



Training and Support Materials for Safeguarding Children,
in the Catholic Church in Ireland.

CDF Training

14th May 2014



THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH



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Welcome and Prayer
Colette Stevenson



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Introductions and Context Teresa Devlin



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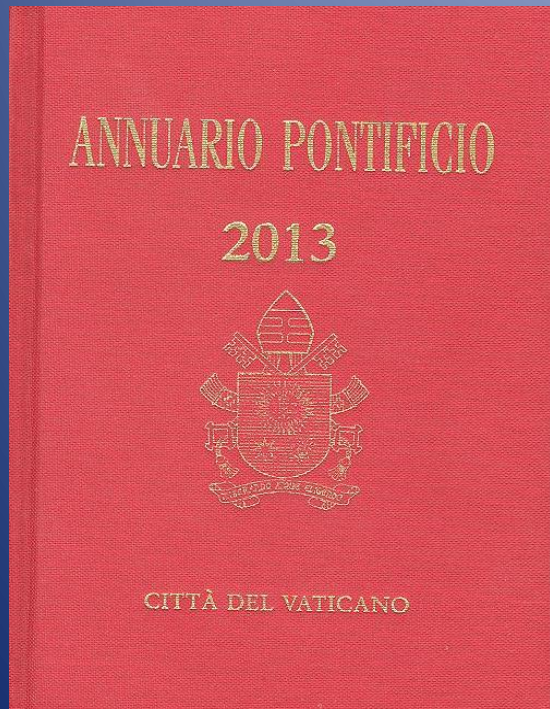
Administrative Procedures at the CDF Mgr John Kennedy

Congregation for the Doctrine of the Faith

Location



Annuario Pontificio



Members

Employees

Consultors

Experts

Ecclesia Dei

Pontifical Biblical Commission

International Theological Commission

Instrument in hands of Holy Father in serving Church

Safeguarding and promoting the faith
for the good of souls

Pope Paul VI –
“The faith is better defended by promoting doctrine”

Last two decades



Wave of abuse

Toll on Church

Thorough examination

All aspects

Accuracy, respect and truth

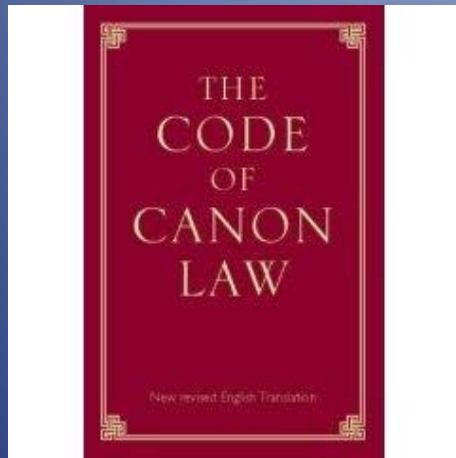
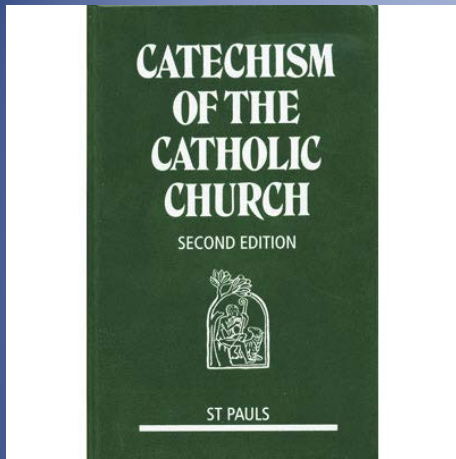
Forensic and complete



Ensuring the right of defense

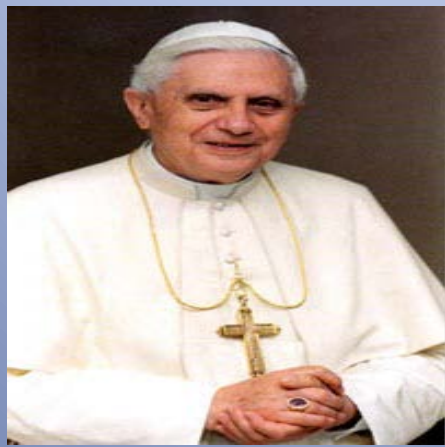
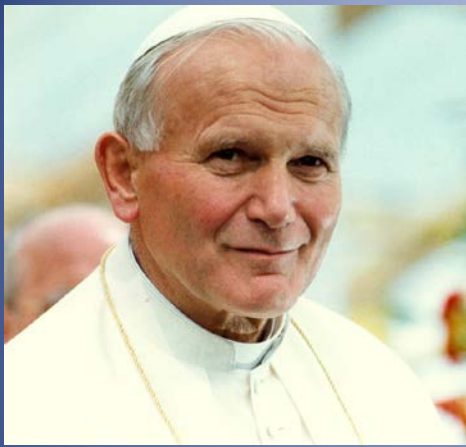
CDF Prefect one of first to be confirmed

Consults with Holy Father frequently



3 Sections

Doctrinal
Disciplinary
Matrimonial



Competence

Competence on matters of faith and morals
Apostolic Constitution, *Pastor Bonus*, June 28, 1988

Motu proprio - Sacramentorum Sanctatis Tutela
Safeguarding of the Sanctity of the Sacraments
Pope John Paul II (2001) & Benedict XVI (2010)

Cardinal Ratzinger



Faculties

2003 obtained the concession of some special faculties in order to provide greater flexibility in conducting penal processes for these more grave delicts

Administrative penal process

A request for dismissal from the clerical state *ex officio*

Now part of 2010 SST



Prescription 20 years

CDF can derogate from prescription

The canonical delict of acquisition, possession or distribution of pedopornography is also specified in this revised *motu proprio*.

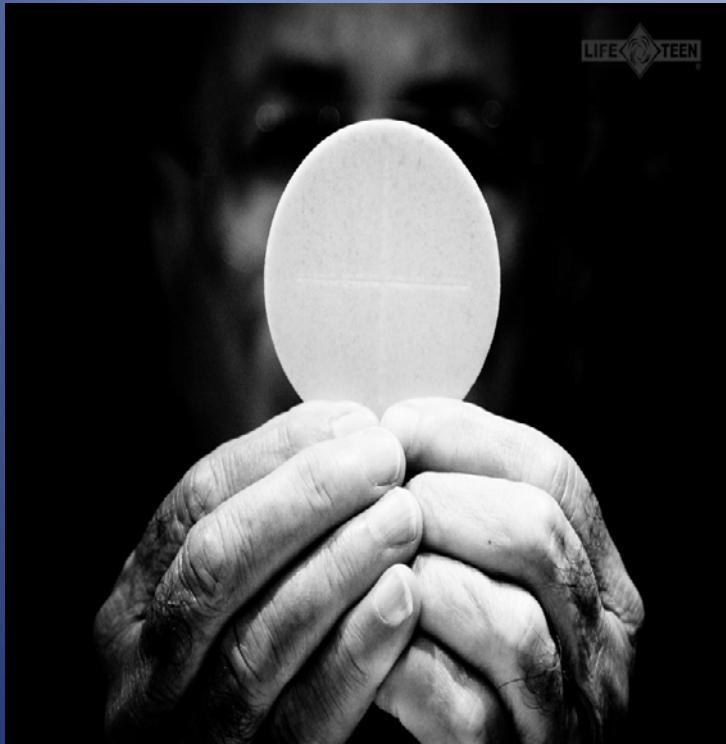
3 categories of *delicta graviora*

1. Eucharist

2. Penance

3. Sexual abuse of minors

1. Eucharist



Delicts against the sanctity
of the Most Holy Sacrifice
and Sacrament of the Eucharist



Eucharist

The taking or retaining for
a sacrilegious purpose,
or the throwing away
of the consecrated species



Eucharist



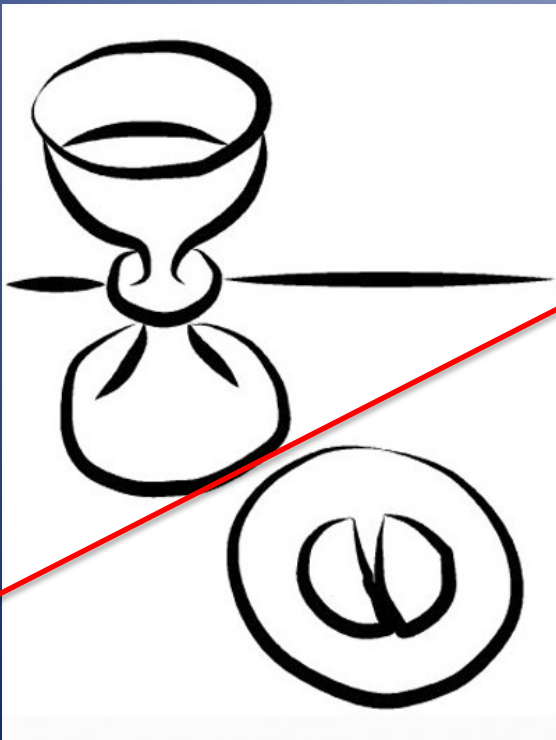
The attempting of the
liturgical offering of
the Eucharistic Sacrifice
or the simulation of the same.

Eucharist

The concelebration with with ministers of ecclesial communities, which do not have apostolic succession and do not acknowledge the sacramental dignity of priestly ordination.



Eucharist



Consecration for a sacrilegious purpose of one matter without the other in a Eucharistic celebration, or even of both outside of the Eucharistic celebration.



2. Penance

The delicts against the
sanctity of the
sacrament of Penance

Absolution of an accomplice



Sin against the sixth
commandment
of the Decalogue

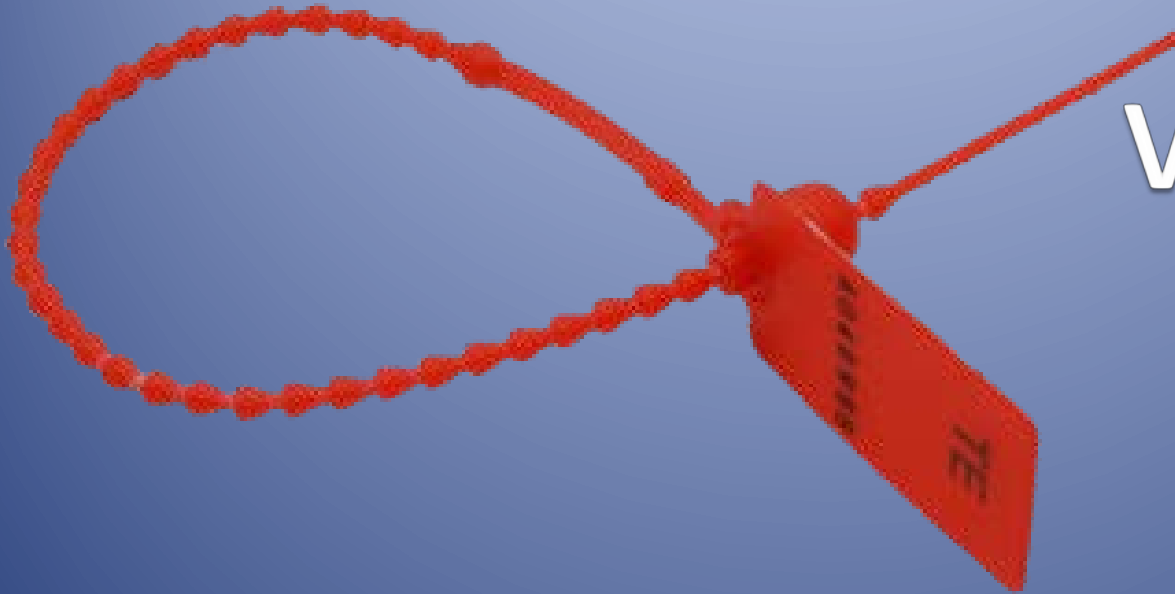


Solicitation



against the sixth commandment
in the act, on the occasion,
or under the pretext of
confession, if it is directed to
sinning with the confessor himself.

Violation



The direct **and indirect**
violation of the sacramental seal



Recording of confession

The recording by any technical instrument
and the broadcast/transmission by
means of instruments of social communication
of that which is said in sacramental confession
by the confessor or the penitent.

3. Crimes against minors



Delict against the sixth
Commandment
committed by
a cleric with a minor
below the age of
eighteen years.

or one who is developmentally disabled
(equated to a minor)

2010 SST

Also added as delicts are the acquisition, possession or distribution of pornographic images of minors under the age of 14, by a cleric in any way and by any means for purposes of sexual gratification



General detailed overview



Arrival in CDF

Local Bishop receives referral
Opens investigation by decree

Refers matter to CDF if the semblance of truth threshold
has been reached

Cleric writes letter, removed unjustly

Victim brings case to attention

Sometimes CDF hears of case

Forwarded by other Dicasteries



Arrival in CDF

Via Apostolic Nuncio

Post / By Hand

Date Stamp

Superiors

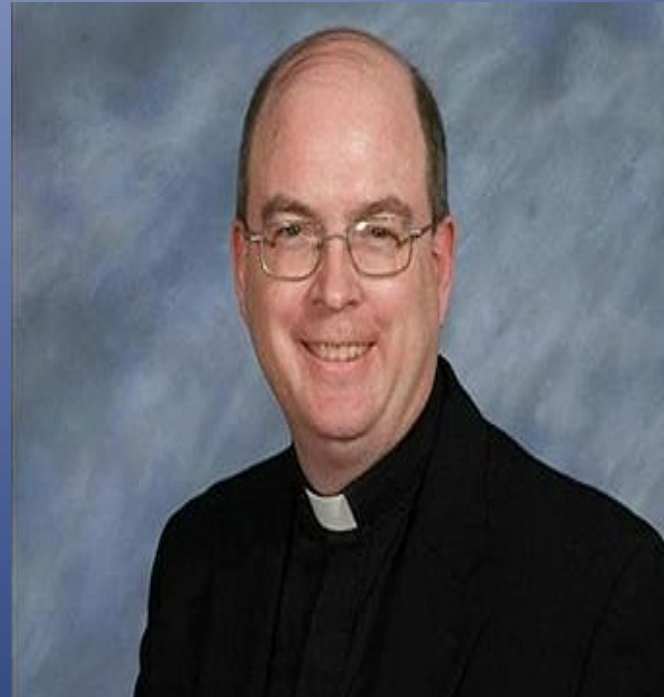


Cardinal Gerhard Müller
Archbishops Luis Ladaria, S.J
Augustine Di Noia, O.P.



Mons. Damiano Marzotto

Fr. Robert Oliver





Protocol

Identify case
Official / Protocol Number

Registration in database
Forward to Bureau Chief

Active cases

Identify case / cleric accused

Register as incoming post

Verify path of previous letters



New Cases



Bureau Chief looks at case
Identifies situation

Assigned to Official
Language / Geographical region



Next Step

Returns case to Protocol
Registered / Folder prepared and printed
Index system updated
Case registered on paper register
Case Folder prepared on shared network



Acknowledgement

Acknowledgement letter sent to Diocese / Superior



Case studied by Official

Examination of Cases



Read case thoroughly
Check to see due process followed
Understand issues

Superiors make decision



Internal Commission

Congresso Particolare

Formal courtroom setting

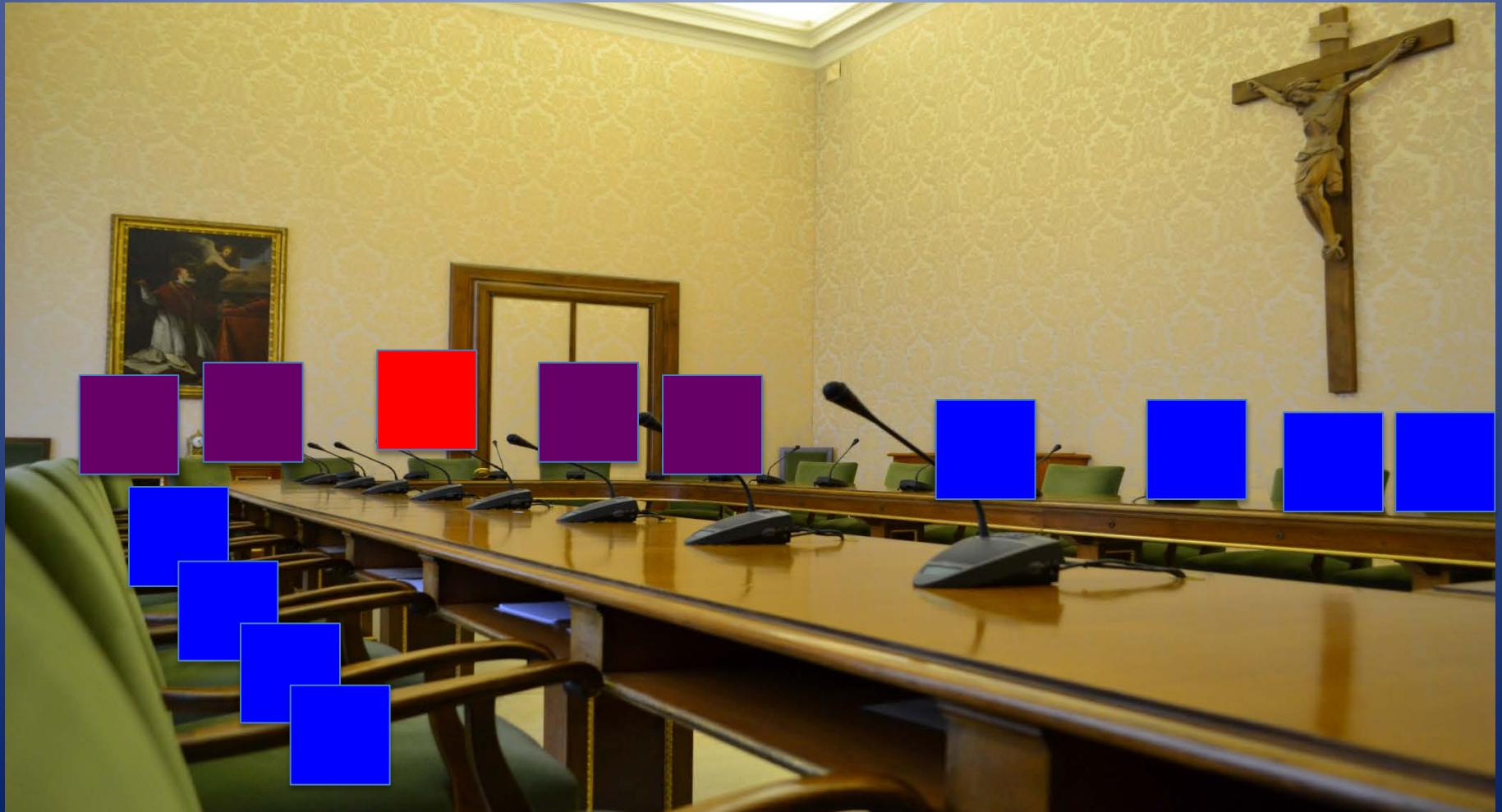
Weekly

Sala Congresso Particolare





Presentation and discussion



Congresso Particolare

Request for Dismissal

Confirmation of decision made at Diocesan level

If CDF calls case to itself

More difficult cases

Internal Commission

Procedural matters – Interlocutory decisions

Request for Dispensation

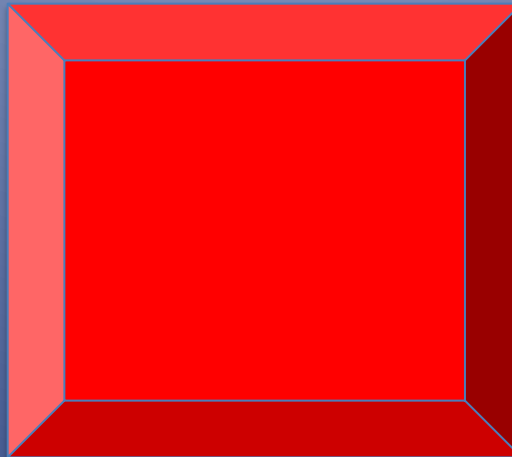
Authorization of Penal Process

Authorization of Administrative Process

Restrictions on ministry

Internal Commission

Bureau Chief



Official / Officials

Promoter of Justice



Feria IV

Request for revocation of administrative acts
of the CDF
and all other recourse

Sala Congresso Particolare

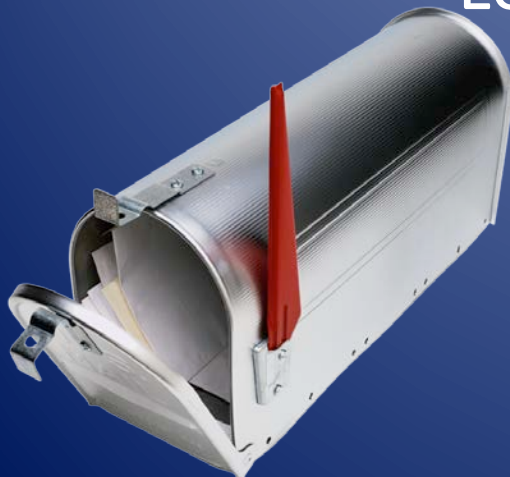




All decisions



Decree prepared by Notary
Reviewed and Approved by Superiors
Letter written to local Bishop / Superior



Sent via Apostolic Nuncio



Audience

Superior of CDF

Audience Folio

Post-Audience

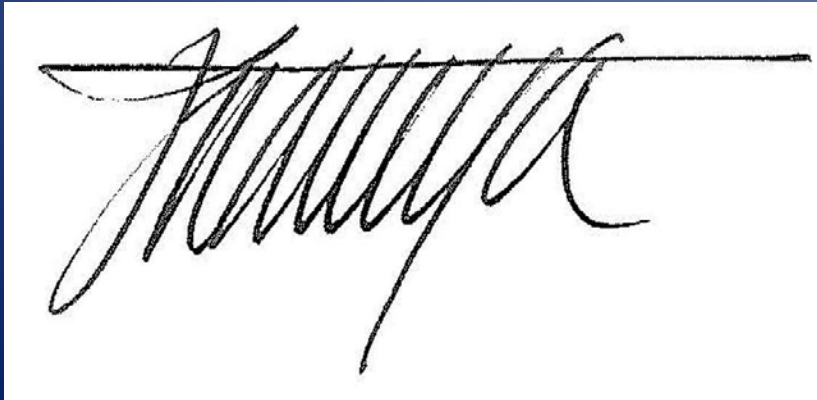
Dismissal Decree
or Rescript of Dispensation prepared

Signed by Superiors
Accompanying letter to Bishop / Religious Superior

Decree / Rescript

Signed by priest

Baptismal register updated

A black and white photograph of a handwritten signature in cursive script, written over a horizontal line. The signature is written in dark ink on a light background.

Copy returned to CDF



Archive

Final registration in Protocol

Transferred to CDF Archive



Development

International Symposium

Gregorian University

All Episcopal Conferences are obliged
to submit Procedures for dealing
with Child Sexual Abuse to the CDF.

Circular Letter

Circular letter to assist Episcopal Conferences in developing Guidelines for dealing with cases of sexual abuse of minors perpetrated by clerics

3rd May 2011

Purpose of Circular Letter

Development of procedures suitable
for assisting the victims of such abuse

Educating the ecclesial community
concerning the protection of minors.

Letter to Ireland

19th March 2010

“I have decided to write this Pastoral Letter to express my closeness to you and to propose a path of healing, renewal and reparation.”

Pope Benedict XVI



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Questions and Answers



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Threshold for Notifications and Preliminary Investigations Fr Bob Oliver



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Safeguarding Children, Young People and Vulnerable Adults

Rev. Robert W. Oliver, STD, JCD

*Promotor of Justice
Congregation for the Doctrine of the Faith*

“Every part of the Church must be committed to taking the necessary steps to cherish and safeguard children and young people”

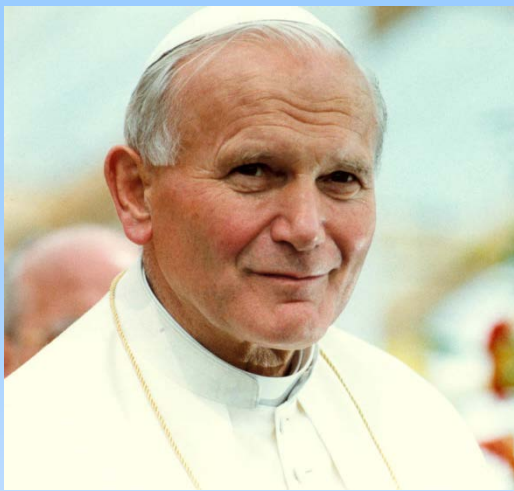
NBSCCC, *Standards and Guidance*

Overview

1. The Congregation for the Doctrine of the Faith

2. The Pontifical Commission for the Protection of Minors

*Congregation for the Doctrine
of the Faith*



Mission of the CDF – “Pastor Bonus”

1. promote and safeguard doctrine on faith and morals in the whole Catholic world
2. examines offences against the faith and the more serious offences in behaviour or in celebration of the sacraments

“Graviora delicta”

- against sacrament of Eucharist
- against sacrament of Penance
- against sixth commandment by a cleric with a minor or vulnerable adult
- *Sacramentorum sanctitatis tutela* (SST)



Delicts against the sixth commandment

- with a minor
- with vulnerable adults
- acquisition, distribution of pedo-pornography

Outline: Congregation for the Doctrine of the Faith

1. Analysis and data

2. Preliminary investigations

3. Accused clergy

4. Prosecution of cases

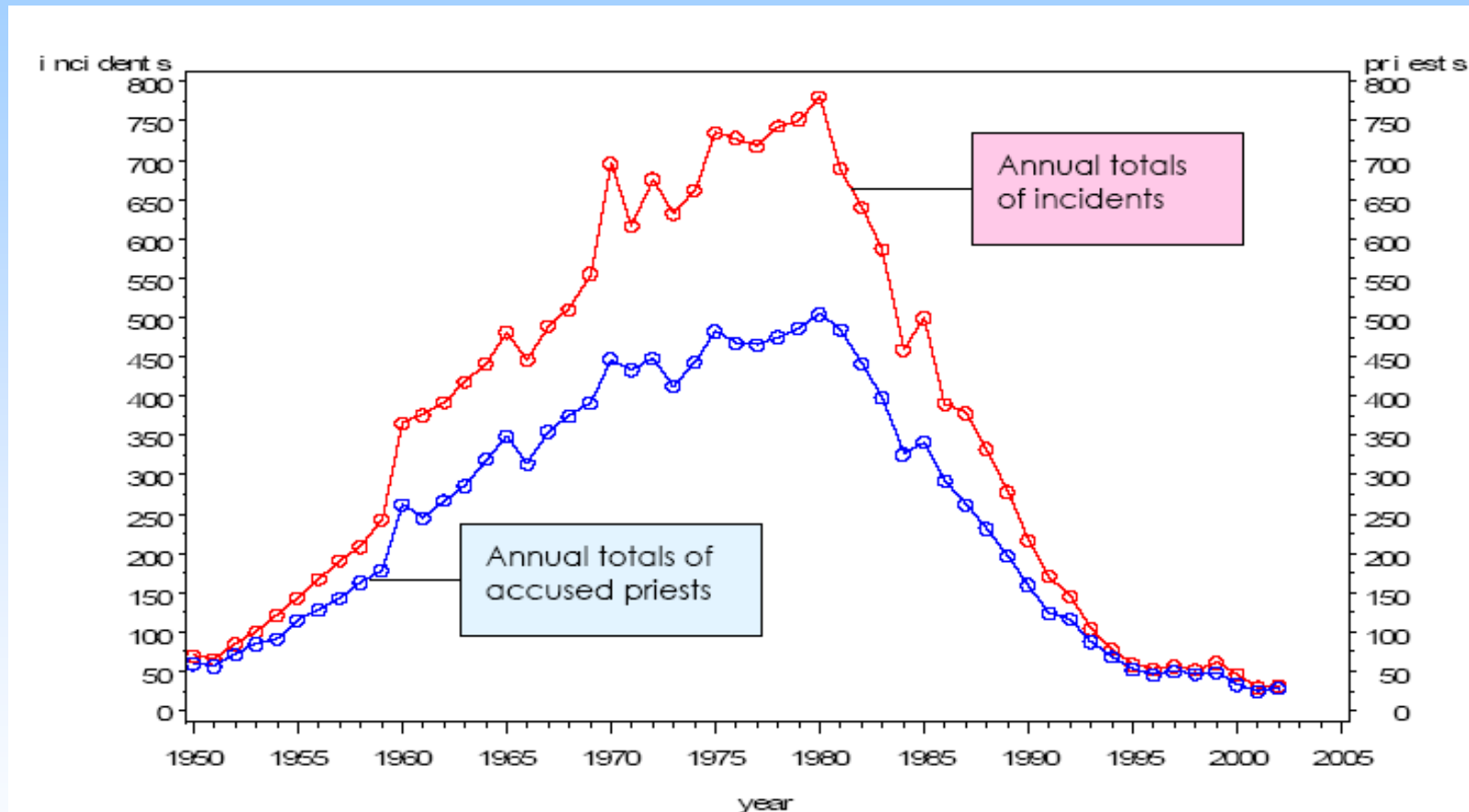


JUSTICE is the virtue which disposes us to respect each other's rights and the firm will to give God and neighbor their due
(Catholic Catechism, no. 1807)

Studies and Data

- abuse rates are dropping (from 4% to <1%)
- more potential child abusers screened out
- more rapid and effective interventions
- red flags and warning signs detected
- quicker intervention to prevent abuse

Annual Count of Incidents Reported and Priests Accused by Year



**THIS SLIDE MADE BY JOHN JAY UNIVERSITY
PRESENTED AT 2006 ATSA CONFERENCE**

Who are the victims

- Most victims are post-pubescent
 - 50.9% 11-14 years old
 - 27.3% 15-17 yrs old
- Most victims are boys
 - 81-85% victims are male
 - 15-19% victims are female
- Victims are well known to the perpetrators

The priest perpetrators

- Most perpetrators have more than 1 victim
 - 4 is modal number of victims
 - only 14% reported 1 victim
 - 47% have 5 victims or more
- 45% of priest perpetrators at one institute have neuropsychological impairment

Conclusions from the data

- The “problem” is not going away
- If one victim surfaces, there are probably more... maybe many more
- Priests, like abusers from all walks of life, “groom” their victims first
- Much more education and awareness is needed to protect our children

“Perhaps the most common error made by individuals new to the field of working with perpetrators of child sexual abuse is being ‘conned’ by the denial and manipulation of the client.”

– Rev. Msgr. Stephen J. Rosetti, PhD DMin

2. Preliminary investigations

- *verisimilitude* (can. 1717), send to CDF
- investigation gathers necessary information
- not a “preliminary process”
- due respect for the rights of all parties
- brief response from accused

3. Accused clergy

- provisions for appropriate care, sustenance
- canonical process is prompt, clear, thorough
- limits on ministry placed correctly, clearly
- give information, opportunity to respond

Bishops and priests



“Be attentive to the spiritual and moral lives of each one of your priests... Set them an example by your own lives, be close to them, listen to their concerns, offer them encouragement.”

Pope Benedict XVI,
Letter to Ireland

Bishops and priests



Our priests have a resiliency that future generations will recall with admiration. They have remained committed to their vocation day-in, day-out. Their steadfastness is a major factor in explaining why during this terrible crisis most Catholics in our country remain faithful to the church.

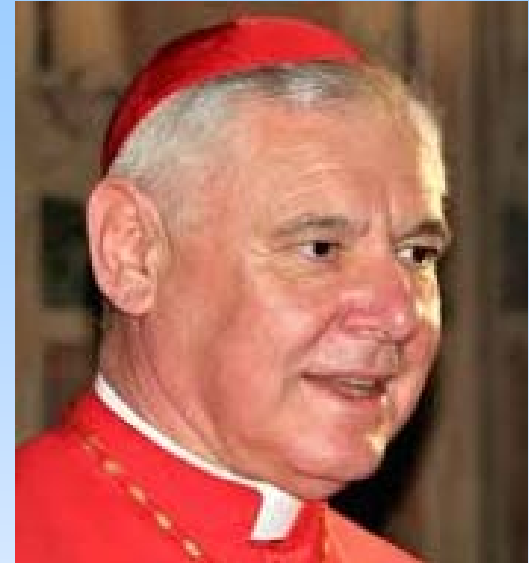
Bishop Blaise Cupich,
America Magazine

4. *Prosecution of a case*

- Issues regarding the process
 - judicial penal process
 - administrative penal process
 - dismissal from the clerical state *ex officio*
- Possible outcomes
 - can. 1341: penal remedies, penances
 - voluntary petition for laicization
 - imposition of canonical penalties

Understanding canonical processes

- diocesan bishop fulfills responsibility
- canon law governs from beginning
- including diocesan law
- begin criminal investigation - *verisimilitude*
- conclude criminal process - *moral certainty*



Pope Francis to Gerhard Cardinal Müller:

“decisive action on behalf of our children and
the young people of the whole world”

“I must also express my conviction that, in order to recover from this grievous wound, the Church in Ireland must first acknowledge before the Lord and before others the serious sins committed against defenceless children.

Such an acknowledgement, accompanied by sincere sorrow for the damage caused to these victims and their families, must lead to a concerted effort to ensure the protection of children from similar crimes... Only decisive action carried out with complete honesty and transparency will restore respect and good will.”

Pastoral Letter of Pope Benedict XVI, *To the Catholics of Ireland*, 19 March 2010



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LUNCH



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Case Decision Making Mgr John Kennedy



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Examples of cases



General background

Cases presented are rarely a "one-off"

Initially acts might only contain 2 or 3 allegations

Process often reveals more

Experience



Hidden work - confidential
Fragility. Sinfulness.
Detrimental impact on faith

Lose sight of call of priesthood



One case of paedophilia is one too many.

SST and CDF necessary.

The importance that there is a clear message from the church of unacceptable, criminal and sinful behaviour.

“There is no place in the priesthood and religious life for those who would harm the young.”

1. Young priest

“Sad” case

Young priest, recently ordained, talented,
promising future

First parish, 17-year old girl

Cleric admits sexual relationship over several months

Request

Question: “What can be done?”
“Too young to lead a life of prayer and penance.”

Wave of sexual abuse has not fully hit. Some denial

Do what *Norms* say: Preliminary investigation.
Add votum. Send to CDF.



In the mix

Background support
Letters from distressed parishioners
Incredulity, anger, frustration
Others come forward. Media coverage
Split parish community
Prompts reporting of other abuse



Crime

Sin

Detrimental to Church's mission, credibility, standing

Lose all goodwill among non-believers

Erodes moral authority to teach the faith, evangelize

Always casts a shadow over faithful clergy



Priest recognizes no place in ministry

Owens up to abuse

Unwilling to engage in protracted process

Requests dispensation on presentation of acts to CDF

2. Middle-aged priest

Actively homosexual priest

History of grooming minors

Sexual activity with minors. Out of control

Escalated to sexual activity with disabled person

Clear-cut case

Acts contained everything required
Police alerted. No prosecution followed

CDF gave options:

- a) Request dispensation
- b) Or cleric would be dismissed *ex officio*



Time lapse

Advocate spoke of acknowledgement
Therapy. House. Sustenance
Time to make a new life
Accepted priesthood is not badge, title, honour
Ministry of service for good of Church
Invited to gave back gift in spirit of penance and
humility

3. Middle-aged cleric

Sexual abuse of a minor

Stable homosexual relationship

Defiant. Held out for many years.

Realization situation was difficult for Bishop

Requested dispensation

4. Elderly cleric No. 1

Typical case. Abuse in 1970s onwards post-ordination
Horseplay. Wrestling. Grooming. Physical violence
Inappropriate touching. Claims it was part of culture

Driving lessons. School grinds. Helping poor families.
Took children on holidays
Close family friend

4. Elderly cleric No. 1

Similar pattern of abuse behaviour in various parishes

Pushing boundaries. Polarized people

Alcohol issues



Payments to victims from personal income.

4. Elderly cleric No. 2



Warped view of children

Never grow up

Never seek restitution
or Justice. No harm



4. Elderly cleric No. 2

Yet denial of abuse to Bishop. Fear of loss of salary

Protecting image among family members

Other sexual activity or antisocial behaviour

Penal judicial trial

Appealed. Second Instance. *Res iudicata*

Dismissed from clerical states. Still continues to deny

5. Nasty priest

Accused of several crimes. Found guilty after canonical trial and dismissed from clerical state
Continued to present himself as priest
Purchased hosts from convent
Nothing would dissuade him. More charges brought
Now in prison following fresh condemnation

6. Innocent priest



Accused of delicts

Recovered memories

Angry, wants priest to be punished

Canonical procedures undertaken

Case sent to CDF

Innocence upheld. Reinstatement to ministry

Difficult scenario for Bishop



Fear among victims. Will not come forward
Afraid to go to police because time has passed

Provokes strife in marriage after revelation

Sometimes seek compensation

Sole evidence is in canonical forum

Priest claims innocent as DPP brought no charges

Difficult scenario for Bishop



No charges to be brought

Prescription

Priest interprets this as innocence





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The work of the Pontifical Commission on Child Protection

Fr Bob Oliver



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*Pontifical Commission for the
Protection of Children*

Outline: Pontifical Commission

- 1. A good start on 1-3 May 2014*
- 2. Papal mandate to the initial members*
- 3. Protocols and processes for child protection*

1. A good start

- Experts appointed as advisors to the Pope
- met at *Domus Santa Marta*, 1-3 May 2014
- 8 members, 5 are lay people, 4 women
- Mrs. Marie Collins from Ireland



“Pope Francis has made it clear that the Church must hold the protection of minors amongst her highest priorities.”

- Fr. Federico Lombardi, SJ
Press Conference for the new Commission

Papal mandate to initial members of the Commission

- propose nature, purpose, goals
- propose additional members from other regions and areas of expertise
- *Statutes* for mission, structure, etc.
- establish a permanent Office in Rome

Principles adopted by Commission

- children first

Press Statement, 3 May 2014

“As we begin our service together, we wish to express our heartfelt solidarity with all victims/survivors of sexual abuse as children and vulnerable adults and to share that, from the very beginning of our work, we have adopted the principle that the best interests of a child or vulnerable adult are primary when any decision is made.”



*“All children have
a fundamental
right to be
respected,
nurtured, cared for
and protected.”*

- NBSCCC,
*Standards and
Guidance*

Principles adopted by Commission

- children first
- hopeful and realistic
- leadership and credibility
- collaborative approach
- honesty, transparency, accountability

Press Statement, 3 May 2014

“We see ensuring accountability in the Church as especially important, including developing means for effective and transparent protocols and processes.”

“to establish the truth of what happened in the past, to take whatever steps are necessary to prevent it from occurring again, to ensure that the principles of justice are fully respected, and above all, to bring healing to the victims and to all those affected by these egregious crimes”

Pope Benedict XVI,
Address to the Bishops of Ireland, 2006

2. Protocols and processes

Assist bishops, religious, conferences:

- best practices
- guidelines, protocols, norms
- programs of education, prevention
- safe environments
- collaboration with experts



“All institutions, without exception, must be held to exacting standards in the protection of children and young people.”

Pope Benedict XVI, *Ad limina* visit
of U.S. bishops, 2011

CDF, “Circular Letter to assist conferences in developing Guidelines”

For conferences of bishops and of religious:

- assisting the victims of abuse
- cooperation with civil authorities
- care for accused, canonical process
- educating the ecclesial community

Assistance to victims of abuse

- priority, clear commitment to listen and assist
- personal meetings
- healing, connecting with experts
- reconciliation, if person is willing
- assistance with canonical processes

Cooperation with civil authorities

- abuse is crime prosecuted by civil law
- diversity of situations around world
- observation of requirements of civil law
- obligations to notify civil authorities
- cooperating with them in their responsibilities

Education and prevention

- victim assistance
- safe environment programs, protocols
- child protection teams
- vocational discernment, seminary formation
- advisory boards, commissions

Reflections on what we have learned

- Importance of listening
- Underestimating extent and effects of abuse
- Missing the red flags, warning signs
- Using a “team” approach with offenders

Accountability

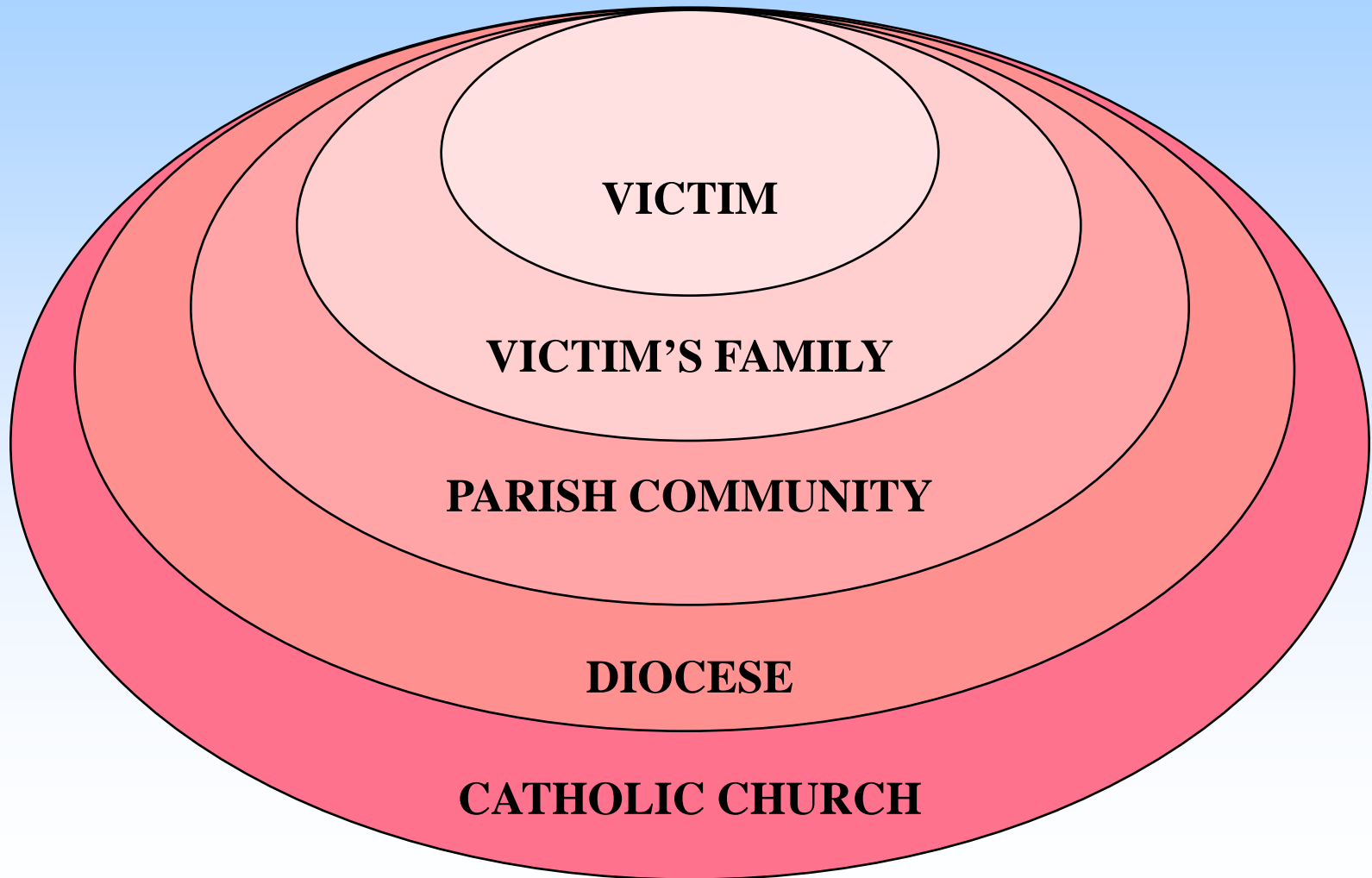
Examples in episcopal conference *Guidelines*

- local commissions for child protection
- advisory “review boards”
- cooperation with civil authorities
- independent audits
- communications policies

Next steps

- leadership, transparency
- service to the wider society
- cooperative structures
- accountability
- healing of the Catholic community

Healing of the Catholic community





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EVALUATIONS



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