

Protecting the Vulnerable

MINIMUM STANDARDS
in dealing with cases of abuse of minors
and sexual misconduct with adults



Rome, 2014

MISSIONARI MONFORTANI

Viale dei Monfortani, 65
00135 ROMA – ITALIA

Ottobre 2014

Presentation

Dear Confreres,

On the occasion of our last CGE, held in Fatima in May 2013, we launched a congregational plan for the protection of the vulnerable. The plan was designed to implement the demands of our 2011 General Chapter and assist each entity in developing a policy for the protection of minors and of vulnerable adults.

A very qualifying moment of this journey was the workshop we had in Rome last June. Many major superiors were present, along with the representatives of all our entities. With the help of Doctor Monica Applewhite and Fr Gerald Fitzsimmons, we were guided to a deeper understanding of the dynamics of abuse, both from the point of view of the person abused and of the abuser. We spent the last two days of the workshop exploring the topic of prevention, which is a key point in the mission of protecting the vulnerable.

As you know, our final objective is that each entity should come up with a set of policies and procedures for the protection of the vulnerable. It's a demanding journey, which calls for continuous formation and involvement of all the confreres of the entity at various levels.

History, culture and tradition make societies different and unique. And this may determine a variety of ways of dealing with issues related to the abuse of vulnerable people and their protection. But as part of the Catholic Church and members of the Company of Mary we are also one body; and this demands that our approach be consistent throughout the Congregation.

Congregation for the Doctrine of the Faith, *Circular letter to assist episcopal conferences in developing guidelines for dealing with cases of sexual abuses of minors perpetrated by clerics*, Città del Vaticano, 2011.

Congregation for the Doctrine of the Faith, *Norms concerning the most serious crimes*, Città del Vaticano 2012.

Pope Francis, *Homily. Holy Mass in the chapel of the Domus Sanctae Marthae with a group of clergy sex abuse victims*, Città del Vaticano 7 july 2014.

For this reason the General Administration has worked on the document I am sharing with you today. It contains a set of minimum standards to deal with critical issues that may result from our ministry with minors and with adults. These standards are meant to provide a common basis for each entity to work towards developing its policy and procedures. Reference to these standards will ensure a consistent Montfortian approach when dealing with issues concerning child abuse and sexual misconduct with adults.

We developed this document taking into consideration the recent practice of the Catholic Church inspired by the teaching of Pope Francis and of his predecessor Pope Benedict XVI, as well as the best practices of other religious congregations.

I first presented these standards during the June meeting in Rome. They were discussed by the confreres present and the suggestions made on that occasion have now been integrated into the final document I am sending you. On 25th September 2014, during a meeting of the General Council, the document was approved unanimously.

Dear confreres, the task ahead is very demanding and it is of paramount importance for the future of our Congregation. I therefore demand the full collaboration of each superior and of each confrere in meeting the requirements set by these standards. I ask the superiors to make sure that all confreres in their entities have access to this document and understand its scope and relevance.

It's important that in each entity we continue with determination on our journey towards a better understanding of the challenges posed by abuse in the church, so as to be able to develop an adequate pastoral response. The recent meeting of Pope Francis with people who survived an abuse by the clergy is a very powerful example of the care we all have to be capable of, if we want to be true to our mission as religious and priests.

Finally, I ask that in each entity you start to work without delay at the preparation of a policy for the protection of the vulnerable as mandated by our 2011 General Chapter. Each entity is asked to send a copy of their

4. Disciplinary procedures

In the case of sexual misconduct by a confrere, the imposition of canonical measures will be considered. This may include increased accountability and supervision, limitation in ministry and suspension.

5. A wellness plan

In the case of sexual misconduct, if the confrere wishes to continue in religious life, a wellness plan will be developed that should focus on the physical, emotional and spiritual aspects of his life.

V. Review of local policies and the Review Board

1. Review of local policies by the General Administration

Prior to promulgation the Superior of each entity will submit to the General Administration the draft policy for assessment and approval.

2. Establishing a Committee for policies review and a Review Board

- a) In due time a *Policy Review Committee* will be created to assist the General Superior and his Council in assessing the individual policies of each entity before promulgation.
- b) A permanent *Review Board* will also be created, which will assist both the Local Administrations and the General Administration in dealing with cases of sexual abuse of minors.

Fr. Santino Brembilla, S.M.M.
Superior General

Fr J. Raja Rao Thelagathoti, S.M.M.
Secretary

provide the confrere with the opportunity for personal conversion, therapy and rehabilitation.

4. Disciplinary procedures

- a) Any confrere, ordained cleric or a brother, who abused a minor will be removed from public ministry.
- b) For confreres who abused minors, canonical sanctions will have to be considered, which may include - in the case of an ordained confrere - suspension and, in some cases, laicization.

IV. Standards concerning sexual misconduct with adults

1. Definitions

- a) For the purpose of these standards, the term “*sexual misconduct*” refers to an activity of sexual nature or having a sexual end, which involves a confrere and an adult.
- b) By virtue of a pastoral relationship, all activities of sexual nature or having a sexual end, between a confrere and an adult in the context of ministry should be considered a form of abuse, and this regardless of who initiated the contact.

2. Reporting in writing to the General Superior

The Superior of each entity is required to report in writing to the General Administration old and current cases of sexual misconduct by a confrere. In addition they should report new cases should they arise.

3. Pastoral care

In the process of dealing with sexual misconduct by a confrere, great attention will be given to offering people involved a proper pastoral care and the support they may need.

completed policy to the General Administration by the end of September 2015.

The testimony of our Father and Founder, Saint Louis of Montfort, should be our inspiration on this journey. He lived his life for God and for the people. At the moment of his departure he was celebrated as “*Father of the poor, Protector of orphans, Reconciler of sinners*” (Cf. Epitaph of the tomb of St Louis-Marie de Montfort). Let his example be a guiding star for each of us and for our communities all over the world.

As I thank you very much for your commitment and your dedication, I assure you of my continuous support and prayer.

In Jesus, Mary and Montfort,

Fr. Santino Brembilla, SMM
Superior General

*Rome, 7 October 2014,
Feast of Our Lady of the Rosary*

Protecting the Vulnerable

**Minimum standards
in dealing with cases of abuse of minors
and sexual misconduct with adults**

I. General and local policies

Following the indication of the General Chapter 2011, it was decided to have both a general and a local policy. The first will be valid for the whole congregation while the latter will serve as an orientation for the confreres of an entity.

II. Protection of minors and ethical behavior in ministry

Both the general and the local policies will include two aspects:

- a) Guidelines to ensure the protection of minors in the context of ministry and address cases of sexual abuse of minors committed by confreres.
- b) Guidelines to ensure ethical behavior of confreres in ministry and address cases of sexual misconduct with adults.

Each entity should develop its policy taking into consideration the guidelines issued by the local Conference of Bishops and by the Conference of Religious.

III. Standards concerning cases of sexual abuse of minors

1. Definitions

- a) **A minor** is a person under the age of eighteen years. For the purpose of these standards, the term “*minor*” also includes adults who habitually lack the use of reason and who, for this, are to be considered uniquely vulnerable (Congregation for the Doctrine of the Faith, *Norms concerning the most serious crimes*, art. 6).

- b) **Sexual abuse** includes contacts or interactions between a minor and an adult when the minor is being used as an object of sexual gratification for the adult. A minor is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the minor, and whether or not there is discernible harmful outcome for the minor.

2. Reporting abuse allegations to authorities

- a) **Reporting to civil authorities.** If allegations against a confrere involve sexual activity with a minor or any other criminal activities, the reporting requirements of the country where the community operates should be followed thoroughly and without delay.
- b) **Reporting in writing to the General Superior.** The Superior of each entity is required to report in writing to the General Administration old and current cases of allegations of sexual abuse of minors by a confrere. In addition they should report new cases as they arise.
- c) **Reporting to the CDF.** Cases concerning sexual abuse of minors by an ordained confrere will be reported to the Congregation for the Doctrine of the Faith (Congregation for the Doctrine of the Faith, *Norms concerning the most serious crimes*, art. 16).

3. Pastoral care

- a) **Taking allegations seriously.** Allegations of sexual abuse of minors made against a confrere should be taken seriously and promptly addressed by the religious superior.
- b) **Victims come first.** In the process of dealing with sexual abuse of minors by a confrere, great attention will be given to assuring the safety of the victims and to offering them proper pastoral care and the professional help they may need.
- c) **A safety program.** For a confrere who abused a minor a safety program will be developed, to prevent future occurrences and