

DIOCESE OF BAKER



PASTORAL GUIDELINES

Protection of Children and Young People

Appendix 2

31 October 2018

ABBREVIATIONS

C	Canon
CC	Canons
CCC	<i>Catechism of the Catholic Church</i>
CIC	<i>1983 Code of Canon Law</i>
PG	<i>Diocese of Baker Pastoral Guidelines</i>
###	Number/Numbers
§/§§	Paragraph/Paragraphs

2 APPENDIX - PROTECTION OF CHILDREN

DIOCESAN STATUTES FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

Children are precious gifts from God. It is most distressing to acknowledge that they have sometimes been abused by those whom they should be able to trust. Past efforts by the Church to deal effectively with this problem have, in some quarters, been woefully inadequate. In others, the effort has been haphazard and lukewarm at best.

The Diocese of Baker has had two previous policies designed to prevent and properly deal with sexual misconduct by Church personnel. The policies could be deemed effective in the sense that there have been no new allegations of abuse in the Diocese since they were promulgated. That absence of reports, however, does not justify any type of complacency. Nothing short of our best and most concerted effort to protect children is acceptable. The language, the statutes, the consequences of misconduct of these Statutes are intended to be clear, direct and firm—our children deserve nothing less. These Statutes will be most strictly observed, and while every attempt will be made to avoid harm to innocent employees and volunteers, our first duty is to avoid any harm to the innocent young entrusted to our care.

With this 2018 revision of the Statutes for the Protection of Children and Young People, we reaffirm our deep commitment to sustain and strengthen a safe environment within the Church for children and youth. We will use what we have learned to strengthen the protection given to the children and young people in our care. In light of the Charter for the Protection of Children and Young People, adopted by the United States Conference of Catholic Bishops (USCCB) in the Spring of 2002, a Diocesan Review Committee was formed, Diocesan Policy was reviewed and Statutes were written. The goal of these Statutes is to further minimize the possibility of any abuse by any employee or volunteer of the Church and to establish well defined procedures for employee screening and education, reporting of abuse, dealing with perpetrators and assisting those injured. These statutes also mandate the establishment of a proactive and community based plan for the broader education of anyone interested in knowing more about child abuse and its prevention.

While these statutes are designed especially for the protection of children, they also refer to any unethical sexual conduct on the part of employees or volunteers. Any time Church personnel use the influence of their role to engage in sexual activity with parishioners or clients, young or adult, they involve themselves in irresponsible, unethical and unacceptable behavior. Such behavior will not be tolerated.

PREAMBLE

Child abuse is absolutely contrary to the Gospel values of care and concern that Jesus commands us to have for one another. Child abuse is contrary to all that the Catholic Church believes and professes about the dignity of human persons. It is never to be tolerated.

The Statutes of the Diocese of Baker mandate that all its personnel – clerics, religious, employees and volunteers – are bound to maintain the strictest legal and moral standards in their ministerial relationships, especially with regard to young persons. Abusive conduct toward children or young people is not only a crime, it also violates Catholic moral teaching. In this document the term ‘Diocesan Personnel’ shall refer to employees and volunteers of either the Diocese or Parishes.

Vigilance is necessary in order to prevent abuse and to see that no child, not one at all, is victimized by such sinful and hurtful behavior. The Diocese of Baker promulgates these Statutes for the Protection of Children with the goal of fostering that vigilance.

PREVENTING CHILD ABUSE

The Diocese of Baker implements the following actions to prevent child abuse and to recognize the signs of child abuse:

Screening: All current and future Diocesan personnel, including clerics, members of religious orders, lay employees and volunteers, who in any manner have access to children or young people shall submit to a background check to ensure that no past reported events which could pose a future risk to children are present. The Diocese and each Parish shall retain files on the results of the background checks. This information, though public, will be kept confidential.

Education: All Diocesan personnel will be required to attend presentations and training dealing with the prevention, recognition and reporting requirements for child abuse.

Issues for Children: It is the duty of adults to do all in their power to see to it that children are kept safe from all harm. Children are to be reassured of their safety and are to be informed periodically of their importance and worth so that they will never be isolated from protective adults who can keep them safe from predatory harm.

Diocesan Review Committee: A committee composed of not less than six nor more than twelve members shall be established. The majority of the committee shall be members of the laity, who are not otherwise employees of the Diocese. The committee shall be appointed by the Bishop of the Diocese of Baker and shall have expertise in matters related to child abuse such as reporting laws, counseling, victim assistance and offender treatment. The committee shall meet at regular intervals, not less than annually, to assist the Bishop of the Diocese of Baker in implementing the Statutes for the Protection of Children. The committee shall review any allegations of child abuse by Diocesan personnel, help determine a suitable course of action and oversee that action.

REPORTING CHILD ABUSE

Definition: Child abuse refers to the physical or mental injury, sexual abuse or exploitation, negligent treatment or maltreatment, including acquisition, possession, or distribution of pornographic images of a minor, a person who is not yet 18 years of age, or any person who habitually lacks use of reason regardless of age. Child abuse of any kind is a violation of the laws of the state of Oregon. Some public or private officials, including the clergy and teachers, are required by law to report suspected child abuse to the civil authorities. The clergy are not required nor allowed to report a confidential communication from a penitent. The Diocese of Baker will comply with the child abuse statutes of the state of Oregon.

REPORTING TO CIVIL AUTHORITIES

Mandatory Reporters: All public or private officials, in the Diocese of Baker, who are mandatory reporters, shall report any suspected child abuse to the civil authorities pursuant to law.

Voluntary Reporters: All other Diocesan personnel, who are not mandatory reporters, are encouraged to voluntarily report suspected child abuse to the civil authorities.

REPORTING TO ECCLESIASTICAL AUTHORITIES

Bishop or Diocesan Review Committee: All Diocesan personnel shall also report any suspected child abuse by Diocesan personnel to the Bishop of the Diocese of Baker, their Pastor or to a member of the Diocesan Review Committee. A report made to a Pastor or to a member of the Diocesan Review Committee shall likewise be immediately relayed to the Bishop. Persons reporting abuse to the Bishop or a Pastor may also report any suspected child abuse by Diocesan personnel to any member of the Diocesan Review Committee. If it is determined that a report has not yet been submitted to civil authorities either the Bishop or a member of the Diocesan Review Committee is to make such a report. It is the responsibility of the Bishop to verify that such a report has been submitted.

THE INVESTIGATION

Civil Investigation: Once a report has been submitted to civil authorities the Parish and Diocese will cooperate fully with the investigation by civil authorities.

Suspension: Pending the outcome of any civil or ecclesial investigation of suspected child abuse by Diocesan personnel, the suspected person shall be temporarily relieved of any Diocesan or Parochial duties. Ordained persons, in addition to being relieved of duties shall, if the case warrants and if this does not interfere with a civil investigation, be removed to a non-ministerial residence. If an allegation is made against a priest or a deacon, the accused will be encouraged to retain the assistance of civil and canonical counsel. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Ecclesial Investigation: Selected members of the Diocesan Review Committee will be appointed to investigate the allegation and prepare a written report for the Bishop of the Diocese of Baker.

The investigation by the Diocesan Review Committee shall in no way interfere with the civil investigation and may even be conducted subsequent to the civil investigation even if there is insufficient evidence to press civil charges.

The ecclesiastical investigation shall be conducted in a manner to avoid any undue hardship to the accuser or the family of the person filing the complaint.

Confidentiality: The investigation and report by the Diocesan Review Committee shall be confidential from the public at large, but shall be available to the civil authorities concerning the same matter. If the allegations are judged by the Diocesan Review Committee or by civil authorities to be credible and substantial then appropriate reports shall be made to the Parish as well.

Parish Communication: The bishop with the direction of the review board is responsible for open and transparent communication with the public regarding sexual abuse of minors by clergy within the confines of respect for the privacy and reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by sexual abuse of a minor.

ACTION BY THE BISHOP

Prudence: Since even an accusation of sexual misconduct with a child or any kind of child abuse is extremely damaging to an individual's good name and reputation, great care must be taken at the beginning of the process to ensure the rights of both the accuser and the accused. Failure to act on a founded report is irresponsible but acting too precipitously can cause irreparable harm. In each case the counsel of the Diocesan Review Committee is to be sought.

The Victim: When either a civil or ecclesial investigation proves that a child has been harmed by a person acting in an official Diocesan capacity great efforts shall be exerted on behalf of the victim and the victim's family to facilitate healing, rehabilitation and reconciliation. If the Diocese or the Parish is found to be negligent it shall further provide the necessary pastoral care, uninsured medical treatment and uninsured psychological counseling reasonably required by the victim. Even if no negligence is evident, the Parish or the Diocese shall offer financial aid as needed to facilitate a healing process.

The Bishop: The Diocese shall establish contact with victims who are still minors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The Bishop of the Diocese will offer to meet personally with victims and their families.

For accusations by those who are no longer minors reasonable attempts shall be made to establish a pastoral relationship and to offer counseling for those troubled by the effects of past abuse.

Confidentiality: The Diocese will not enter into confidentiality agreements, except for grave and substantial reasons brought forth by the victim and noted in the text of the agreement.

PENALTIES and CONSEQUENCES

Clerics of the Diocese accused of child sexual abuse: Any cleric proven to have committed even a single act of child sexual abuse is ineligible to be transferred for a ministerial assignment in another diocese/eparch and shall be permanently removed from ministry in or for the Diocese of Baker in accord with the provisions of canon law. An offending cleric may be offered professional assistance for his own healing and well-being as well as for the purpose of prevention if this is deemed to be warranted by the Diocesan Review Committee.

Clerics serving in the Diocese but belonging to another Diocese or Religious Community: Any cleric belonging to another jurisdiction proven to have committed even a single act of child sexual abuse shall be permanently removed from ministry in or for the Diocese of Baker in accord with the provisions of canon law. An offending cleric may be offered professional assistance by his own Diocese or Religious Community if this is deemed to be warranted by his own proper superiors. The Major Superior or Bishop of the cleric will be fully informed of the nature of the allegations and proofs brought against him to help assure, to the best of the ability of the Diocese of Baker, that he is not proposed for a new assignment, transfer, or residence.

Clerics accused of non-sexual abuse: Any cleric proven to have physically or emotionally abused or mistreated a minor shall be temporarily removed from office, offered professional counseling and thoroughly evaluated for fitness for ecclesiastical duties. Such a cleric will not be offered a new assignment in the Diocese of Baker unless it is clear that he represents no threat, after proper evaluation, to the well-being of children. If the cleric belongs to another Religious Community or Diocese, the Major Superior or Bishop of the cleric will be fully informed of the nature of the allegations and proofs brought against him so that prudent decisions may be made in his regard by them.

Other Diocesan Personnel: Any Diocesan Personnel, other than clerics, proven to have committed an act of child abuse, shall not be allowed to have positions in the Diocese which would involve children or young people. Proof of counseling may be required for continuation of employment in any Diocesan capacity.

Even with proof of counseling, continued employment is not guaranteed.

RELATED CONCERNS

While these Statutes concern the abuse of children, they likewise proscribe any unethical sexual conduct on the part of clergy, employees and volunteers. Misconduct in this area shall not be tolerated. Substantiated reports of illicit sexual relationships shall result in penalties and consequences comparable to those directed by these Statutes for the abuse of children.

IMPLEMENTATION—CONCLUSION

With this 2018 revision of the Charter for the Protection of Children and Young People, we re-affirm our deep commitment to sustain and strengthen a safe environment within the Church for children, youth and those who habitually lack reason. We have listened to the profound pain and suffering of those victimized by sexual abuse and will continue to respond to their cries. We have agonized over the sinfulness, the criminality, and the breach of trust perpetrated by some members of the clergy. We will use what we have learned to strengthen the protection given to the children and young people in our care.

The maintenance of the strictest standards of conduct relative to children and young people is of supreme importance. These Statutes by themselves are only a set of words and propositions which will

only be as effective as their implementation. The concerted effort and continued vigilance on the part of clergy and laity is necessary if the evil of child abuse is to be eliminated. These Statutes represent a firm commitment on the part of the Diocese and its personnel to be proactive in our protection of children. They reiterate our insistence on the necessity of prompt and consistent reporting to civil authorities. They hold those guilty of abuse accountable for their immoral and illegal behaviors. They manifest our desire to restore genuine trust in the institution of the Catholic Church.

As the Bishop of the Diocese of Baker, I will apply the requirements of the Charter also to myself, respecting always Church law as it applies to bishops. Therefore, if I am accused of the sexual abuse of a minor, I am obliged to inform the Apostolic Nuncio. If another bishop becomes aware of such an allegation of the sexual abuse of a minor by a bishop, he too is obliged to inform the Apostolic Nuncio and comply with applicable civil laws.

I pray that the adoption of these Statutes represents a continued commitment in the Diocese of Baker towards a future of genuine proactive care for children and the elimination of child abuse from our society.

APPENDIX A – MAKING A REPORT OF SUSPECTED ABUSE

CIVIL: A report involving Church personnel may be filed directly with the local civil officials charged with the responsibility of investigating child abuse in the County. The report may be filed with the District Attorney or with the Department of Human Services. The numbers for these offices are found on the ‘Government Pages’ of your local phone directory. For your convenience the numbers for the District Attorney of each County in the Diocese of Baker are listed below:

The Area Code for each number below is (541)	Department of Human Services	District Attorney
Baker County	523-8205	523-6423
Crook County		
Deschutes County	447-4158	447-6207
Gilliam County		
Grant County	388-6520	388-6161
Harney County		
Hood County		
River County	384-3844	384-4252
Jefferson County		
Klamath County	575-0146	575-0728
Lake County		
Malheur County	573-8300	573-2086
Morrow County		
Sherman County	386-3103	386-2962
Umatilla County		
Union County	475-4452	475-2292
Wallowa County		
Wasco County	883-5147	883-5570
Wheeler County		
	947-6009	947-2273
	473-5127	889-9194
	676-5625	481-9482
	565-3534	298-5136
	278-6270	276-9220
	963-1007	963-8571
	426-4543	426-4558
	296-2276	298-5136

CHURCH: A report involving Church personnel may also be filed with the Parish, the Diocese of Baker or with any member of the Diocesan Review Committee.

Diocesan Offices in Redmond: Bishop Liam Cary
641 SW Umatilla Ave
Redmond, OR 97756
(541) 388-4004

Angelina Montoya – (541) 678-5652
Victim Assistance Coordinator

William Brandsness – Attorney (541) 882-6616
Donna & Charlie Young – Mediator (541) 383-2880
Gary Williams – Judge (541) 447-4158
Martha Romero – Dept. Human Services (253) 414-2530
Robert Raschio – Attorney (541) 523.9403

WHAT IS NEEDED FOR THE REPORT?

Civil Authorities:

In order to carry out any investigation by civil authorities there must be reasonable cause to believe that a child has been harmed or is in imminent danger. A report of suspected child abuse, if possible, should provide the name, age, and address of the child. It is also helpful to identify the nature and extent of the abuse threatened or present. Include all information which might be helpful in establishing the cause of the abuse and the identity of the abuser.

Ecclesiastical Authorities:

If the suspected abuse involves an employee or volunteer of the Church then a report may also be filed with Church officials or representatives. In addition to the information noted above it would be very useful for Church personnel to have the name, address and phone number of the person filing the report in order to assure the accuracy of the report. The person filing the report will not be identified to the child, the parents or to the perpetrator. Since any investigation has the potential to ruin the reputation of the person being investigated, it may not be possible for the Church to pursue a proper investigation without this information.

It is preferred that the report be submitted in writing but it is more important that the necessary information be relayed to the proper authorities in a timely fashion.

When Should an Incident be Reported?

Reporting should be looked upon as a request to assess a suspected incident of abuse or neglect. A report is not the establishment of a fact but rather an expression of concern for the wellbeing of a child. In many cases it is the beginning of a process which results in help for the child and the family.

Reasonable cause to believe that a child has been harmed or is in imminent danger needs to be reported promptly in order to help assure the best outcome for that child. The more serious the risk of harm the greater the responsibility to report in a timely fashion.

For more information on child abuse and neglect, contact the local branch office of the State Office for Services to Children and Families or visit the website at www.scf.hr.state.or.us

APPENDIX B - WHAT IS CHILD ABUSE?

Physical Abuse: Physical harm to a child that is not accidental, such as bruises, welts, burns, cuts and broken bones.

Neglect: Lack of care that causes harm to a child, including lack of food, clothing, shelter, supervision or medical attention.

Mental Injury: Observable or substantial impairment of a child's psychological, cognitive, emotional, or social well-being or functioning.

Sexual Abuse: Any incident of sexual contact including rape, sodomy, and fondling. Sexual exploitation, including use of children for pornography and prostitution is likewise abuse.

Threat of Harm: Activities, conditions or persons that place a child at a substantial risk of physical or sexual abuse, neglect, or mental injury.

Abandonment: Parental behavior showing an intent to permanently give up rights to a child.

Child selling: Buying, selling, bartering, trading, or offering to buy or sell the legal custody of a child.

WHAT IS SEXUAL ABUSE?

For purpose of these Norms, the offense of sexual abuse of a minor will be understood in accord with the provisions of Sacramentorum sanctitatis titela (SST), article 6, which reads:

§ 1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§ 2. A cleric who commits the delicts mentioned above in § 1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, 9. 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.