



DIOCESE OF CHEYENNE

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Canonical Rebuke and Definitive Decree regarding Emeritus Bishop H. Joseph Hart

The ongoing case regarding allegations of the sexual abuse of minors by Bishop Joseph Hart has reached its conclusion. In January 2018, the Diocese of Cheyenne hired an expert investigator, a Catholic lawyer who has investigated more than 200 allegations of sexual abuse for many dioceses. He concluded that the allegations against Bishop Hart were credible. Over time, the reports of six accusations were reviewed by the Judicial Vicar and Diocesan Review Board, consisting of the Vicar General, three lay men and three women, one of whom is the Chancellor. Their professional backgrounds include law enforcement; school administration; a Doctor of Psychology; a pediatrician; a psychotherapist, who treats sexually abused children; and a judge, who was a criminal prosecutor for 13 years involving crimes against children, primarily child sexual abuse. They judged that proper procedures were followed; they agreed that we needed to report credible allegations to law enforcement; and they were convinced that we had sufficient evidence to conclude with moral certainty that the six accusations against Bishop Hart are credible. These findings were presented to the Congregation for the Doctrine of the Faith (CDF), which has competence for coming to a final decision in such cases.

Subsequently, the CDF appointed a bishop with a degree in canon law, as the delegate of the CDF, and two priests with canon law degrees as assessors to undertake the extrajudicial penal process. Now that the process has concluded, the CDF has issued a definitive decree on the case of Bishop Hart, who was accused of numerous delicts (violations of the law) against the sixth commandment with minors under the age of 16 years of age and of solicitation in confession. The decree stated that Bishop Hart was exonerated of seven accusations, and five other accusations could not be proven with moral certitude. These accusations involved 11 males and one female. Therefore, based on the assessment of the bishop delegate, Bishop Hart's guilt was not proven with moral certitude, which is held to be equivalent to "beyond a reasonable doubt," the legal standard of proof required to impose a criminal conviction. These findings do not equate to innocence; rather, a high burden of proof has not been met.

Furthermore, the definitive decree stated that two additional accusations could not be considered delicts since the alleged victims were not under the age of 16; the two male individuals were 16 and 17 years old. At the time, the *Code of Canon Law* restricted a delict against the sixth commandment with a minor to those under 16 years of age. As a matter of record, it should be noted that the decree made no mention of assessing one credible allegation of a male under 16 years of age, which the Diocese of Cheyenne reported to the CDF. This individual's name was not listed in the allegations adjudicated in the penal process.

The CDF has now issued a canonical rebuke to Bishop Hart "for his flagrant lack of prudence as a priest and bishop for being alone with minors in his private residence and on various trips, which could have been potential occasions endangering the 'obligation to observe continence' and that would 'give rise to scandal among the faithful' (can. 277 §2 *CIC*)." He also was rebuked "for his disregard of the urgent requests that he refrain from public engagements that would cause scandal among the faithful due to the numerous

accusations against him and the civil and canonical investigations and processes being conducted in his regard.”

At the end of the rebuke, the CDF reminded Bishop Hart of the “restrictions placed upon him in the communication from the Congregation for Bishops dated 2 October 2018 still in force regarding the Holy Father’s prohibition that he refrain from ‘any contact with minors, youth, seminarians and vulnerable adults’ and from ‘presiding or participating anywhere in any public celebration of the Liturgy.’”

“Today, I want the survivors to know that I support and believe you” said Bishop Steven Biegler. “I understand that this announcement will not bring closure to the survivors, their family members, Bishop Hart and all those affected. I will continue to work and pray for their healing and for all involved in these painful and distressing matters. In the Diocese of Cheyenne, we remain steadfast in our commitment to protect the most vulnerable and to accompany those who have been harmed on a journey of healing.”

Anyone who has suffered sexual abuse should contact the local law enforcement agency or the Department of Family Services. Upon notification of authorities or if you have questions, contact the Chancellor Jean Chrostoski at 307-638-1530, ext. 105 (jchrostoski@dioceseofcheyenne.org) or the Victim Assistance Coordinator Mary Adams at 307-220-0485.
