

## Digital Press Kit for the Meeting on the Protection of Minors

### General background regarding how cases of sexual abuse of minors by a deacon, priest or bishop are processed in the Church

#### Procedure for cases at the local level<sup>1</sup>

- Once the local Church authorities receive an accusation of the sexual abuse of a minor by a deacon, priest or bishop, they are required to conduct an investigation ([CIC<sup>2</sup> 1717, § 1](#); [CCEO<sup>3</sup>, 1468](#)).
- The Church acknowledges that the sexual abuse of minors is also a “crime prosecuted by civil law”. Taking into consideration that “relations with civil authority will differ in various countries, nevertheless it is important to cooperate with such authority within their responsibilities” (*Circular Letter to assist Episcopal Conferences in developing guidelines for dealing with cases of sexual abuses of minors perpetrated by clerics*).
- The local ecclesiastical authority,<sup>4</sup> or his delegate, initiate a preliminary investigation. Accusations are investigated, regardless of whether the alleged sexual activity occurred recently or not, and whether the person who experienced the alleged abuse is still a minor or not ([CIC 1717, § 1](#); [CCEO 1468, 2](#); for the territory of the United States, [Essential Norms, Art 6, 11<sup>5</sup>](#)).
- Care is taken to keep the identity of the person<sup>6</sup> who experienced the alleged abuse<sup>6</sup> and the alleged offender<sup>7</sup> from being revealed. For the former, the motivation is to protect their right to privacy. For the latter, the motivation is to protect the alleged offender’s reputation since there is the presumption of innocence until proven guilty ([CIC 1717, § 2](#); [CCEO 1468, 2](#); for the territory of the United States, [Essential Norms, Art 6, 13](#)).
- If on the conclusion of the preliminary investigation on the local level the accusation “has the semblance of truth”, the Congregation for the Doctrine of the Faith is to be informed. The Congregation may “call the case to itself”. In general practice, it indicates to the local competent authority how to proceed in accord with relevant canonical norms ([SST/Norms2010](#), Art 16).
- The local ecclesiastical authority may: remove the alleged offender from performing his ministry, remove him from office, may restrict where he resides or from participating in the liturgy in public ([CIC 1722](#); [CCEO 1473](#); for the territory of the United States, [Essential Norms, Art 6-9](#)).

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<sup>1</sup> The local level can be diocesan, eparchial, or the territory over which a Major Superior of an institute of consecrated life or a society of apostolic life has jurisdiction.

<sup>2</sup> *Code of Canon Law (Codex Iuris Canonici)*.

<sup>3</sup> *Code of Canons of the Oriental Churches*.

<sup>4</sup> A local ecclesiastical authority can be the Ordinary of a diocese, an Eparch of an eparchy, or the Major Superior of an institute of consecrated life or a society of apostolic life (see [CIC 368](#); [CCEO 313](#)).

<sup>5</sup> As of 2002, the United States Conference of Catholic Bishops is the only episcopal conference by which particular law applies to the sexual abuse of minors by a Catholic cleric. This set of norms received recognition by Rome in a [Decree](#) on 8 December 2002.

<sup>6</sup> Referred to as the “accuser” in canonical language (see [SST/Norms2010](#), Art. 24).

<sup>7</sup> Referred to as the “accused” in canonical language (see [SST/Norms2010](#), Art. 24 and 30).

## Applicable Church law regarding cases of clerical sexual abuse of minors

- Cases are generally sent to the CDF through diplomatic post via the Apostolic Nuncio.
- Cases that are reserved to the CDF regarding minors are:
  - “the delict<sup>8</sup> 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 has imperfectly the habitual use of reason is to be considered equivalent to a minor” ([SST/Norms 2010](#), Art 6, § 1, 1°).
  - “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” ([SST/Norms 2010](#), Art 6, § 1, 2°).
- The crime must have been committed by a deacon, priest, or bishop, after the date on which he was ordained a deacon.
- Since 2010 The **prescription**<sup>9</sup> for clerical sexual abuse of minors expires when the person who experienced the abuse reaches the age of 38, that is, 20 years after the person’s 18<sup>th</sup> birthday. In individual cases, the CDF can derogate<sup>10</sup> from prescription ([SST/Norms 2010](#), Art 7, § 1 and § 2).
- **Exceptions to the period of the statute of limitations:** The law applicable to each case is that which was in force at the time the crime was committed. If the crime was committed between 2001 and 2010, the statute of limitations is ten years. Before 2001, it is five years.
- As of 2001, the canonical age of **majority**, that is, the canonical age by which a person is no longer considered a minor is when one turns 18. Those persons who have “imperfectly the habitual use of reason” are considered minors (see [SST/Norms 2010](#), Art 6, § 1, 1°; [CIC 97 §1 and 99](#); )
- **Exceptions to the age of majority:** The law applicable to each case is that which was in force at the time the crime was committed. Regarding the canonical age of majority, the 1917 Code defined the age of majority as 16. The Code of Canon Law promulgated in 1983 retained this definition. This age was raised to 18 only for the United States in 1994, followed by the United Kingdom and Ireland in 1997. It was then changed with the Motu Proprio [Sacramentorum Sanctitatis Tutela](#) for the universal Church in 2001 and is defined in [SST/Norms 2010](#) Art 6, § 1, 1°.
- Two types of ecclesiastical processes are possible: a **judicial penal process** which is a trial, and an **administrative penal process** which concludes with an “extrajudicial decree”. The first type of process involves a trial conducted by a tribunal authorized by the CDF. The second is an abbreviated process and may take place through correspondence with the accused. The accused cleric is presented with the evidence against him and is given an “opportunity for self-defense” ([CIC 1720](#); [CCEO 1486](#)).
- **Penalties:** Taking into consideration the gravity of the crime, among the penalties that can be applied in the case of the sexual abuse of a child by a cleric are “dismissal or deposition”<sup>11</sup> ([SST/Norms 2010](#), Art 6, § 2).

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<sup>8</sup> A “delict” is the equivalent of a crime.

<sup>9</sup> A “prescription” is commonly known as the statute of limitations. In this case, the CDF can make exceptions and extend the statute of limitations based on individual cases.

<sup>10</sup> A “derogation” is commonly known as an exception.

<sup>11</sup> “Dismissal or deposition” is commonly known as laicization.

- The CDF may present the “most grave cases” to the Pope to make a decision to dismiss the accused from the clerical state. This is often done when the crime committed is “manifestly evident” and the accused has had the opportunity to defend himself ([SST/Norms2010](#), Art 21, § 2 2<sup>o</sup>). In this case, the accused may not appeal.
- To date all cases that fall under Article 6 of *SST/Norms2010* are subject to the Pontifical Secret ([SST/Norms 2010](#), Art 30, § 1).
- Cases that fall under Article 6 of *SST/Norms2010* generally do not become part of the public record. There are rare cases when results are made public. In cases when the accused is dismissed or deposed from the clerical state, it is within the local ecclesiastical authority’s competence to release the decision, according to local practice.

## Applicable Church law regarding cases of negligence by bishops

- According to the Motu Proprio *As a Loving Mother*, issued by Pope Francis on 4 June 2016, a Bishop, an Eparch, or the Major Superior of an Institute of Consecrated Life (religious congregation) or Society of Apostolic Life of Pontifical Right can be removed from office if he lacks the diligence demanded by office. The case of the lack of diligence “in the case of the abuse of minors and vulnerable adults” is enough grounds for the dismissal of a person invested with this authority ([As a Loving Mother](#), Art 1, § 2, § 3 and § 4).
- If the allegation is deemed credible, a preliminary investigation is conducted at the local level.
- If the allegation is substantiated in the preliminary investigation, the case is sent to the appropriate Vatican Dicastery generally via diplomatic post through the Apostolic Nuncio. The Apostolic Nuncio does nothing procedural in the case.
- Each case is taken into consideration by the applicable Vatican Dicastery under whose jurisdiction the person comes:
  - Congregation for Bishops for Bishops of the Latin Rite in Dioceses under their jurisdiction
  - Congregation for the Evangelization of Peoples for Bishops of the Latin Rite in dioceses under their jurisdiction
  - Congregation for the Oriental Churches for Eparchs of any Eastern rite
  - Congregation for Institutes of Consecrated Life and Societies of Apostolic Life for Major Superiors of those Institutes and Societies of Pontifical Right
- The competent dicastery “can open an inquiry” if the case has “foundational proof” ([As a Loving Mother](#), Art 2, § 1).
- Once a case goes to the competent dicastery, the person against whom the allegation was made is informed and given the possibility of defending himself ([As a Loving Mother](#), Art 2, § 1 and § 2).
- The competent dicastery “may decide to open a supplementary investigation” based on the defense provided by the bishop ([As a Loving Mother](#), Art 2, § 3).
- Should the removal of the bishop be deemed “opportune”, the competent dicastery decides either to issue “in the briefest possible amount of time, a decree of removal” or to encourage the bishop to submit his resignation within 15 days. If the bishop does not respond within that designated period of time, the dicastery is free to proceed with a “decree of removal” ([As a Loving Mother](#), Art 4, § 2 and § 3).
- The case then goes to the Pope for “specific approval”. The Pope first seeks counsel from a “special College of Jurists designated for this purpose” before making a final decision ([As a Loving Mother](#), Art 5).