist the Bishop in reviewing and recommending candidates for ministerial assignment with a report that indicates whether the priest or deacon has been accused of sexual abuse, and if applicable, sets forth the recommendation of the Diocesan Review Board to the Bishop of Manchester that pertains to the priest or deacon.

⁶ The *New Hampshire Child Protection Act*, RSA 169-C:3, provides that “sexual abuse” “means the following activities under circumstances which indicate that the child’s health or welfare is harmed or threatened with harm: the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With respect to the definition of sexual abuse, the term ‘child’ or ‘children’ means any individual who is under the age of 18 years.”

⁷ See footnotes 2 and 3; *1983 Code of Canon Law*, c. 1395; *Essential Norms*, norm 9.

⁸ A Summary of the *Screening Protocol for Church Personnel* can be found on the website for the Diocese of Manchester under child safety: www.catholicchurchnh.org.

⁹ Information regarding the responsibilities of the Delegate for Ministerial Conduct can be found on the website for the Diocese of Manchester under child safety: www.catholicchurchnh.org.

- B. **Transfers for Residence.** Before a priest or deacon can be transferred for residence to the Diocese from another diocese or religious province, the Diocese shall seek from that diocese or religious province any and all information concerning any act of sexual abuse of a minor and any other information indicating that the priest or deacon has been or may be a danger to children or young people.

III. Training of Church Personnel

- A. **Instruction on Mandatory Reporting Requirements.** All church personnel must receive instruction on the mandatory reporting requirements for church personnel and must sign an acknowledgement that they have received such instruction and agree to abide by the requirements.
- B. **Initial Training.** All clerics and members of religious institutes assigned to parish, school, or institutional ministry and all employees and volunteers who regularly work with minors are required to undergo training that addresses appropriate boundaries in ministry; signs and symptoms of sexual abuse in minors; policies and practices for the prevention of sexual abuse by church personnel; policies and procedures for reporting allegations of sexual abuse; and methods of responding appropriately to disclosures of abuse. Employees are required to undergo training as part of their orientation process. Volunteers are required to undergo training as soon as practicable but not later than three months after beginning their volunteer service. Training must be conducted by qualified, knowledgeable professionals.
- C. **Training of Independent Contractors.** Any diocesan parish, school, or institution that retains independent contractors who regularly work with minors must obtain written assurance that the independent contractors have undergone appropriate levels of training on child sexual abuse and the reporting obligations under New Hampshire law. The appropriate levels of training will be determined by the Delegate for Ministerial Conduct.
- D. **Ongoing Training.** All church personnel who regularly work with minors must undergo ongoing or refresher training on child sexual abuse at least once every three years. Such training shall include a self-test or assessment component.

IV. Standards for Working with Minors

A. Establishing Appropriate Conduct with Minors

1. Church personnel must be aware of their own vulnerability and that of any minor with whom they may be working. Church personnel should avoid situations where they are alone with a minor. When it is not feasible to have another individual present, such as when counseling or teaching a minor, church personnel must meet with the minor in as public a place as possible, such as a room with the door open or with a clear window in the door.
2. Church personnel are prohibited from speaking to minors in a way that is or could be construed by any observer as being harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Church personnel are expected to refrain from using profane language in the presence of minors and must never use any discipline that frightens or humiliates children and youth. Church personnel are prohibited from using physical discipline including but not limited to spanking, slapping, hitting, or any other physical force. If a minor exhibits uncontrollable or unusual behavior, the church worker should notify the appropriate supervisor and a parent or guardian of the minor.
3. Church personnel must not use or supply alcohol (excepting sacramental wine in Mass) and/or illegal drugs when working with minors or while participating in a youth activity. Moreover, church personnel must not be under the influence of alcohol or impairing drugs (including prescription medication not used as directed) while working with minors.
4. Church personnel must not provide any sexually explicit, inappropriate, or offensive material to minors. Church personnel are prohibited from possessing or viewing any sexually-oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.) on church property or in the presence of minors. Church personnel are also prohibited from viewing sexually-oriented or morally inappropriate websites or viewing or sending such electronic mail messages on church property or in the presence of minors.
5. Church personnel are prohibited from engaging in any sexually-oriented conversations with minors. However, it is expected that from time to time youth ministry and educational lessons and discussions for

teenagers may address human sexuality issues related to dating and sex. Moreover, it is expected that minors may raise issues relating to sexuality during counseling sessions. Lessons and counseling must convey to youth the Church's teaching on these topics. If youth have further questions not answered or addressed, they should be referred to their parents or guardians for clarification or counseling. In addition, church personnel are prohibited from discussing their own sexual orientation, activities, practices, or history with minors.

B. Maintaining Appropriate Boundaries

1. Physical contact with minors beyond a handshake or a "high-five" can be misconstrued both by minors and adults, and should not occur except under appropriate *public* circumstances. The following are examples (not an exclusive list) of behavior in which church personnel should never engage with minors: inappropriate or lengthy embraces; kisses on the mouth; holding minors over five years old on the lap; intentionally touching bottoms, chests, legs, or genital areas; showing affection while in an isolated location; wrestling or giving piggyback rides; giving massages; or paying compliments that relate to physique or body development.
2. Church personnel must not go on vacations or overnight trips with minors other than their own children unless another adult is present. They must not share beds with minors other than their own children nor share sleeping quarters with minors except when necessary and when another adult is present. Church personnel must not provide overnight accommodations in rectories or other personal residences for minors other than minors with a close familial relationship or when minors are accompanied by a parent or legal guardian.
3. Church personnel should never be nude in the presence of minors in their care and should avoid situations where minors are nude while in their care. If monitoring is necessary, two or more adults should be present at all times. Changing and showering facilities or arrangements for adults should be separate from facilities or arrangements for minors.

C. Supervising Programs Involving Minors

1. Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Manchester. Parents have

an open invitation to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs in the Church will be required to complete the volunteer screening process.

2. At the close of services or activities, church personnel should release minors in their care only to parents, legal guardians, or other persons designated by parents or legal guardians. In the event that church personnel are uncertain of the propriety of releasing a minor, they should immediately locate or contact their supervisor before releasing the child.
3. Church personnel must be over the age of twenty-five in order to be eligible to provide occasional transportation for minors. Minors should never be transported without written permission from a parent or guardian. Church personnel should transport minors directly to their destination, and no unauthorized stops should be made. Church personnel must require all minors to wear seatbelts or, when appropriate, be strapped into car seats.

V. Making Reports

- A. **Suspected Sexual Abuse of a Minor.** As men and women of faith, we are committed to protect those most vulnerable in our society. Church personnel must therefore comply with the reporting requirements contained in this Policy and New Hampshire law regarding reporting suspected abuse or neglect of minors and must cooperate with law enforcement and diocesan representatives in connection with investigations of such abuse or neglect.
- B. **Inappropriate Conduct Involving Minors.** Inappropriate behavior toward or in the presence of a minor may be an early warning indicator of sexual abuse of a minor. Church personnel therefore have an obligation to report inappropriate conduct by another involving minors in accordance with the reporting procedures in this Policy. The Diocese will take seriously all allegations of inappropriate conduct involving minors and will comply with all applicable provisions of the Diocese of Manchester Code of Ministerial Conduct regarding investigating and taking appropriate disciplinary and/or remedial action.

VI. Safe Environment Council and Coordinators

- A. **Safe Environment Council.** The Safe Environment Council shall consist of one representative from each deanery recommended by the Dean and appointed by the Bishop to a three-year term to assist the Office of the Delegate for Ministerial Conduct and the Diocesan Review Board in matters associated with the Policy. The Council shall meet as frequently as necessary to accomplish its duties. Members of the Council shall be available to respond to the needs and questions of Safe Environment Coordinators in the parishes and schools located in their deaneries.
- B. **Safe Environment Coordinators.** The pastor of each parish and the principal of each school shall appoint a Safe Environment Coordinator to assist the parish and the school in matters associated with the Policy including, but not limited to, scheduling training sessions on sexual abuse and sexual harassment matters, coordinating the distribution of materials for parents on child sexual abuse, and assisting in the background screening process.

INTERVENTION

I. Investigation

- A. **Initiating an Investigation.** The Diocese takes all allegations of sexual abuse seriously. The Diocese will report allegations to the civil authorities, will cooperate in their investigations, and will investigate all concerns at a time and in a manner that does not interfere with any criminal investigation. An investigation will be conducted whether the Office of the Delegate for Ministerial Conduct becomes aware of the allegations of sexual abuse through a direct, formal complaint or by some other means.
- B. **Trained Investigators.** Internal investigations must be conducted by individuals appropriately trained to conduct such investigations.
- C. **Rights of the Complainant and Accused.** The rights of the complainant and the accused will be protected throughout the investigation process.
- D. **Compliance with Church Law and the *Essential Norms*.** In matters involving allegations of sexual abuse of minors by deacons and priests, the definitions and processes provided for in the *1983 Code of Canon Law*, the

Essential Norms, other particular law for the dioceses of the United States, and particular law of the Diocese of Manchester must be strictly observed.¹⁰ Priests and deacons accused of sexual abuse are encouraged to retain the assistance of civil and canonical counsel and are entitled to a canonical advocate in certain canonical processes.

- E. **The Diocesan Review Board.** The Diocesan Review Board advises the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry.¹¹

II. Pastoral Care and Support

- A. **Care of the Complainant.** The primary concern of the Diocese with regard to complainants and their families is to assist them in healing and reconciliation which comes from the Lord Jesus. The Diocese will demonstrate a sincere commitment to their spiritual and emotional well-being. The Director of the Office for Healing and Pastoral Care will coordinate pastoral care and counseling, spiritual assistance, and other social services for complainants and their families, whether the alleged abuse was recent or occurred many years in the past, and will listen with patience and compassion to their experiences and concerns. When appropriate, the Director will make available counseling resources independent from the Church.
- B. **Care of the Accused.** The Diocese will provide spiritual and pastoral care to those accused of sexual abuse of a minor and will demonstrate a sincere commitment to their spiritual and emotional well-being. The Delegate for Ministerial Conduct will coordinate pastoral care and counseling, spiritual assistance, and other social services for the accused and the family of the accused. When appropriate, the Delegate will make available counseling resources independent from the Church.
- C. **Support for Communities Affected by Allegations.** The Diocese recognizes that entire communities are affected by allegations of sexual abuse, particularly when the accused is a priest, deacon, or member of a religious institute. The Diocese will extend particular pastoral care to the parishes, schools, or institutions directly affected by allegations of sexual abuse. When an individual is placed on administrative leave as a result of an

¹⁰ The Summary of the Church Process in Response to Allegations of Sexual Abuse of a Minor by a Priest or Deacon can be found on the website for the Diocese of Manchester under child safety: www.catholicchurchnh.org.

¹¹ Further information regarding the composition and duties of the Diocesan Review Board can be found under child safety: www.catholicchurchnh.org.

allegation of sexual abuse, the Delegate will consult the leadership of the parish, school, or institution to determine the appropriate pastoral response of the Diocese. The response must protect the rights of the accused and the confidentiality of the complainant.

REMEDIATION

I. Allegations Found to Be True

The Church affords an accused person every opportunity for conversion of heart and forgiveness through the Sacrament of Penance and other pastoral means. However, the Church also acknowledges that one needs to do penance for one's sins, that consequences exist for wrongful actions, and that the safety of children requires certain measures to be taken even after there is forgiveness. If an accusation of sexual abuse of a minor is either admitted to or is established after an appropriate investigation in accordance with Church law and the protocols established by the Diocese, the following will pertain:

A. Clerics¹²

1. **Permanent Removal from Ministry.** In the event of even a single act of sexual abuse of a minor while a cleric, the cleric found guilty will be permanently removed from ministry. The guilty cleric will be offered appropriate professional assistance for his own healing and well-being as well as for the prevention of further abusive conduct.
2. **Compliance with Church Law.** In every case, the processes provided for in Church law must be observed, and the various provisions of Church law must be considered. These provisions may include a request by the cleric for dispensation from the obligations 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 cleric. For the sake of due process, the accused shall be encouraged to retain the assistance of civil and canonical counsel.
3. **Clerics Not Dismissed from the Clerical State.** If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the accused shall be required to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest or deacon.
4. **Transfer for Ministerial Assignment to or Residence in Another Diocese.** The Diocese will not permit any priest or deacon incardinated in the Diocese known to have committed an act of child abuse to be transferred for ministerial assignment to another diocese/eparchy, or to an institute of consecrated life, society of apostolic life, or personal prelature. The Diocese will not permit such a priest or deacon to be transferred for residence without having forwarded in a confidential manner to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information indicating that he has been or may be a danger to children or youth.¹³
5. **Notifications.** Notifications about the outcome of the canonical proceedings should be made to the complainant and the communities affected by the allegations at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the cleric found to have engaged in sexual abuse of a minor.

A priest who has not been dismissed from the clerical state must live in a setting designated by the Diocese under a written agreement or must resign from active ministry as a cleric and voluntarily petition the Holy See for laicization. If the cleric does not adhere to the requirements of the Diocese or voluntarily petition for laicization, the Diocese may pursue appropriate courses of action permitted under Church law.

When the Diocese assigns a cleric to live in a designated setting, the written agreement into which the cleric and the Diocese enter must include such provisions as to the cleric's supervision, restrictions, residence, therapy, and other matters as may be recommended by his therapists or the Diocesan Review Board or required by the Bishop. The cleric's compliance with the terms of the agreement will be monitored in the manner set forth in the agreement. A cleric's failure to comply with the agreement he has signed or any of the relevant conditions or restrictions imposed shall be the basis for a subsequent investigation and appropriate canonical penalties up to and including dismissal from the clerical state and involuntary petition for laicization by the Bishop.

¹² Specific aspects of Church law apply to any report of the sexual abuse of a minor by a deacon or priest. Please refer to notes 4 and 5 above.

¹³ *Essential Norms*, Norm 12.

B. Members of Religious Institutes and Lay Employees and Volunteers

1. **Permanent Removal from Ministry.** In the event of even a single act of sexual abuse of a minor, the member of a religious institute or lay employee or volunteer will be permanently removed from any ministry, employment, or service in the Diocese.
2. **Notifications.** Notifications about the outcome of the investigation should be made to the complainant and the communities affected by the allegations at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the member of a religious institute or lay employee or volunteer found to have engaged in sexual abuse of a minor.

II. Unfounded Allegations¹⁴

Where an accusation of sexual abuse of a minor is proven to be unfounded, the following will apply:

- A. **Restoration of Good Name.** The Diocese will take appropriate steps to restore the good name of the accused as soon as possible.
- B. **Notifications.** Notifications about the outcome of the investigation or canonical proceedings should be made to the complainant and the communities affected by the allegations at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the accused.
- C. **Authority of Heads of Church Institutions.** An allegation having been determined to be unfounded following the internal investigation completed by the Diocese does not prevent Heads of Church Institutions from exercising their administrative authority with respect to the accused, so long as the exercise of that authority does not affect the rights of the accused.

III. Settlement Agreements with Complainants

- A. **Confidentiality.** The Diocese will not bind any complainants to a condition of confidentiality or nondisclosure of the complaint or encourage or otherwise attempt to convince a complainant to request confidentiality as part of an agreement to provide services, support, or treatment, or in settlement of financial claims involving allegations of sexual abuse of minors.

- B. **Disclosure of Settlement Amount.** The Diocese will include on financial statements to be made public the total amounts of money expended by the Diocese in connection with financial settlements entered into between the Diocese and all complainants and any amounts contributed by companies that provide insurance coverage to the Diocese. In making any such financial disclosure, the Diocese will comply with any provisions requested by complainants that their identities and the specific amount of the individual settlements be kept confidential.

REPORTING OF INCIDENTS, ALLEGATIONS, AND CONCERNS

I. Reporting Sexual Abuse and Neglect of Minors

- A. **Reporting Requirements of All Adults under New Hampshire Law.** In accordance with New Hampshire law, any adult who has reason to suspect that a minor has been abused or neglected must personally report the suspicions to the Division for Children, Youth and Families (“DCYF”) at (800) 894-5533.
- B. **Reporting Requirements of Church Personnel.¹⁵** All church personnel who have reason to suspect that a minor has been sexually abused by other church personnel have additional reporting obligations. When the alleged victim is a minor, in addition to reporting to DCYF, church personnel must immediately personally report the suspicion to local law enforcement and to the Delegate for Ministerial Conduct at (603) 669-3100. When the alleged victim no longer is a minor, church personnel must immediately personally report the suspicion to the Delegate for Ministerial Conduct at (603) 669-3100.
- C. **Reporting Requirements of the Office of the Delegate.** The Office of the Delegate for Ministerial Conduct will always report when it has reason to suspect that a minor has been sexually abused. When the alleged victim is a minor, the Office of the Delegate immediately will make a report to DCYF, local law enforcement, and the New Hampshire Attorney General’s office. When the alleged victim is no longer a minor, the Office of the Delegate immediately will make a report to the New Hampshire Attorney General’s office.

¹⁴ The term “unfounded” for the purposes of this Policy means untrue; that is, either proven to be not true or unable to be proven true.

¹⁵ The reporting requirements of church personnel are greater than those required by New Hampshire law and are consistent with the requirements contained in the December 10, 2002, agreement between the State of New Hampshire and the Diocese of Manchester.

- D. **Notice to Complainants.** The Office of the Delegate will notify those who make reports of sexual abuse to the Office of the Delegate that their allegations will be reported to DCYF (if the complainant is under the age of eighteen) and law enforcement.
- E. **Cooperation with Civil Authorities.** Church personnel are expected to cooperate with civil authorities in connection with investigations into allegations of sexual abuse.
- F. **Failure to Comply.** Church personnel who fail to comply with the reporting procedure required by law and/or contained in this Policy will be subject to disciplinary action, up to and including appropriate canonical penalties for priests and deacons, and termination from employment or from volunteer ministry with the Church for other church personnel.

II. Reporting Inappropriate Conduct Involving Minors

- A. **Reporting Procedures.** Notwithstanding the reporting requirements required by civil law noted above, reports of inappropriate conduct involving minors may be made to any one of the following:
 1. The Head of the Church Institution where the conduct took place;
 2. The Delegate for Ministerial Conduct at (603) 669-3100; or
 3. The Delegate for Ministerial Conduct or the Bishop at 153 Ash Street, P.O. Box 310, Manchester, NH 03105-0310, in writing stating specifics.
- B. **Requirements of Heads of Church Institutions.** If the Head of a Church Institution becomes aware of an allegation of inappropriate conduct of a sexual nature involving minors by church personnel, the institution head must make a report to the Delegate for Ministerial Conduct for consultation.

III. Reporting Noncompliance in Policy Administration

- A. **Noncompliance by Heads of Church Institutions, the Auxiliary Bishop, Vicar(s) General, Vicars Forane, or the Delegate for Ministerial Conduct.** Whenever church personnel believe that the Head of a Church Institution, the Auxiliary Bishop, Vicar(s) General, Vicars Forane, or the Delegate for Ministerial Conduct has failed to

enforce this Policy, church personnel should first attempt to resolve the matter with the Head of the Church Institution, Auxiliary Bishop, Vicar(s) General, Vicars Forane, or the Delegate for Ministerial Conduct. Complaints about the Head of a Church Institution that have not been resolved at the institutional level should be reported to the Delegate for Ministerial Conduct at (603) 669-3100. Complaints about the Auxiliary Bishop, Vicar(s) General, Vicars Forane, or the Delegate for Ministerial Conduct should be reported to the Diocesan Bishop at (603) 669-3100.

- B. **Noncompliance by the Diocesan Bishop.** If church personnel believe that the Diocesan Bishop may have violated or failed to enforce this Policy, church personnel should first attempt to resolve the matter by notifying the Diocesan Bishop at (603) 669-3100. Individuals with complaints that have not been resolved after addressing the matter with the Diocesan Bishop may report the matter to the metropolitan Archbishop of Boston or the Apostolic Nuncio of the Holy See.¹⁶ This aspect of the Policy conforms to *A Statement of Episcopal Commitment* by the United States Conference of Catholic Bishops.¹⁷

IV. Prohibiting Retaliation

- A. **Retaliation Prohibited.** It is the policy of the Diocese to encourage individuals to make reports in accordance with this Policy. As a result, individuals who make reports in accordance with this Policy will not be subjected to retaliation for making the reports.
- B. **Reporting Retaliation.** Church personnel who believe that they have been subjected to retaliation for making reports under this Policy should report the matter to the Delegate for Ministerial Conduct by telephone at (603) 669-3100 or should submit a specific letter to the Delegate for Ministerial Conduct or the Bishop at 153 Ash Street, P.O. Box 310, Manchester, NH 03105.

¹⁶ The Apostolic Nuncio to the United States represents the Holy Father both to the hierarchy and the Church of a particular nation and to that nation's civil government. The Apostolic Nuncio can be reached at the Embassy of the Holy See, 3339 Massachusetts Ave., N.W., Washington, D.C., 20008; (202) 333-7121. A metropolitan archbishop is head of an episcopal province, which is a grouping of dioceses. The metropolitan archbishop for the Diocese of Manchester is the Archbishop of Boston, 2101 Commonwealth Ave., Boston, MA, 02135-3192; (617) 782-2544.

¹⁷ *A Statement of Episcopal Commitment*, U.S. Conference of Catholic Bishops, June 3, 2003.

DOCUMENTATION

I. Diocesan Documentation Policy

- A. **Establishment of Policy.** The Diocese shall establish a documentation policy for all diocesan records. This policy shall comply with civil law and Church law and shall be consistent with sound financial, business, and personnel records management.
- B. **Access to Records.** The documentation policy shall indicate who has access to particular diocesan records. The policy shall provide that access to personnel records shall be restricted to those with a legitimate need to know as defined in the policy.
- C. **Records Regarding Sexual Abuse.** The documentation policy shall provide that all records regarding sexual abuse must be maintained for the life of the accused, or the longest period of time permitted by Church and civil law, whichever is longer. The policy should also provide that records regarding allegations of sexual abuse must be kept in a format that facilitates their availability to church personnel with a legitimate need to know about the allegations subject to the discretion of the Bishop of Manchester under appropriate Church and civil law.

II. Unified Personnel Documentation Systems

- A. **Use of Unified Clergy Personnel Documentation Systems.** The Diocese shall continue to maintain unified clergy personnel documentation systems to enable those responsible for assigning clergy to consider the full record of each cleric in the making of ministerial assignments. The record of each cleric shall commence upon entering seminary or preparation for the diaconate and continue to be maintained for the period of time established by Church law.
- B. **Establishment of Church Personnel Central Documentation System.** The Diocese shall establish and maintain central records of certain information regarding church personnel to enable the Diocese to audit compliance with the screening and training requirements contained in this Policy and to enable parishes to determine whether applicants previously employed by other parishes were in good standing. Access to these records shall be restricted to those parish, school, and diocesan representatives responsible for screening and only as necessary to fulfill their responsibilities.

COMMUNICATIONS

I. General Principles

- A. **Policies and Procedures.** The Diocese of Manchester shall institute and follow communications procedures that assist the Diocese in fulfilling its mission and that foster mutually beneficial relationships among all those in the Church in New Hampshire, as well as other communities in the state, including the general media. In all communications, the Diocese shall adhere to a standard of openness, honesty, and candidness.
- B. **Sexual Abuse of Minors Matters.** The Diocese will deal as openly as possible with members of the community while respecting the privacy and reputation of the individuals involved. The Diocese will be sensitive in assisting and supporting parish communities directly affected by ministerial misconduct involving minors. The Diocese will follow a program of regular and ongoing communications to increase awareness and understanding of the problem of child sexual abuse. Communications will include information about the problem of child sexual abuse of minors; the means of reporting actual or suspected abuse and communicating allegations; and the services available to those who have been abused and to their families.
- C. **The Diocesan Website.** The Diocesan website will include a section dedicated to child safety that will contain, among other things, the Policy protocols for handling allegations of sexual abuse of minors, and other information about the problem and prevention of child sexual abuse.

II. Policy Distribution

- A. **Distribution to Church Personnel.** The Policy shall be distributed to all church personnel. Church personnel shall be required to acknowledge (either in writing or other verifiable web-based program) receipt of the Policy and their obligation to read and abide by the provisions contained in the Policy. Supervisors, managers, personnel managers, and/or directors should periodically review with church personnel the standards, policies, and reporting procedures contained in this Policy.
- B. **Availability of Policy to the Christian Faithful and the Public.** The Policy will be available to the communities of all diocesan parishes, schools, and institutions and to the public in printed or electronic format.

III. Public Announcements

A. **Mandatory Reporting Requirements of Church Personnel.** Pastors must periodically remind parishioners about provisions contained in the Policy by including them in Church bulletins or other means deemed to be pastorally appropriate for the dissemination of such important pastoral announcements. Of particular note is the need for the regular publication of the mandatory reporting requirements under state law and this Policy. The Diocese will use a wide variety of means as part of an ongoing effort to inform clergy and laity how to report either abuse or allegations against church personnel.

B. **Informing of the Process of Making a Complaint of Sexual Abuse.** The Diocese shall develop a communications plan to remind the public about the procedures for making complaints of sexual abuse and other violations of the Policy. Means of communication may include, but are not limited to, the following:

1. distributing printed materials with reporting and contact information to parishes, schools, and other institutions of the Diocese;
2. requesting that pastors publish information in weekly church bulletins;
3. including reporting and contact information in relevant news releases;
4. posting regularly on the diocesan website reporting and contact information; and
5. distributing reporting and contact information at appropriate diocesan and parish functions.

C. **Services Available to Those Who Have Been Abused and to Their Families.** Through the Director, Office for Healing and Pastoral Care, the Diocese offers advocacy, access to counseling, support, and assistance to victims, survivors, and families of child sexual abuse. The means of communicating this information include, but are not limited to, the following:

1. displaying contact information prominently on the diocesan website;
2. requesting that pastors publish information in weekly church bulletins;
3. distributing reporting and contact information at appropriate Diocesan and parish functions;

4. distributing information through members of the civil and legal communities; and
5. distributing news releases with reporting and contact information.

D. **Allegations of Sexual Abuse by Church Personnel.**

1. **Administrative Leave.** If a priest or other person in the employment of the diocese is placed on administrative leave during an investigation, the Diocese may report that the person is on administrative leave to the parish, ministry, or place of employment of the individual. The Diocese will respond to media inquiries by stating that the individual is on administrative leave pending the conclusion of the investigation and the canonical process. The Diocese may also disclose the general nature of the investigation process and the particular restrictions that pertain to a person on administrative leave.
2. **The Conclusion of the Investigation.** At the conclusion of an investigation, canonical trial, or administrative process, the Diocese will notify the complainant and the communities affected by the allegations of the results of the investigative and canonical process, including any restrictions on ministry. Notifications will be made at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the cleric accused of engaging in sexual abuse of a minor. When an individual is acquitted following an investigation, the Diocese will announce to the communities affected the steps it will take to restore the individual to ministry, work, or service. The Diocese will assist in restoring the good reputation to the individual at an appropriate time and as soon as possible.

MEASURING PROGRESS AND ACCOUNTABILITY

I. General Principles

In order to restore the trust and confidence of victims, parishioners, all Catholics, and the public at large in the Church's ability to prevent child abuse and identify and heal those who have been abused, the Diocese of Manchester will be accountable for its efforts and performance in these matters. The Diocese shall evaluate the effectiveness of its child protection efforts at regular intervals to determine whether it is meeting the needs of the Church, the faith community, and the victims and their families in the most effective and responsive ways possible.

II. Compliance Audit

The Diocesan Review Board will conduct a regular compliance audit of the Office of the Delegate for complying with this Policy and applicable Church and state law and will subsequently make a public report to the Christian faithful regarding the compliance audit and the work of the Office of the Delegate and the Diocesan Review Board.

In conducting the audit, the Diocesan Review Board will consult with, among others, the members of the Diocesan Safe Environment Council. The Diocesan Review Board has the authority to use consultants in reviewing and monitoring the operation and effectiveness of the policy and in conducting the compliance audit.

III. Policy Review

At least once every two years, the Diocesan Review Board will review the diocesan policies for dealing with sexual abuse, sexual exploitation, sexual harassment, and inappropriate conduct involving minors and recommend to the Bishop any changes to the policies. The Diocesan Review Board also will offer the bishop advice on all aspects of cases involving sexual abuse, sexual exploitation, and sexual harassment, whether retrospectively or prospectively, including but not limited to providing input to the Delegate for Ministerial Conduct regarding the background screening of lay applicants, employees, or volunteers.



The Protection of Children and Young People: *Policy and Procedures*

ACKNOWLEDGEMENT

Please read the following statements and sign below to indicate your receipt and acknowledgment of this *The Protection of Children and Young People: Policy and Procedures* (the “Policy”). If you are an employee or volunteer, please return the signed document to your supervisor. If you are a cleric, please return the signed document to the Delegate for Ministerial Conduct. This acknowledgment will become a permanent part of your personnel file.

- I have received and have reviewed a copy of the Policy. I understand that it is my obligation to abide by the provisions contained in the Policy.
- I understand that I am responsible for complying with the reporting requirements contained in the Policy, including, but not limited to, the reporting requirements for suspected abuse of a minor. I have received instruction on these requirements. I agree to report suspected abuse of a minor in accordance with the law and the reporting procedures contained in the Policy.
- I understand that the Policy is not an employment contract in any form and that this Policy does not grant any rights to continued employment, ministry, or volunteer service. I understand that the Diocese of Manchester reserves the right to change, modify and/or revise any part of this Policy at any time but that the Diocese will notify church personnel of any changes to the Policy as soon as possible.

Signature: _____

Name (please print clearly): _____

Home Address: _____

Home Tel. No.: _____

Parish/School/Agency: _____

Position: _____

Date: _____