

GLOSSARY OF TERMS



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Apostolic nuncio: This is the title for an ecclesiastical diplomat, being an envoy or permanent diplomatic representative of the Holy See to a state or international organisation. A nuncio is appointed by and represents the Holy See, and is the head of the diplomatic mission, called an Apostolic Nunciature.

Binding over order: Magistrates can bind over a person to be of good behaviour or to keep the peace. This may happen where the case involves violence or the threat of it. Sometimes the prosecution will drop such a charge if the defendant agrees to be bound over in this way.

Canon law: In the Catholic Church, canon law is the system of laws and legal principles made and enforced by the Church's hierarchical authorities to regulate its internal organisation and government, and to order and direct the activities of Catholics toward the mission of the Church.

Canon lawyer: A canon lawyer is an appropriately trained and qualified practitioner of canon law. His/her responsibility is to advise people about their rights and responsibilities under canon law.

CDF: Stands for the Congregation for the Doctrine of the Faith. According to Article 48 of the Apostolic Constitution on the Roman Curia, *Pastor Bonus*, promulgated by Pope John Paul II on 28 June 1988: 'The proper duty of the Congregation for the Doctrine of the Faith is to promote and safeguard the doctrine on faith and morals in the whole Catholic world.'

Child: Anyone below the age of eighteen years.

Children with specific needs: This term is used to cover the specific, or unique, out-of-the-ordinary concerns created by the child's medical, physical, mental or developmental condition or disability. Additional services are usually needed to help a person in one or more of the following areas: thinking, communication, movement, getting along with others, and personal care.

Church authority: This term does not appear in canon law. It can refer to the leader of the Church body, usually the bishop or provincial, or the senior administrative authority of a lay organisation or ecclesial movement. This term includes prior, prioress, abbot, abbess, congregational leaders, province leader, unit leader, superior, archbishop, cardinal and diocesan administrator (while in office).

Church body: Canon law contains many distinctions between the types of Church organisations and bodies that have developed over the life of the Catholic Church. It would be impractical to include all of these when referring to an element of the Church that has a child safeguarding responsibility. In this document, the term 'Church bodies' is used as shorthand to include all of those constituent members of the Catholic Church in Ireland who hold a memorandum of understanding with the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI). A full list is provided on the website of the NBSCCCI.

Church personnel: The term 'Church personnel' is used to define those who work (voluntarily or paid) for the Church body. This includes clergy, religious, staff and volunteers.

CICLS: Stands for the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, and is the congregation of the Roman Curia responsible for everything that concerns Institutes of Consecrated Life (orders and religious congregations, both of men and of women, as well as secular institutes) and Societies of Apostolic Life, regarding their government, discipline, studies, goods, rights and privileges.

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Cleric: One who is ordained in sacred ministry in the Church. Clerics are divided into deacons, priests and bishops.

Credible allegation: The term ‘credible allegation’ is an allegation of sexual abuse of a minor that, following an initial evaluation of the facts and circumstances, has at least the semblance of truth or at least seems true.¹

Collecting the proofs: This is a canonical term that refers to the initial investigation by which a non ordained religious Church authority determines whether an alleged delict, which has reached the threshold of a semblance of truth, is not manifestly false or frivolous and remains a case to answer.

Complainant: This is a term used to describe a person who has made an allegation of abuse.

Constituent member: Means the twenty-six dioceses of the Roman Catholic Church on the island of Ireland, members of the Conference of Religious in Ireland and members of the Irish Missionary Union, and such other congregations, organisations, associations, ecclesial movements or prelatures on the island of Ireland with the prior agreement of the members of the NBSCCCI, to the extent any such foregoing body has agreed to adhere to the memorandum of understanding (see the following page).

Decree: A singular decree is an administrative act issued by a Church authority, in which a decision is given or a provision is made under a case according to the norms of law.

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

Delegated person: The person appointed by the Church authority to carry out the preliminary investigation and various parts of the canonical process where an allegation of abuse has been made about an ordained member of the Church.

Designated liaison person: The person appointed by the Church authority to liaise with the statutory authorities regarding child safeguarding suspicions, concerns, knowledge or allegations (see role description in Appendix A).

Documentation relating to civil process: This can include a range of information in relation to an investigation by the statutory authorities against a respondent. This may include references to all correspondence involved in the process – both interparties and intraparties. It may also include court documents, newspaper clippings, solicitors’ court attendance notes, and social services records that have been released to the Church authority.

Effective practice: Effective practices are accessible; they identify and respect the rights of service users; are client centred; are delivered by trained and committed staff; are well managed; and are shown through regular evaluation to have positive outcomes for the people being served.

Faculty: In law, a faculty is the authority, privilege or permission to perform an act or function.

In Ireland: For the purposes of this document, the term ‘in Ireland’ includes Northern Ireland and the Republic of Ireland. If the term ‘Northern Ireland’ or ‘Republic of Ireland’ is used, it is in

¹ The United States Conference of Catholic Bishops and the Canon Law Society of America, *Canonical Penal Procedures* (2010).

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relation to something that is only applicable to that specific country.

Interim management plan: A plan put in place with the respondent during the process of investigation of an allegation of abuse by the Church and statutory authorities.

Incardination: Every cleric must be incardinated in a particular Church, in a personal prelatore, or in an institute of consecrated life or society that has this faculty. Accordingly, acephalous or 'wandering' clergy are by no means to be allowed.²

LSR: Local safeguarding representative (see role description in Appendix A).

Mandated Person: Mandated persons (as defined in the Children First Act 2015) are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm.

Ministry with children: This includes:

- any work or service undertaken by Church personnel with children, which is under the authority of their Church body;
- any work with children undertaken by Church personnel (lay, vowed and ordained) within Church property, which is under the authority of their Church body;

All priests in active ministry are to be considered as having ministry with children.

Memorandum of understanding with the NBSCCCI: An agreement signed by a Church authority to work with the NBSCCCI to fulfil the aims of the safeguarding standards.

Monitoring: A mechanism put in place to systematically oversee and review how a respondent has complied with a permanent management plan (see Guidance 4.4A).

Natural justice: The principles and procedures that govern the adjudication of disputes between persons or organisations, chief among which are that the adjudication should be unbiased and given in good faith, and that each part should have equal access to the tribunal and should be aware of arguments and documents adduced by the other.

NCMC: National Case Management Committee (see role description in Appendix A).

One-Church approach: Although the Catholic Church in Ireland comprises a large number of Church bodies, in relation to safeguarding this term means an approach that is consistent and transparent across the whole Church in Ireland.

Ordinary: In canon law, the term can apply to a variety of individual offices, such as the bishop of the diocese, the vicar general, or the vicar of a vicariate. In the context of the tribunal, it refers to the bishop of the diocese or any other person equivalent to him in law, such as the vicar of a vicariate apostolic in mission territory. Canon 134 lists those who are ordinaries: the pope, the residential bishop, and those equivalent to him in law, as well as major religious superiors of exempt orders and congregations.

Precept: A singular precept is a decree that directly and legitimately enjoins a specific person or persons to do or omit something, especially in order to urge the observance of law.

2 Canon 265.

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Permanent management plan: A plan put in place with the respondent, following the conclusion of an investigation of an allegation of abuse by the Church and statutory authorities.

Preliminary investigation: This is a canonical term that refers to the initial investigation by which a Church authority determines whether an alleged delict, which has reached the threshold of a semblance of truth, is not manifestly false or frivolous and remains a case to answer.

PSNI: Police Service of Northern Ireland.

Relevant Person: The person who is appointed by a provider of a relevant service (as defined in the Children First Act 2015) to be the first point of contact in respect of the provider's child safeguarding statement.

Respondent: This is the term used for the person about whom child protection suspicions, concerns, knowledge or allegations have been made.

Semblance of truth: Evidence that, at face value, corroborates the accusation.

Short-term ministry: This refers to ministry for a special event, during holidays, as part of mission/retreat or other pastoral activity, or for family celebrations.

Statutory authorities: These include Tusla and the Gardaí in the Republic of Ireland, and social services and the PSNI in Northern Ireland.

Suffragan bishop: A suffragan bishop heads a diocese. His suffragan diocese, however, is part of a larger ecclesiastical province, led by an archbishop.

Threshold: ROI – Children First Act 2015 Part 3 (14), (1) defines the threshold for reporting as '... where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child (a) has been harmed, (b) is being harmed, or (c) is at risk of being harmed, he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency' (the Child and Family Agency).

NI – *Co-operating to Safeguard Children* 2003, 2.3 and Children NI Order 2 (2) and 50 (3), defines the threshold for reporting as 'reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm'.

Tusla: The Child and Family Agency who are the statutory authority in the Republic of Ireland responsible for improving well-being and outcomes for children.

UNCRC: United Nations Convention on the Rights of the Child.

Votum: An authoritative opinion. In forwarding a case to the relevant congregation in Rome, a member of the Church authority offers their authoritative opinion on the matter addressed in the particular case.