



Approved, October 31, 2003; 1st Revision, July 5, 2005;  
2nd Revision September 16, 2013; 3<sup>rd</sup> Revision February 10, 2020

## Diocese of Stockton

### Policy Dealing with Allegations of Sexual Abuse of Minors

The Diocese of Stockton established a formal policy to address issues of sexual abuse of minors in 1987.

On November 14, 2002, the Bishops of the United States approved *The Charter for the Protection of Children and Young People and Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Other Church Personnel*. The *Essential Norms* document was confirmed by the Apostolic See on December 8, 2002 and became effective as particular law for the dioceses of the United States on March 1, 2003. The *Essential Norms* document was revised by the Bishops of the United States in June 2005, confirmed by the Apostolic See on January 1, 2006, and became effective as particular law for the dioceses of the United States on May 5, 2006. In June 2011 and again in June 2018, the *Charter* was revised by the Bishops of the United States. The revised documents establish the manner in which the Catholic Church in the United States will address, in accord with canon law and the approval of the Holy See, the tragic matter of sexual abuse of minors by clergy and other Church personnel.

With the revisions of the *Charter* and the *Essential Norms*, the Diocese has updated its policy to address these matters in order to serve better the needs of the Church and especially the needs of minors and others who have been victims/survivors of sexual abuse of minors by clergy or other Church personnel. (*Essential Norms*, 2.) Sexual abuse of a minor in this policy is defined as it is stated in the *Charter*.<sup>1</sup>

The Diocese in its policy recognizes the pain, anger and confusion that have been caused victims/survivors of sexual abuse. The Bishop and the Church of Stockton, in union with the Bishops of the United States, are committed to "sustain and strengthen a safe environment within the Church for children and youth." (*Charter*, Preamble). Through this policy, the Diocese seeks to attain these goals:

- To promote healing and reconciliation with victims/survivors of sexual abuse of minors;
- To guarantee effective response to allegations of sexual abuse of minors;
- To protect children and youth within the Church and her institutions.



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TO PROMOTE HEALING AND RECONCILIATION WITH  
VICTIMS/SURVIVORS OF SEXUAL ABUSE OF MINORS

1. Upon learning of an allegation of sexual abuse of a minor, the Diocese will reach out to the person(s) claiming abuse and to their family, demonstrating "a sincere commitment to their spiritual and emotional well-being...whether the abuse was recent or occurred many years in the past." (*Charter*, Article 1.)
2. The Diocese is committed to continue to reach out to victims/survivors of sexual abuse for healing and reconciliation. To this end, the Bishop shall appoint a Victim Assistance Coordinator whose role shall be "to coordinate assistance for the immediate pastoral care of persons" who report to have been sexually abused as minors by clergy or other Church personnel. This outreach shall be coordinated through the Victim Assistance Coordinator and include a constellation of services for counseling, spiritual assistance, and support groups where appropriate. To the extent possible, the services offered by the Diocese will be based on the need and condition of the victim/survivor and family, sensitive to their culture and ethnic heritage. (*Charter*, Articles 1 and 2; *Essential Norms*, 3.)
3. Because the sexual abuse of minors occurs in all walks of life and across various religious traditions, the Diocese is committed to cooperating with civic social service agencies, Christian churches and communities, and other faith traditions to address support for persons who have been sexually abused as minors. (*Charter*, Article 16.)
4. A Review Board, appointed by the Bishop, shall serve as a confidential consultative body to the Bishop. This Review Board shall consist of a minimum of five and a maximum of fifteen members who represent a diversity of expertise, are of outstanding integrity and good judgment, and are in full communion with the Church. The majority of the members shall be from the lay faithful who are not in the employ of the Diocese. At least one member shall be a priest who is an experienced and respected pastor. At least one member shall have a particular expertise in the treatment of the sexual abuse of minors. (*Charter*, Article 2; *Essential Norms*, 5.)
  - A. Terms for members shall be five years and renewable.
  - B. The Bishop shall appoint the chairperson.
  - C. Diocesan staff who are not members shall serve in a consultative role as needed.



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5. The functions of the Review Board shall include (*Essential Norms*, 4):
  - A. Advising the Bishop in his assessment of allegations of sexual abuse of minors, of sufficiency of evidence that sexual abuse of minor has occurred, and of personnel suitability for ministry.
  - B. Reviewing regularly the policy and procedures for addressing allegations of sexual abuse of minors and making appropriate recommendations to the Bishop for change or modification.
  - C. At his request, offering advice to the Bishop on all aspects of cases, whether retrospectively or prospectively.
6. The procedure for making a complaint of sexual abuse of a minor by clergy or other Church personnel shall be available in printed and electronic form in the principal languages in which the liturgy is celebrated and shall be the subject of public announcement at least annually. (*Charter*, Article 2.)
7. The Diocese of Stockton will not "enter into settlements in connection with allegations of sexual abuse of a minor which bind the parties to confidentiality unless the victim/survivor requests confidentiality and this request is noted in the text of the agreement." (*Charter*, Article 3.)

#### TO GUARANTEE EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

8. With due regard for the seal of the Sacrament of Penance, the Diocese shall report any allegation of sexual abuse of a minor to civil authorities, shall comply with all applicable laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, and shall cooperate in any investigations in accordance with the law of the jurisdiction in question, including in cases when the alleged abused minor is no longer a minor. In every instance, the Diocese shall advise an accuser of his or her right to make a report to public authorities. (*Charter*, Article 4; *Essential Norms*, 11.)
9. All allegations of sexual abuse of a minor against clergy or other Church personnel shall be treated seriously. Persons who report an allegation of sexual abuse of a minor against clergy or other Church personnel shall be treated with respect and dignity.
10. Clergy and other Church personnel who, according to civil law, are mandated reporters of suspected child abuse must personally, and without delay, report such abuse to the proper civil authorities, with due regard for the seal of the Sacrament of Penance. All persons employed by or volunteering with the Diocese shall cooperate with civil authorities, with due regard for the seal of the Sacrament of Penance. Any clergy, administrator, staff person or volunteer of the Diocese receiving or becoming aware of a



complaint or allegation of sexual abuse of a minor by clergy or other Church personnel shall also:

- A. Inform the person making the complaint that the Diocese has a policy for addressing these matters;
- B. Report the matter immediately to the Bishop, Vicar General, or Victim Assistance Coordinator, confirming that the necessary civil reporting has occurred and providing all known details so that appropriate contact and outreach may be made with the alleged victim/survivor.

11. An allegation of sexual abuse of a minor against clergy or other Church personnel may be made by contacting the Bishop, Vicar General, or Victim Assistance Coordinator at the Pastoral Center, 212 North San Joaquin Street, Stockton, CA, 95202-2409; telephone: (209) 466-0636.

12. When the Bishop or Vicar General receives an allegation of sexual abuse of a minor by a lay employee of the Diocese, a parish, or an institution, the administrator who has authority over the accused shall place the accused person on a paid leave of absence. When the accused is a lay volunteer, the administrator who has authority over the accused shall suspend the services of the volunteer. Diocesan procedures for lay employees and volunteers will be observed.

13. When the Bishop or Vicar General receives an allegation of sexual abuse of a minor by a member of a religious community residing or serving in the Diocese, the appropriate religious superior shall be informed by the Bishop or Vicar General, and the person shall be placed on leave and removed from public participation in activities on behalf of the Church in any diocesan parish or institution.

14. When the Bishop or Vicar General receives an allegation of sexual abuse of a minor by clergy, “a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717)” (*Essential Norms*, 6). During such investigation the accused shall be accorded the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. (*Charter*, Article 5; *Essential Norms*, 6.) At all times, the Bishop or Vicar General, within the universal law of the Church, by means of an administrative act, may withdraw the accused from ministry and issue precepts to which he is bound. (*Essential Norms*, 9.)

- A. Either personally or through a delegate, the Bishop or Vicar General shall contact the individual making the complaint and/or other appropriate parties without delay to obtain the basic information needed to understand the allegations and its circumstances.



- B. When notified of the allegations, the accused shall be encouraged to retain the assistance of civil and canonical counsel. (*Charter*, Article 5; *Essential Norms*, 6) "The alleged offender may be requested to seek, and maybe urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused." (*Essential Norms*, 7.) At the conclusion of the preliminary investigation, the accused "will be promptly notified of the results." (*Essential Norms*, 6)

15. The information from the preliminary investigation shall be reviewed by the Review Board so it may advise the Bishop as to his assessment of the allegations, sufficiency of the evidence that sexual abuse of a minor has occurred, and the accused person's suitability for ministry. (*Essential Norms*, 4.)

16. When the Bishop determines that there is sufficient evidence that sexual abuse of a minor has occurred (CIC, c. 1718, §1), he closes the preliminary investigation and notifies the Congregation of the Doctrine of the Faith by sending all relevant documents and his *votum*, giving his opinion of the case, suggestion for future action, and a request for derogation from prescription. (*Essential Norms*, 6.) At that time, the Bishop shall apply the precautionary measures mentioned in Canon 1722 pending the outcome of the investigation process: removal of the accused from sacred ministry or from ecclesiastical office or function; imposing or prohibiting residence in a given place or territory; and prohibiting public celebration of the Most Holy Eucharist. (*Essential Norms*, 6.)

17. When sexual abuse of a minor by clergy is admitted or is established after a canonical process, the following shall pertain:

- A. For even a single act of sexual abuse of a minor, past or present, the offending priest or deacon shall be permanently removed from ministry, not excluding dismissal from the clerical state if warranted. (*Charter*, Article 5; *Essential Norms*, 8.)
- B. In every case involving canonical penalties, the processes provided for in canon law shall be observed. (*Essential Norms*, 8.a.; *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation of the Doctrine of the Faith, May 18, 2001.)
- C. "If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb or to present himself publicly as a priest." (*Essential Norms*, 8.b.)



18. When an accusation of sexual abuse of a minor against clergy or other Church personnel "has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused." (*Essential Norms*, 13; see also *Charter*, Article 5.)

19. In dealing with cases of alleged abuse of minors, the Diocese is committed to transparent and open communications, though care shall always be taken to protect the privacy and reputation of the individuals involved, particularly those of the person claiming to have been sexually abused and of the person against whom an allegation has been made. (*Charter*, Article 7; *Essential Norms*, 13.) The Vicar General shall assist parishes and other diocesan institutions in dealing with issues of sexual abuse of minors by clergy. Where schools and religious education programs are involved, the assistance of the diocesan Catholic Schools Office and the Office of Religious Education will be coordinated through the Vicar General.

#### **TO PROTECT THE FAITHFUL**

20. The Diocese shall maintain "clear and well-publicized standards of ministerial behavior and appropriate boundaries" for clergy and other Church personnel, whether paid or volunteer, who have contact with minors, which shall be made clear to clergy, other Church personnel, and all members of the community. (*Charter*, Articles 6 and 12; see *Diocese of Stockton Code of Pastoral Conduct for Priests, Deacons, Seminarians, Lay Employees and Volunteers*.)

21. The Diocese shall maintain a "safe environment" program which the Bishop deems in accord with Catholic moral principles. The program will be conducted cooperatively with parents, educators and community leaders to provide education and training to all clergy and other Church personnel, parents, minors, volunteers and other interested parties about ways to maintain a safe environment for minors. (*Charter*, Article 12.)

22. Utilizing the resources of law enforcement and other public agencies, the Diocese and its parishes and institutions shall evaluate the background of all clergy (whether or not incardinated) and other Church personnel (whether paid or volunteer) who have contact with minors. The diocesan Director of Seminarians, rectors of seminaries at which men of the Diocese study for the priesthood, and the Director of the Permanent Diaconate shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (USCCB, *Program of Priestly Formation* [5<sup>th</sup> ed.], 2006, no. 39), and shall apprise the Bishop and Diocesan Review Board of the process being utilized to screen and evaluate those candidates. (*Charter*, Article 13.)



23. Whenever a priest or deacon from another diocese or religious community is proposed for an assignment or residence in the Diocese, including temporary or short-term assignments or residence, his bishop or major superior shall be asked to forward to the Office of Bishop before such assignment or residence, an accurate description of the individual's record, including all information concerning any act of sexual abuse of a minor and anything in his background or service that would raise any questions about his fitness for ministry, so that the Bishop may make an informed judgment regarding suitability for contact with minors. (*Charter*, Article 14; *Essential Norms*, 12.)

24. The office of the Vicar General shall maintain an up-to-date listing of priests who may help minister in parishes and institutions as well as a list of those without faculties or with limited faculties. Any priest not having a current assignment in the Diocese must be approved through the Vicar General's office before being granted faculties.

25. A designated representative of the Bishop shall maintain regular contact with priests and deacons who have been accused of sexual abuse of a minor and shall provide fraternal support and facilitate referrals to resource persons and other professionals. (See *Charter*, Article 5.)

On October 30, 2003, the memorial of our Lady of Sorrows, the Bishop of Stockton promulgated the *Policy Dealing with Allegations of Sexual Abuse of Minors* for the Diocese of Stockton, which was revised July 5, 2005 and September 16, 2013. I hereby promulgate this third revision of the *Policy* which is effective immediately and supersedes all prior versions.

Given at the Chancery of the Diocese of Stockton on this 31<sup>st</sup> day of August 2020, in the City of Stockton, California.

The Most Reverend Myron J. Cotta  
Bishop of Stockton

Dyan Hollenhorst  
Chancellor



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Note

<sup>1</sup> “For purposes of this *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (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.

In view of the Circular Letter from the Congregation of the Doctrine of the Faith, dated May 3, 2011, which calls for ‘making allowance for the legislation of the country where the Conference is located,’ Section III (g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes.

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, p.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.”