

Diocese of Cheyenne
Norms for Responding to Reports of
Sexual Abuse of Minors and Vulnerable Adults
Effective October 2, 2016

I. Introduction

The Diocese of Cheyenne has been blessed with many excellent and upstanding bishops, priests and deacons who constitute the diocesan clergy for the Catholic Church in the State of Wyoming. They have served and continue to serve the People of God diligently and faithfully, some as vicars of the diocesan bishop or members of the diocesan curia and most as pastors, parochial vicars and other parish ministers. Incidents of sexual abuse of minors and vulnerable adults by some clerics have demonstrated a need to emphasize the procedure which will be followed in response to reports of sexual abuse of minors and vulnerable adults brought to the attention of the Bishop of the Diocese of Cheyenne.

In addition to the clergy, the Diocese of Cheyenne has been blessed with the devoted, talented and upstanding ministry of dedicated lay people. Because reports of sexual abuse of minors or vulnerable adults may be made against a member of the laity employed by the Diocese, a parish or an organization affiliated with the Diocese, or against one who has volunteered, these procedures will guide the response in such cases.

II. General Statement

The Diocese of Cheyenne will manage the issue of sexual abuse of minors and vulnerable adults by clergy, staff and volunteers in an open and straightforward manner. We will respond with compassion to those who have been harmed, take action to redress the wrongs, extend God's healing love to all those injured and protect and promote the safety of minors and vulnerable adults. We will strengthen the education program for all Church personnel on maintaining appropriate boundaries on the issue of sexual abuse of minors and vulnerable adults.

We will stand by Church personnel serving as ministers while maintaining the right of the congregation to a safe and secure environment in which to worship and pray together. Our actions will be grounded in a commitment to justice, accountability and mercy.

We are committed to regularly review and refine our norms and procedures. We will comply with all laws regarding the reporting to civil authorities of allegations of sexual abuse of a minor or vulnerable adult.

III. Description of Terms

Diocese is the Catholic Diocese of Cheyenne, which encompasses the State of Wyoming and Yellowstone National Park. The Diocese is incorporated as the Roman Catholic Diocese of Cheyenne. Although parishes are part of the Diocese of Cheyenne, they are also, by virtue of

canon law, their own ecclesiastical juridic persons and are separately incorporated. Some parishes operate their own schools, which are under the canonical and corporate control of the respective parishes. There are also other schools that are their own corporations and which have sought recognition as ecclesiastical juridic persons. Related to the Diocese of Cheyenne are certain civilly incorporated works, such as Catholic Charities of Wyoming.

Diocesan Review Board is a group of individuals appointed by the Bishop of Cheyenne. This Board assists the Bishop in assessing allegations of sexual abuse of minors and vulnerable adults. The Board makes recommendations to the Bishop about the fitness for ministry or employment of someone who has been accused of sexual misconduct or abuse of a minor or vulnerable adult. The Review Board also will assist with the regular review of the *Norms for Responding to Reports of Sexual Abuse of Minors and Vulnerable Adults*.

Child Pornography: Child pornography is the acquisition, possession, or distribution by a cleric or Church personnel of pornographic images of minors for purposes of sexual gratification, by whatever means and using whatever technology. Child pornography is a form of sexual abuse of a minor.

Child abuse means inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including abandonment; excessive or unreasonable corporal punishment; malnutrition or substantial risk thereof by reason of intentional or unintentional neglect; and the commission or allowing the commission of a sexual offense against a child as defined by law. Child abuse also includes pornography in all its forms. Neglect includes the failure of a parent or custodian to provide adequate care, support for education, medication, or other care necessary for the child's well-being.

Church personnel include all employees and volunteers (clergy, religious, seminarians, deacon candidates, extern clergy and laity) of the Diocese of Cheyenne, parishes, schools or other entities subject to the Bishop of Cheyenne. See definition of volunteer below.

Minor is a human person under 18 years of age.

Sexual abuse includes sexual molestation or sexual exploitation and any behavior by which an adult uses a minor or a vulnerable adult as an object of sexual gratification. Sexual abuse includes behavior that is contrary to Catholic moral doctrine and to canon law of the Roman Catholic Church and that is unlawful as described by the laws of Wyoming. Sexual abuse does not need to be a complete act of intercourse. Sexual abuse, to be an objectively grave act, does not need to involve force, physical contact or a discernible harmful outcome. The acquisition, possession, or distribution of pornographic images of minors for purposes of sexual gratification, by whatever means and using whatever technology, is a form of sexual abuse of a minor.

Victim Assistance Coordinator is a person appointed by the Bishop to assist victims and their families when they report sexual misconduct or abuse by Church personnel. The Victim Assistance Coordinator will verify that the authorities have been properly notified,

will inform victims and, if minors, their families about counseling and pastoral assistance opportunities, and will keep the victim and, if a minor, his or her family informed about the progress of any internal investigation.

Volunteer (see Church personnel) is defined by these norms as a person who acts in a volunteer (unpaid) capacity for the Diocese of Cheyenne, a parish, school or other Church entity. This category includes but is not limited to coaches, youth ministers, catechists and religious educators, retreat leaders, after-school activity coordinators, classroom assistants, parish ministry coordinators, tutors, etc.

Vulnerable adults are all persons as defined in Wyoming Statute §35-20-101. An adult, 18 years or older, is considered vulnerable when, because of impairment of mental or physical functions, that person is unable or unlikely to report abuse or neglect without assistance. These are individuals who habitually lack the use of reason.

IV. Obligation to Report

There are two distinct types of reporting: internal and external. Internal reporting provides notice to diocesan officials of suspected instances of *sexual abuse of minors or vulnerable adults*. External reporting provides notice to local law enforcement agencies of suspected instances of *sexual abuse of minors and vulnerable adults*.

Internal Reporting: Church personnel who know or reasonably suspect an incident of sexual abuse of minors or vulnerable adults shall immediately provide a detailed report of the suspected incident as follows:

- a. In the case of an accusation against Church personnel to the Vicar General (Father Carl Gallinger at 1-866-790-0014), or, if the Vicar General is unavailable, to the Chancellor (Carol DeLois at 1-866-790-0014), who, in turn will inform the Bishop (Bishop Paul Etienne at 1-866-790-0014);
- b. In the case of an accusation against the Bishop – to the Vicar General, the Chancellor and the Apostolic Nuncio.

The Vicar General will inform the Bishop of all reports of alleged sexual abuse. Unless circumstances warrant otherwise, the Vicar General will promptly notify the administrator of any organization affiliated with the Diocese (hereinafter called organization) of an accusation against Church personnel of that organization. When an accusation is brought against a cleric involving a matter reserved to the Congregation for the Doctrine of the Faith and the preliminary investigation indicates there is reasonable cause to believe the truth of the matter, the matter will be referred to the Congregation.

External Reporting: Wyoming law requires citizens to report every reasonably suspected incident of sexual misconduct or abuse of a minor or vulnerable adult to the Department of Family Services or the local police or sheriff. In addition to sexual abuse of a minor or

vulnerable adult, reasonably suspected abuse or neglect are required to be reported to the same authorities.

Any Church personnel who have any doubt regarding their external reporting obligations should consult with the Chancellor or the Vicar General, who will consult with diocesan counsel. Diocesan counsel will be consulted on all new allegations. The Vicar General or Chancellor will ensure that every reasonably suspected incident of abuse or neglect of a minor or vulnerable adult shall be reported to the Department of Family Services or the local police or sheriff, as appropriate, on behalf of Church personnel who have knowledge of the allegation.

Those making external reports are to make them by phone *and in writing* to the Department of Family Services or the local police or sheriff. A written report must also be submitted to the Chancellor on the Diocese of Cheyenne Child Abuse Reporting Form. Copies of the form may be acquired from the Chancellor or from the administrator of any affiliate of the Diocese of Cheyenne. A copy of the reporting form is attached as “Attachment 1.”

Subject to certain exceptions, Wyoming law states that any person who participates “in good faith in any act required or permitted by (the Act)...is immune from any civil or criminal liability for making the report.” (*Wyoming Statutes*, § 14-3-209.)

Canonical Privileges Observed: Confidential statements made in the course of spiritual direction and statements under the seal of confession are inviolate under canon law and must never be disclosed. Accordingly, both internal and external reporting requirements established by this policy do not apply when the information giving rise to the duty to report is acquired exclusively through sacramental confession or spiritual direction.

V. Assistance to Victims and Community

The Bishop of the Diocese of Cheyenne will designate a competent Victim Assistance Coordinator to organize and direct outreach to victims and the delivery of victim assistance and support services to persons who claim to be victims of sexual misconduct.

The Victim Assistance Coordinator of the Diocese of Cheyenne will offer pastoral, psychological and spiritual support to victims, their families and the faith community. Such assistance is pastoral and shall not, in any way, be considered as an indication of legal responsibility for the actions of the accused.

VI. Diocesan Investigation

The Vicar General or his designee will select the Investigator or Investigators from the pool of individuals trained to assist in this function. Generally, when more than one Investigator is chosen, one man and one woman will be selected. Depending upon the circumstances and the decision of the Vicar General, diocesan counsel may be present and assist with the interviews.

VII. Diocesan Review Board

- A. Purpose: The Diocesan Review Board provides the Bishop with added perspective and consultation regarding allegations, fitness and norms and procedures related to the prevention and processing of allegations of the sexual abuse of minors and vulnerable adults. The Diocesan Review Board will review each circumstance investigated by a Diocesan Investigator(s) involving an allegation of sexual misconduct or abuse of minors and vulnerable adults. The Diocesan Review Board will provide the Bishop with independent consultation on such matters. It will:
1. Assess investigated allegations of sexual abuse of minors and vulnerable adults and make a recommendation to the Bishop;
 2. Assess the fitness for assignment and ministry of clergy, staff and volunteers (with the exception of religious) when an allegation about them involves the sexual abuse of minors and other vulnerable adults;
 3. Review the *Norms for Responding to Reports of Sexual Abuse of Minors and Vulnerable Adults*, any revisions of the norms and procedures regarding the sexual abuse of minors and vulnerable adults;
 4. Provide advice and consultation regarding other matters as requested by the Bishop or the Vicar General; and
 5. Respect the confidentiality of information provided to the Board and preserve the confidential and privileged character of its deliberations and advice.
- B. Membership: The Diocesan Review Board will consist of at least five voting members who will be uncompensated for their services and not otherwise in the employ of the Diocese. One member should have particular expertise in the treatment of those who have experienced sexual abuse as minors or vulnerable adults. The Bishop will appoint the lay members of the Diocesan Review Board for five-year staggered terms. Candidates for membership on the Diocesan Review Board must be in full communion with the Catholic Church, of upstanding moral character, and of proven faith, good morals and good reputation. Candidates for membership must have successfully completed background checks and safe environment training. The Chancellor shall be responsible for acquiring and reviewing such materials and for performing the background checks. The Vicar General and the Chancellor will serve as *ex-officio*, non-voting members. The Bishop may, at his sole discretion, remove members from the Diocesan Review Board with or without cause.
- C. Deliberations: When the Diocesan Review Board meets to assess allegations and fitness for ministry, the Investigator(s) and diocesan counsel should be

present. A canonist may be present, as needed. While everyone present may participate in the Diocesan Review Board discussion, the Diocesan Review Board members alone should finally formulate a recommendation regarding any question put before the Diocesan Review Board. Such recommendations should be reduced to written form, signed by the Chair of the Diocesan Review Board, and presented to the Bishop.

VIII. Treatment of the Accused

In both civil and canon law, a person is presumed innocent until proven guilty. The presumption of innocence, however, does not preclude the Diocese of Cheyenne from taking immediate, prudent action to protect individuals and the community in response to complaints and before an investigation is complete. A prompt, objective investigation of the allegation of sexual abuse of a minor or vulnerable adult will be undertaken. During this investigation, the Diocese of Cheyenne will take all appropriate steps to protect the reputation of the accused.

After an allegation is made, no bishop or priest involved in the investigation may hear the sacramental confession of the accused.

Clergy: When a reasonable allegation of sexual abuse of minor or vulnerable adult has been made against a priest or deacon, the Diocese of Cheyenne will initiate a prompt and objective preliminary canonical penal investigation. At any point after the allegation has been received, the Bishop may exclude the accused cleric from performing sacred ministry, restrict the exercise of his office and/or ecclesiastical function, determine where the cleric will or will not reside, and/or prohibit his public participation in the Most Holy Eucharist. Any restrictions on the accused cleric will be reevaluated at the conclusion of the preliminary canonical penal investigation and may continue during any canonical penal process. Salary and benefits and arrangements for room and board will be provided during the preliminary canonical penal investigation and any subsequent canonical penal process.

When the preliminary canonical penal investigation has been concluded, the matter is to be referred to the Congregation for the Doctrine of the Faith.

Non Clergy Church Personnel: When a reasonable allegation of sexual abuse of a minor or vulnerable adult has been made against a lay person or religious, the Diocese of Cheyenne will initiate a prompt and objective investigation. At any point after the allegation has been received, the accused may be placed on administrative leave until the diocesan investigation is concluded. Paid Church personnel may continue to receive pay and benefits until the conclusion of the diocesan investigation.

Legal Counsel: The accused is advised to retain civil and canonical counsel.

Pastoral and Psychological Support: The accused will be offered pastoral, psychological and spiritual support from approved counselors. If the accused is married or has a family,

pastoral, psychological and spiritual support will also be offered to the accused's spouse and children.

The Bishop may refer an accused cleric for psychological assessment, evaluation, counseling and/or treatment. If the accused declines to participate, he is non-cooperative with the process or refuses to release information to the Bishop, these actions will be considered in determining the future ministry of the accused cleric.

Accused non-clergy Church personnel also may be referred for psychological assessment, evaluation, counseling and/or treatment. If the accused declines to participate, is non-cooperative with the process or refuses to release information, the accused may be dismissed immediately, regardless of the outcome of the diocesan investigation.

When allegations are substantiated, the Diocese of Cheyenne may seek restitution from the offender for the services provided to persons harmed by the offender's sexual abuse. The offender may be held responsible for the costs of therapy and for all other expenses incurred by the Diocese, including, but not limited to, attorney fees, court costs and judgments.

IX. Transfer of Clergy

A priest or deacon who has engaged in sexual abuse of a minor or vulnerable adult will not be transferred from one parish to another within the Diocese of Cheyenne and will not be approved for ministry or incardination in another diocese. When a priest or deacon seeks to reside in another diocese, the Bishop of Cheyenne will forward, in a confidential manner by certified mail, return receipt requested, to the diocesan bishop of the proposed place of residence, any and all information concerning the cleric's sexual abuse of a minor or vulnerable adult and any other information that he has been or may be a danger to minors or vulnerable adults.

X. Disciplinary Action

If Church personnel have engaged in inappropriate behavior with minors and vulnerable adults, short of sexual abuse, corrective action may be applied and range from a warning or reprimand up to and including termination or loss of office, depending upon the seriousness of the behavior. If non-clergy church personnel have been determined to have sexually abused a minor or vulnerable adult, the individual will be permanently removed from his or her position or appointment. If a cleric has been determined to have sexually abused a minor or vulnerable adult, the Bishop will, in accordance with the norms of canon law, enforce the determination by the Congregation for the Doctrine of the Faith. When the penalty of dismissal from the clerical state has not been imposed, the offender is to lead a life of prayer and penance, and may be forbidden from exercising any sacred ministry, office or function, from wearing garb, and from presenting himself publicly as a priest or deacon.

XI. Release of Information

There will be a designated spokesperson for the Diocese of Cheyenne. The spokesperson shall be responsible for responding to all inquiries and news conferences regarding allegations of sexual abuse of minors or vulnerable adults and will be informed upon the receipt of any allegations.

All complaints to the Diocese of Cheyenne are treated as confidential. Until such time as an allegation becomes public record as a result of charges being filed or the matter has become general public knowledge, or the nature of the allegation warrants, the Diocese of Cheyenne will neither confirm nor deny to the media:

- a. That a complaint has been made;
- b. The identity of any person reporting incidents, concerns, or allegations; and,
- c. The identity of any person against whom a complaint is pending.

XII. Educational Tasks

Church personnel are required to participate in the Safe Environment Training of the Diocese of Cheyenne. The training includes standards of conduct for persons in positions of trust with regard to signs and indicators of sexual abuse of minors and vulnerable adults, the neglect or abuse of minors and vulnerable adults and the means of reporting. Safe environment training will also be offered to parents, guardians, minors and vulnerable adults.

XIII. Background Information

Each person applying to become a Church staff member or volunteer shall complete an information questionnaire and a background investigation disclosure and authorization form as part of the application process. The Chancellor or his or her designee shall process and review the information questionnaires and criminal background reports of all diocesan church personnel. Each administrator of any organization affiliated with the Diocese shall review the information questionnaires and criminal background reports of all prospective staff or volunteers of that organization. Any current Church personnel who have not previously completed an information questionnaire and a background investigation disclosure are required to do so. At the same time that the affiliated organizations submit the background screening requests to the Diocese of Cheyenne, they should also submit the volunteers' background questionnaires or applications to the Diocese of Cheyenne for review by the Chancellor. Additional background checks may be periodically conducted.

ACKNOWLEDGEMENT AND AFFIRMATION

I, _____, acknowledge that I have received
(Please print your name)
and reviewed the *Norms for Responding to Reports of Sexual Abuse of Minors and Vulnerable Adults* of the Diocese of Cheyenne dated October 2, 2016.

I understand that this policy applies not only to diocesan employees, but also to employees of parishes, schools and affiliated organizations, as well as other Church workers identified in the policy. I affirm that I will comply with all obligations described by these Norms and any subsequent revisions of these Norms.

Signature

Date

Attachment 1

**DIOCESE OF CHEYENNE
FORM FOR REPORTING THE ABUSE OF MINORS OR VULNERABLE ADULTS**

TO: _____
Department of Family Services or Local Police or Sheriff

FROM: _____
Name _____ **Address** _____

Title _____ **City, State, Zip** _____

DATE: _____

1. Name, address, age, gender, and race of the minor or vulnerable adult:

Name: _____ Age _____
Address: _____ Gender _____
_____ Race _____

2. Name and address of the alleged perpetrator or the person or persons responsible for the suspected abuse or neglect:

Name: _____ Name: _____
Address: _____ Address: _____

3. Nature and extent of the abuse, neglect or injury to the minor or vulnerable adult:

4. Family composition:

5. Source(s) of the information: _____

6. Other related information:

7. Other mandated reporters on whose behalf this report is made:

Report was called in to:

Name

Organization Name

Telephone Number

Date

A copy of this written report was provided to the _____

Internal Instructions

The Wyoming child abuse reporting statute requires all persons to report reasonably suspected instances of child abuse or neglect or instances in which a person has observed a child being subjected to circumstances or conditions which would reasonably result in abuse or neglect. Reports should immediately be made or caused to be made to the Department of Family Services at (307) 777-6800, 1510 East Pershing Boulevard, Cheyenne, WY 82001 or the local police or sheriff. Any questions regarding reporting obligations or procedures may be discussed with the Chairperson of the Diocesan Investigation Team or with the Vicar General, either of whom may consult with the diocesan counsel. Reports should be made both by phone and in writing to the agency. When several Church personnel are aware of the reportable situation, and those individuals are each mandated reporters, the person making the report should do so on behalf of each Church personnel mandated to report and must provide a copy of the report to the Chancellor, who will distribute a copy of the report to each such mandated reporter, to the Vicar General, and to diocesan legal counsel.