

A Continuous and Profound Conversion *of* Hearts

Vos estis lux mundi

Directives for the
Implementation of the
Provisions of *Vos estis lux
mundi* Concerning Bishops
and Their Equivalents

Affirming Our
Episcopal Commitments

Protocol Regarding
Available Non-Penal
Restrictions on Bishops



VOS ESTIS LUX MUNDI

Pope Francis, Holy See

May 7, 2019

APOSTOLIC LETTER ISSUED MOTU PROPRIO
BY THE SUPREME PONTIFF FRANCIS

“**Y**ou are the light of the world. A city set on a hill cannot be hidden” (Mt 5:14). Our Lord Jesus Christ calls every believer to be a shining example of virtue, integrity and holiness. All of us, in fact, are called to give concrete witness of faith in Christ in our lives and, in particular, in our relationship with others.

The crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church’s mission. This becomes possible only with the grace of the Holy Spirit poured into our hearts, as we must always keep in mind the words of Jesus: “Apart from me you can do nothing” (Jn 15:5). Even if so much has already been accomplished, we must continue to learn from the bitter lessons of the past, looking with hope towards the future.

This responsibility falls, above all, on the successors of the Apostles, chosen by God

to be pastoral leaders of his People, and demands from them a commitment to follow closely the path of the Divine Master. Because of their ministry, in fact, Bishops, “as vicars and legates of Christ, govern the particular churches entrusted to them by their counsel, exhortations, example, and even by their authority and sacred power, which indeed they use only for the edification of their flock in truth and holiness, remembering that he who is greater should become as the lesser and he who is the chief become as the servant” (Second Vatican Council, Dogmatic Constitution *Lumen Gentium*, no. 27). What more closely concerns the successors of the Apostles concerns all those who, in various ways, assume ministries in the Church, or profess the evangelical counsels, or are called to serve the Christian People. Therefore, it is good that procedures be

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universally adopted to prevent and combat these crimes that betray the trust of the faithful.

I desire that this commitment be implemented in a fully ecclesial manner, so that it may express the communion that keeps us united, in mutual listening and open to the contributions of those who care deeply about this process of conversion.

Therefore, I decree:

TITLE I General Provisions

Article 1: Scope of Application

§1. These norms apply to reports regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life and concerning:

- a) delicts against the sixth commandment of the Decalogue consisting of:
 - i. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
 - ii. performing sexual acts with a minor or a vulnerable person;
 - iii. the production, exhibition, possession or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions;
- b) conduct carried out by the subjects referred to in article 6, consisting

of actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the delicts referred to in letter a) of this paragraph.

§2. For the purposes of these norms,

- a) “minor” means: any person under the age of eighteen, or who is considered by law to be the equivalent of a minor;
- b) “vulnerable person” means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense;
- c) “child pornography” means: any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes.

Article 2: Reception of Reports and Data Protection

§1. Taking into account the provisions that may be adopted by the respective Episcopal Conferences, by the Synods of the Bishops of the Patriarchal Churches and the Major Archiepiscopal Churches, or by the Councils of Hierarchs of the Metropolitan Churches *sui iuris*, the Dioceses or the Eparchies, individually or together, must establish within a year from the entry into force of these norms, one or more public, stable and easily accessible

systems for submission of reports, even through the institution of a specific ecclesiastical office. The Dioceses and the Eparchies shall inform the Pontifical Representative of the establishment of the systems referred to in this paragraph.

§2. The information referred to in this article is protected and treated in such a way as to guarantee its safety, integrity and confidentiality pursuant to canons 471, 2° CIC and 244 §2, 2° CCEO.

§3. Except as provided for by article 3 §3, the Ordinary who received the report shall transmit it without delay to the Ordinary of the place where the events are said to have occurred, as well as to the Ordinary of the person reported, who proceed according to the law provided for the specific case.

§4. For the purposes of this title, Eparchies are equated with Dioceses and the Hierarch is equated with the Ordinary.

Article 3: Reporting

§1. Except as provided for by canons 1548 §2 CIC and 1229 §2 CCEO, whenever a cleric or a member of an Institute of Consecrated Life or of a Society of Apostolic Life has notice of, or well-founded motives to believe that, one of the facts referred to in article 1 has been

“The report shall include as many particulars as possible, such as indications of time and place of the facts.”

committed, that person is obliged to report promptly the fact to the local Ordinary where the events are said to have occurred or to another Ordinary among those referred to in canons 134 CIC and 984 CCEO, except for what is established by §3 of the present article.

§2. Any person can submit a report concerning the conduct referred to in article 1, using the methods referred to in the preceding article, or by any other appropriate means.

§3. When the report concerns one of the persons indicated in article 6, it is to be addressed to the Authority identified based upon articles 8 and 9. The report can always be sent to the Holy See directly or through the Pontifical Representative.

§4. The report shall include as many particulars as possible, such as indications of time and place of the facts, of the persons involved or informed, as well as any other circumstance that may be useful in order to ensure an accurate assessment of the facts.

§5. Information can also be acquired *ex officio*.

Article 4: Protection of the Person Submitting the Report

§1. Making a report pursuant to article 3 shall not constitute a violation of office confidentiality.

§2. Except as provided for by canons 1390 CIC and 1452 and 1454 CCEO, prejudice, retaliation or discrimination as a consequence of having submitted a report is prohibited and may constitute the conduct referred to in article 1 §1, letter b).

§3. An obligation to keep silent may not be imposed on any person with regard to the contents of his or her report.

Article 5: Care for Persons

§1. The ecclesiastical Authorities shall commit themselves to ensuring that those who state that they have been harmed, together with their families, are to be treated with dignity and respect, and, in particular, are to be:

- a) welcomed, listened to and supported, including through provision of specific services;
- b) offered spiritual assistance;
- c) offered medical assistance, including therapeutic and psychological assistance, as required by the specific case.

§2. The good name and the privacy of the persons involved, as well as the confidentiality of their personal data, shall be protected.

TITLE II Provisions Concerning Bishops and Their Equivalents

Article 6: Subjective Scope of Application

The procedural norms referred to in this title concern the conduct referred to in

“Those who state that they have been harmed, together with their families, are to be treated with dignity and respect.”

article 1, carried out by:

- a) Cardinals, Patriarchs, Bishops and Legates of the Roman Pontiff;
- b) clerics who are, or who have been, the pastoral heads of a particular Church or of an entity assimilated to it, Latin or Oriental, including the Personal Ordinariates, for the acts committed *durante munere*;
- c) clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed *durante munere*;
- d) those who are, or who have been, supreme moderators of Institutes of Consecrated Life or of Societies of Apostolic Life of Pontifical right, as well as of monasteries *sui iuris*, with respect to the acts committed *durante munere*.

Article 7: Competent Dicastery

§1. For the purposes of this title, “competent Dicastery” means the Congregation for the Doctrine of the Faith, regarding the delicts reserved to it by the norms in force, as well as, in all other cases and as far as their respective jurisdiction is concerned, based on the proper law of the Roman Curia:

- the Congregation for the Oriental Churches;
- the Congregation for Bishops;
- the Congregation for the Evangelization of Peoples;
- the Congregation for the Clergy;
- the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.

§2. In order to ensure the best coordination, the competent Dicastery informs the Secretariat of State, and the other Dicasteries directly concerned, of the report and the outcome of the investigation.

§3. The communications referred to in this title between the Metropolitan and the Holy See take place through the Pontifical Representative.

Article 8: Procedure Applicable in the Event of a Report Concerning a Bishop of the Latin Church

§1. The Authority that receives a report transmits it both to the Holy See and to the Metropolitan of the Ecclesiastical Province where the person reported is domiciled.

§2. If the report concerns the Metropolitan, or the Metropolitan See is vacant, it shall be forwarded to the Holy See, as well as to the senior suffragan Bishop by promotion, to whom, if such is the case, the following provisions regarding the Metropolitan apply.

§3. In the event that the report concerns a Papal Legate, it shall be transmitted directly to the Secretariat of State.

Article 9: Procedure Applicable to Bishops of Eastern Catholic Churches

§1. Reports concerning a Bishop of a Patriarchal, Major Archiepiscopal or Metropolitan Church *sui iuris* shall be forwarded to the respective Patriarch, Major Archbishop or Metropolitan of the Church *sui iuris*.

§2. If the report concerns a Metropolitan of a Patriarchal or Major Archiepiscopal Church, who exercises his office within the territory of these Churches, it is forwarded to the respective Patriarch or Major Archbishop.

§3. In the preceding cases, the Authority who receives the report shall also forward it to the Holy See.

§4. If the person reported is a Bishop or a Metropolitan outside the territory of the Patriarchal, the Major Archiepiscopal or the Metropolitan Church *sui iuris*, the report shall be forwarded to the Holy See.

§5. In the event that the report concerns a Patriarch, a Major

Archbishop, a Metropolitan of a Church *sui iuris* or a Bishop of the other Eastern Catholic Churches *sui iuris*, it shall be forwarded to the Holy See.

§ 6. The following provisions relating to the Metropolitan apply to the ecclesiastical Authority to which the report is to be forwarded based on this article.

“Unless the report is manifestly unfounded, the Metropolitan immediately requests, from the competent Dicastery, that he be assigned to commence the investigation.”

Article 10: Initial Duties of the Metropolitan

§1. Unless the report is manifestly unfounded, the Metropolitan immediately requests, from the competent Dicastery, that he be assigned to commence the

investigation. If the Metropolitan considers the report manifestly unfounded, he shall so inform the Pontifical Representative.

§2. The Dicastery shall proceed without delay, and in any case within thirty days from the receipt of the first report by the Pontifical Representative or the request for the assignment by the Metropolitan, providing the appropriate instructions on how to proceed in the specific case.

Article 11: Entrusting the Investigation to a Person Other than the Metropolitan

§1. If the competent Dicastery considers it appropriate to entrust the investigation to a person other than the Metropolitan, the Metropolitan is so informed. The Metropolitan delivers all relevant information and documents to the person appointed by the Dicastery.

§2. In the case referred to in the previous paragraph, the following provisions relating to the Metropolitan apply to the person charged with conducting the investigation.

Article 12: Carrying Out the Investigation

§1. Once he has been appointed by the competent Dicastery and acting in compliance with the instructions received, the Metropolitan, either personally or through one or more suitable persons:

- a) collects relevant information regarding the facts;
- b) accesses the information and documents necessary for the purpose of

the investigation kept in the archives of ecclesiastical offices;

- c) obtains the cooperation of other Ordinaries or Hierarchs whenever necessary;
- d) requests information from individuals and institutions, including civil institutions, that are able to provide useful elements for the investigation.

§2. If it is necessary to hear from a minor or a vulnerable person, the Metropolitan shall adopt appropriate procedures, which take into account their status.

§3. In the event that there are well-founded motives to conclude that information or documents concerning the investigation are at risk of being removed or destroyed, the Metropolitan shall take the necessary measures for their preservation.

§4. Even when making use of other persons, the Metropolitan nevertheless

remains responsible for the direction and conduct of the investigation, as well as for the timely execution of the instructions referred to in article 10 §2.

§5. The Metropolitan shall be assisted by a notary freely appointed pursuant to canons 483 §2 CIC and 253 §2 CCEO.

“The Metropolitan nevertheless remains responsible for the direction and conduct of the investigation, as well as for the timely execution of the instructions.”

§6. The Metropolitan is required to act impartially and free of conflicts of interest. If he considers himself to be in a conflict of interest or is unable to maintain the necessary impartiality to guarantee the integrity of the investigation, he is obliged to recuse himself and report the circumstance to the competent Dicastery.

§7. The person under investigation enjoys the presumption of innocence.

§ 8. The Metropolitan, if requested by the competent Dicastery, informs the person of the investigation concerning him / her, hears his / her account of the facts and invites him / her to present a brief in defense. In such cases, the investigated person may be assisted by legal counsel.

§9. Every thirty days, the Metropolitan sends a status report on the state of the investigation to the competent Dicastery.

Article 13: Involvement of Qualified Persons

§1. In accordance with any eventual directives of the Episcopal Conference, of the Synod of Bishops or of the Council of Hierarchs regarding how to assist the Metropolitan in conducting the investigation, the Bishops of the respective Province, individually or together, may establish lists of qualified persons from which the Metropolitan may choose those most suitable to assist in the investigation, according to the needs of the individual case and, in particular, taking into account the cooperation that can be offered by the lay faithful pursuant to canons 228 CIC and 408 CCEO.

§2. The Metropolitan, however, is free to choose other equally qualified persons.

§3. Any person assisting the Metropolitan in the investigation is required to act impartially and must be free of conflicts of interest. If he considers himself to be in a conflict of interest or be unable to maintain the necessary impartiality required to guarantee the integrity of the investigation, he is obliged to recuse himself and report the circumstances to the Metropolitan.

§4. The persons assisting the Metropolitan shall take an oath to fulfill their charge properly.

Article 14: Duration of the Investigation

§1. The investigation is to be completed within the term of ninety days or within a term otherwise provided for by the instructions referred to in article 10 §2.

§2. Where there are just reasons, the Metropolitan may request that the competent Dicastery extend the term.

Article 15: Precautionary Measures

Should the facts or circumstances require it, the Metropolitan shall propose to the competent Dicastery the adoption of provisions or appropriate precautionary measures with regard to the person under investigation.

Article 16: Establishment of a Fund

§1. Ecclesiastical Provinces, Episcopal Conferences, Synods of Bishops and Councils of Hierarchs may create a fund, to be established according to the norms of canons 116 and 1303 §1, 1° CIC and 1047

CCEO and administered according to the norms of canon law, whose purpose is to sustain the costs of the investigations.

§2. At the request of the appointed Metropolitan, the funds necessary for the purpose of the investigation are made available to him by the administrator of the fund; the Metropolitan remain duty-bound to present an account to the administrator at the conclusion of the investigation.

Article 17: Transmission of the Documents and the Votum

§1. Having completed the investigation, the Metropolitan shall transmit the acts to the competent Dicastery, together with his *votum* regarding the results of the investigation and in response to any queries contained in the instructions issued under article 10 §2.

§2. Unless there are further instructions from the competent Dicastery, the faculties of the Metropolitan cease once the investigation is completed.

§3. In compliance with the instructions of the competent Dicastery, the Metropolitan, upon request, shall inform the person who has alleged an offense, or his/her

legal representatives, of the outcome of the investigation.

Art. 18: Subsequent Measures

Unless it decides to provide for a supplementary investigation, the competent Dicastery proceeds in accordance with the law provided for the specific case.

Art. 19: Compliance with State Laws

These norms apply without prejudice to the rights and obligations established in each place by state laws, particularly those concerning any reporting obligations to the competent civil authorities.

The present norms are approved ad experimentum for three years.

I establish that the present Apostolic Letter in the form of Motu Proprio be promulgated by means of publication in the Osservatore Romano, entering into force on 1 June 2019, and then published in the Acta Apostolicae Sedis.

Given in Rome, at Saint Peter's, on 7 May 2019, the seventh year of my Pontificate.

Franciscus



Directives for the Implementation of the Provisions of *Vos estis lux mundi* Concerning Bishops and Their Equivalents

The document *Directives for the Implementation of the Provisions of Vos estis lux mundi Concerning Bishops and Their Equivalents* was developed by the Committee on Canonical Affairs and Church Governance of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of bishops as a formal statement of the same at its June 2019 General Meeting and has been authorized for publication by the undersigned.

Msgr. J. Brian Bransfield, STD
General Secretary, USCCB

In the preamble to his Apostolic Letter issued *motu proprio Vos estis lux mundi*, Pope Francis states: “The crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church.” The responsibility to prevent and confront such crimes in the Church, the Holy Father further declares, “falls, above all, on the successors of the Apostles, chosen by God to be pastoral leaders of his People, and demands from them a commitment to follow closely the path of the Divine Master.”

Recognizing the desire of Pope Francis that “this commitment be implemented in a fully ecclesial manner,” the bishops of the United States reaffirm that, “While bishops are ordained primarily for their diocese or eparchy, we are called as well to protect the unity and to promote the common discipline of the whole Church (CIC, c. 392; CCEO, c. 201). Participating in the college of bishops, each bishop is responsible to act in a manner that reflects both effective and affective collegiality.”¹

These supplemental directives establish how the bishops in the United States of America² ought to implement *Vos estis lux mundi* with respect to the receipt of reports and the investigation of the conduct referred to in Article 1³ concerning bishops

1 USCCB, *A Statement of Episcopal Commitment*, in *Charter for the Protection of Children and Young People* (Washington, DC: United States Conference of Catholic Bishops, 2018), 38.

2 In cases where the report concerns the Metropolitan or the Metropolitan See is vacant, these directives are to assist the suffragan bishop senior by promotion. For Eastern Catholics who do not have a Metropolitan in the United States, reports can be made directly to the Apostolic See or through the Apostolic Nuncio. The Apostolic See will authorize the procedure to be followed for the investigation.

3 All references to the *motu proprio Vos estis lux mundi* will cite only the Article by number throughout this document.

and those equivalent to bishops in canon law. Moreover, for the purposes of these directives, a Metropolitan who wishes to access additional resources to accomplish the directives effectively, may seek to associate with another province for carrying them out.

1. In accord with Article 2 §1, in order to establish a “public, stable and easily accessible” system for the submission of reports, every province should publish broadly in printed form, online, and other media means by which reports pursuant to Article 1 of the *motu proprio* can be conveyed to the proper Metropolitan. Such means include the third-party reporting mechanism to be arranged for by the United States Conference of Catholic Bishops, implemented by the Metropolitan See, and published by each diocese. In addition, each Metropolitan, in consultation with the suffragan bishops, should appoint on a stable basis, even by means of an ecclesiastical office (see Article 2 §1), a qualified lay person to receive reports of conduct about bishops referred to in Article 1. The responsibilities of the appointed lay person are the following:
 - a. Engaging and interacting with the third-party entity arranged for nationally by the USCCB to receive reports;
 - b. Receiving reports on behalf of the Metropolitan either through the third-party entity

- c. or those made directly to the Metropolitan;
 - c. Informing the public about how to report cases involving bishops;
 - d. Advising the Metropolitan on whether a report is manifestly unfounded pursuant to Article 10 §1, and on his compliance with applicable civil laws requiring reports to civil authorities in accord with Article 19;
 - e. Gathering any needed additional information from the one making the report in the event there is a need for clarification about details that are time, place, and person specific.
2. Pursuant to Articles 3 and 19, any Metropolitan who receives a report related to Article 1 will promptly comply with all applicable civil laws with respect to making reports to civil authorities and will cooperate in any eventual investigation opened by civil authorities. The Metropolitan will support the right for one to make his or her own report to public authorities, and will advise and encourage those affected to do so.⁴ If the Metropolitan receives a request from civil authorities to suspend his investigation in deference to an investigation being conducted by civil authorities, the Metropolitan will immediately notify the competent Dicastery of the Apostolic See.
 3. In cases in which a Metropolitan receives a report that pertains to

⁴ See USCCB, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, Norm 11, and USCCB, *Charter for the Protection of Children and Young People*, Article 4.

another Metropolitan's jurisdiction, he will forward it expeditiously to the competent Metropolitan and to the Apostolic See through the Apostolic Nuncio.

4. In accord with Article 5, each Metropolitan is to establish, maintain, and supervise competent persons to coordinate assistance for the immediate pastoral care of those persons who claim to have been harmed pursuant to Article 1. Those coordinating such assistance should provide a copy of the *motu proprio Vos estis lux mundi*, as well as these directives, to those persons who claim to have been harmed.

5. In accord with Article 12 §1, once the Metropolitan has received authorization from the competent Dicastery of the Apostolic See to investigate, and with due regard for his charge to oversee the process, the Metropolitan should appoint an investigator chosen from among the lay persons identified previously by the province.

In accord with Article 13 §§1-2, the Metropolitan, in consultation with the investigator, should also make use

of other qualified experts (likewise appointed by the Metropolitan) chosen predominantly from among lay persons who are called upon in view of the nature of the report and the expertise needed to examine it.

6. As noted above, and pursuant to Article 13 §1, the bishops of the province should prepare a list of expert individuals, whom a Metropolitan may utilize when conducting the investigation himself or through others and assessing the results of that investigation. In an effort to assure the effectiveness of the process, persons expert in relevant fields, such as law enforcement, criminal investigation, civil law, canon law, psychology and social work, should be identified.
7. In accord with Article 12 §6, if a report of a conflict of interest or lack of impartiality is brought to the attention of the Metropolitan, or if he considers himself to be in a conflict of interest or is unable to maintain impartiality, he should promptly inform the competent Dicastery of the Apostolic See of the report, along with his response.

Likewise, in accord with Article 13 §3, if a report of a conflict of interest or lack of impartiality is brought against the investigator, experts or notary appointed by the Metropolitan, the Metropolitan should be informed of the fact immediately.

A Metropolitan should inform all persons involved in the investigation: (a) of the process by which they may notify the Metropolitan of a claim that he, or any person who is assisting him

“The Metropolitan should appoint an investigator chosen from among the lay persons identified previously by the province.”

in the investigation, may have a conflict of interest; and (b) that an unsuccessful claim of conflict of interest will not result in prejudice, retaliation, or discrimination against the claimant.

8. With regard to Article 16 §1, each province ought to determine the appropriate means by which it will establish a fund, should it choose to do so, or how it will otherwise allocate costs for the investigation of reports received and for the pastoral care of those who might have been harmed.
9. In accord with Article 17 §1, at the conclusion of the investigation, the Metropolitan is to transmit to the competent Dicastery of the Apostolic See, through the Apostolic Nuncio, his *votum* and the acts of the investigation, including the names and titles of the individuals from the expert list who were chosen to assist in the process,

as well as any other documents he deems pertinent.

10. With due regard for Article 17 §3, the Metropolitan should inquire of the competent Dicastery whether and how the person who made the report and whether the public can be informed of the outcome of the investigation. The Metropolitan should also inform the person making the report of the protections provided in Article 4 §2.
11. In furtherance of the presumption of innocence enjoyed by the bishop (Art. 12 §7), all appropriate steps are to be taken to protect the reputation of the person under investigation, to assure the exercise of other rights afforded him under canon law, and to restore his good name if it has been illegitimately harmed.

These directives will be reviewed every three years by the United States Conference of Catholic Bishops.



Affirming Our Episcopal Commitments

THUS SHOULD ONE REGARD US: AS SERVANTS OF CHRIST
AND STEWARDS OF THE MYSTERIES OF GOD. NOW IT IS OF COURSE
REQUIRED OF STEWARDS THAT THEY BE FOUND TRUSTWORTHY (1 COR 4:1-2).

The document *Affirming Our Episcopal Commitments* was developed by the Committee on Clergy, Consecrated Life and Vocations of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of bishops as a formal statement of the same at its June 2019 General Meeting and has been authorized for publication by the undersigned.

Msgr. J. Brian Bransfield, STD
General Secretary, USCCB

The authority and responsibilities of a bishop arise fundamentally from the grace of the sacrament of Holy Orders. For the bishop to exercise his authority and responsibilities properly, however, he must be conformed to the heart of Christ, who “humbled himself” for our sake (Phil 2:8). “In the exercise of sacred power, the bishop must show himself to be rich in humanity in imitation of Jesus, the perfect man. To this end, his conduct should radiate those virtues and human gifts which arise from charity and are rightly valued in our society. These gifts and human virtues bear fruit in pastoral prudence, in wise care of souls and in good governance” (*Apostolorum successores*, 2004, no. 47).

In keeping with the promises made at his episcopal ordination, a bishop is to guide others to holiness, to welcome the stranger, the poor, and all those in need. He is to act as a good shepherd, especially attentive to those on the peripheries. Some bishops have failed in keeping to these promises by committing acts of sexual abuse or

sexual misconduct themselves. Others have failed by not responding morally, pastorally, and effectively to allegations of abuse or misconduct perpetrated by other bishops, priests and deacons. Because of these failures, the faithful are outraged, horrified, and discouraged.

We, the bishops of the United States, have heard the anger expressed by so many within and outside of the Church over these failures. The anger is justified; it has humbled us, prompting us into self-examination, repentance, and a desire to do better. We will continue to listen.

Today, in a spirit of pastoral responsibility and contrition, we affirm once more the commitments we made when we

“In keeping with the promises made at his episcopal ordination, a bishop is to guide others to holiness, to welcome the stranger, the poor, and all those in need.”

were ordained bishops, including the commitments to respond directly and appropriately to cases of sexual abuse of minors or vulnerable persons, sexual misconduct, and the mishandling of such cases by bishops. “This responsibility falls, above all, on the successors of the Apostles... and demands from [us] a commitment to follow closely the path of the Divine Master” (*Vos estis lux mundi*, 2019, preamble).

1. We will continue to reach out to the victims/survivors of sexual abuse by the clergy and their families in support of their spiritual and emotional well-being. Realizing that we might not always be the best suited to offer such care, we will do all that is within our authority and ability to help victims/survivors find the care and healing they need.
2. We pledge our full support for and adherence to the provisions outlined in the Holy Father’s Apostolic Letter *motu proprio, Vos estis lux mundi*, which holds bishops accountable to higher moral standards because the pastoral care of the faithful has been entrusted to them.

“We will continue to reach out to the victims/survivors of sexual abuse by the clergy and their families in support of their spiritual and emotional well-being.”

3. We will promote and disseminate widely—in our churches, seminaries, diocesan or eparchial newspapers, parish bulletins, websites, social media, and other appropriate venues—information on how a person can report to an independent, third-party entity any instances of the sexual abuse of a minor or vulnerable persons by a bishop. While safeguarding confidentiality of all persons involved, every effort will be made toward transparency and keeping the person submitting the report, and when permitted the accused, apprised of the status of the case.
4. We are also committed, when we receive or when we are authorized to investigate such cases, to include the counsel of lay men and women whose professional backgrounds are indispensable.
5. We will amend, where necessary, our diocesan or eparchial codes of conduct for ministers so that they state unequivocally that they apply to bishops as well as to all those serving the Church in our diocese or eparchy.
6. We will also make sure that these codes of conduct contain clear explanations as to what constitutes sexual misconduct with adults as well as what constitutes sexual harassment of adults.
7. Both our Baptism and ordination call us to chaste living. We will be always mindful that there can be no “double life,” no “special circumstances,” no “secret life” in the practice of chastity.

8. “The bishop cannot ignore or leave undone the task of holding up to the world the great truth of a holy and chaste Church, in her ministers and in her faithful. When situations of scandal [and sin] arise, especially on the part of the Church’s ministers,” we promise to “act firmly and decisively, justly and serenely” (*Apostolorum successores*, no. 44). We commit ourselves “to ensuring that those who state that they have been harmed, together with their families, are to be treated with dignity and respect, and, in particular, are to be: welcomed, listened to and supported, including through provision of specific services; offered spiritual assistance; offered medical assistance, including therapeutic and psychological assistance, as required by the specific case” (*Vos estis lux mundi*, art. 5, §1).

We understand “scandal” not only in terms of how such allegations damage the image of the Church, but more so in how such sinful behavior injures the victim and causes others to lose faith in the Church. Our first response will be to provide for the pastoral care of the person who is making the allegation, as well as follow the established church and civil procedures to investigate. This will be done in cooperation with lay experts and civil authorities.

9. We will “participate, whenever possible, in formation gatherings

arranged by various ecclesial bodies” (*Apostolorum successores*, no. 54), especially those offered by the USCCB, in regard to best practices in preventing and dealing with sexual abuse of minors and vulnerable persons, and sexual misconduct with or sexual harassment of adults, seeking the help of experts in these fields.

10. Finally, when proposing names for the office of bishop, we will offer candidates truly suitable for the episcopacy. “For a bishop as God’s steward must be blameless, not arrogant, not irritable, not a drunkard, not aggressive, not greedy for sordid gain, but hospitable, a lover of goodness, temperate, just, holy, and self-controlled...” (Titus 1:7-8).

In his personal letter to the U.S. bishops in January 2019, Pope Francis reminded us that the consequences

of our failures cannot be fixed by being administrators of new programs or committees. They can only be resolved by humility, listening, self-examination, and conversion. It is our hope that by obeying the Word of God and embracing what the Church expects of us, we will imitate Christ, the Good Shepherd.

“We will imitate Christ, the Good Shepherd.”



Protocol Regarding Available Non-Penal Restrictions on Bishops

The document *Protocol Regarding Available Non-Penal Restrictions on Bishops* was developed by the Committee on Canonical Affairs and Church Governance of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of bishops as a formal statement of the same at its June 2019 General Meeting and has been authorized for publication by the undersigned.

Msgr. J. Brian Bransfield, STD
General Secretary, USCCB

1. During his Apostolic Journey to the United States, Pope Francis spoke these words to victims of sexual abuse by members of the clergy, words that must urgently become and remain our own: "I deeply regret that some bishops failed in their responsibility to protect children. It is very disturbing to know that in some cases bishops even were abusers. I pledge to you that we will follow the path of truth wherever it may lead. Clergy and bishops will be held accountable when they abuse or fail to protect children."¹

Immediately following the meeting with victims, Pope Francis addressed these words to bishops:

"Clergy and bishops will be held accountable when they abuse or fail to protect children."

I am deeply pained by the stories, the sufferings and the pain of minors who were sexually abused by priests. I continue to be ashamed that persons charged with the tender care of those little ones abused them and caused them grave harm. I deeply regret this. God weeps.²

Pope Francis went on to say that the crime of sexual abuse of minors may no longer be kept hidden and he has committed to ensure that the Church makes every effort to protect minors, and promised that those responsible will be held to account. He likewise said,

Survivors of abuse have become true heralds of hope and ministers of mercy; humbly we owe our gratitude to each of them and to their families for their great courage in shedding the light of

¹ Francis, Meeting with Survivors of Sexual Abuse, September 27, 2015: *Origins* 45/19 (October 8, 2015) 341.

² Francis, Meeting with Bishops Taking Part in the World Meeting of Families, September 27, 2015: *Origins* 45/19 (October 8, 2015) 341.

Christ on the evil sexual abuse of minors.³

In issuing this Protocol, we affirm that the vast majority of bishops emeriti exercised their episcopal ministry with pastoral charity and for the good of the Church. Indeed, we echo the words of St. John Paul II that, “The whole Church has great respect for these our dear Brothers who are still important members of the College of Bishops, and is grateful for the pastoral service which they rendered and continue to render by putting their wisdom and experience at the disposal of the community.”⁴

At the same time, situations may arise that will require a diocesan bishop to take appropriate action for the good of souls, including the protection of victims, or for the unity of the local Church.

[T]hrough his paternal and watchful care, the Bishop cannot ignore or leave undone the task of holding up to the world the great truth of a holy and chaste Church, in her ministers and in her faithful. When situations of scandal arise, especially on the part of the Church’s ministers, the Bishop must act firmly and decisively, justly and serenely. In these lamentable cases, the Bishop is required to

act promptly, according to the established canonical norms, for the spiritual good of the persons involved, for the reparation of scandal, and for the protection and assistance of the victims.⁵

2. This Protocol provides for a manner of accountability for a bishop emeritus who resigned or was removed from his ecclesiastical office due to grave acts of commission or omission (as stipulated in the Code of Canon Law, the Apostolic Letter *motu proprio Sacramentorum sanctitatis tutela*, the Apostolic Letter *motu proprio As a Loving Mother*, and the Apostolic Letter *motu proprio Vos estis lux mundi*), or who subsequent to his resignation is found by competent ecclesiastical authority to have so acted or failed to act.⁶

This form of accountability would be implemented by the diocesan bishop who is his successor, a diocesan bishop in whose jurisdiction the bishop emeritus resides or in which he seeks to minister, or by the episcopal conference, within the existing limits of their authority, and in light of any measures already imposed by the Apostolic See.

3. The term “bishop emeritus” in this Protocol refers to any bishop (e.g., diocesan bishop, coadjutor bishop, auxiliary bishop) whose resignation from office has been accepted by the

3 Ibid.

4 John Paul II, Post-Synodal Apostolic Exhortation, *Pastores Gregis*, October 16, 2003, no. 59.

5 Congregation for Bishops, *Directory for the Pastoral Ministry of Bishops “Apostolorum Successores,”* February 22, 2004, no. 44.

6 Francis, *motu proprio As a Loving Mother*, Art. 1 §1, June 4, 2016: AAS 108 (2016) 715. English translation in *Origins* 46/9 (June 30, 2016) 132: “through negligence committed or through omission facilitated acts that have caused grave harm to others, either to physical persons or to the community as a whole. The harm may be physical, moral, spiritual or through the use of patrimony.”

Holy Father due to age,⁷ or for a grave cause,⁸ or who was removed from his office by the Holy Father for similar reasons, or who subsequent to his resignation is found by competent ecclesiastical authority to have so acted or failed to act. When an issue relates to a bishop emeritus who remains a member of the College of Cardinals, the diocesan bishop concerned will confer directly with the Apostolic Nuncio regarding the needs of the local Church and the exercise of any rights in law by that bishop emeritus.

4. The *Directory for the Pastoral Ministry of Bishops* stipulates that, “The relationship between the diocesan Bishop and the Bishop Emeritus should be marked by a fraternal spirit which flows from their membership in the one episcopal college, from their common apostolic mission, and also from their shared affection for the particular Church.”⁹ It then emphasizes a particular witness to this fraternal relationship when it says:

For his part, the Bishop Emeritus will be careful not to interfere in any way, directly or indirectly, in the governance of the diocese. He will want to avoid every attitude and relationship that could even hint at some kind of parallel authority to that of the diocesan Bishop, with damaging consequences for the pastoral life and unity of the diocesan community. To this end, the Bishop

Emeritus always carries out his activity in full agreement with the diocesan Bishop and in deference to his authority. In this way all will understand clearly that the diocesan Bishop alone is the head of the diocese, responsible for its governance.¹⁰

Therefore, in cases where a bishop emeritus’s resignation or removal was due to the sexual abuse of a minor,¹¹ sexual misconduct with an adult or grave negligence of office, or where subsequent to his resignation he was found by competent ecclesiastical authority to have so acted or failed to act, the diocesan bishop can, within the limits of canon law, restrict the bishop emeritus’s public ministry in the local Church. In such circumstances, the diocesan bishop, who is responsible for the affairs of the diocese, should also seek the cooperation of the bishop emeritus. Moreover, the bishop emeritus will at all times agree to adhere fully to all requests and directives of the diocesan bishop regarding his life and ministry inside and outside of the diocese of residence. The diocesan bishop will advise the bishop emeritus that the measures are for the good of those who have been harmed, the good of the bishop emeritus himself, the good of the Church, and the common good of all persons.

5. Should the bishop emeritus not agree to do so, however, the diocesan bishop

7 CIC, c. 401 §1.

8 CIC, c. 401 §2.

9 *Directory for the Pastoral Ministry of Bishops*, no. 226.

10 Ibid.

11 In cases where the sexual abuse of a minor was involved, *Sacramentorum sanctitatis tutela*, Art. 1 §2 applies.

can take measures within his competence, and strongly request further and swift intervention from the Apostolic See regarding matters outside his competence.

6. In all cases, the diocesan bishop will duly cooperate with civil authorities, including any reporting required by laws of the state, and will promptly notify the Apostolic See through the Apostolic Nuncio of all such steps.
7. In addition, the diocesan bishop will inform the bishop emeritus that public notice will be given of the situation and of any measures accepted by or applied to the bishop emeritus, recalling the promise of Pope Francis that those responsible will be held accountable. Prior to issuing such public notice, the diocesan bishop will inform the Apostolic Nuncio of his communications with the bishop emeritus, and will confer with the Apostolic Nuncio on the measures to be imposed. They may include a statement to the effect that the bishop emeritus does not represent the diocese in any fashion or act on its behalf, and he is not to make public statements about alleged offenses, since these could result in further harm to victims or be detrimental to the faithful. The diocesan bishop is likewise to inform his brother bishops of the matter through the President of the USCCB.
8. Although a bishop emeritus possesses the canonical right to preach the Word

of God everywhere, a diocesan bishop can expressly forbid it in particular cases within his diocese.¹² The diocesan bishop concerned can also request that the competent Dicastery of the Apostolic See extend this prohibition more broadly or deny the exercise of the right entirely.

9. The bishop emeritus also possesses the canonical right to administer the sacraments in accord with the provisions of universal law. However, a diocesan bishop can prohibit the bishop emeritus from conferring the sacrament of confirmation within the diocese by stating expressly that he has no permission to do so.¹³

The bishop emeritus possesses by law the faculty of hearing the confessions of the faithful anywhere in the world. Nevertheless, a diocesan bishop can deny this even to a bishop emeritus in a particular case.¹⁴ He can also request that the Apostolic See extend this restriction more broadly.

The bishop emeritus can be denied the delegation necessary to witness marriages.¹⁵

10. As the case may warrant, and within the limits of canon law, the diocesan bishop can request of the bishop emeritus, in writing, that he refrain from the public celebration of other sacraments or rites of the Church and, should the bishop emeritus refuse, the diocesan bishop can seek the intervention of the Apostolic See.

12 CIC, can. 763.

13 See CIC, can. 886 §2.

14 CIC, can. 967 §1, with due regard for the provision of CIC, can. 976.

15 See CIC, can. 1108 §1.

11. The bishop emeritus possesses certain canonical rights in relation to the particular Church. These, too, should always be exercised or fulfilled in the spirit of the fraternal bond that unites the diocesan bishop and the bishop emeritus in service to the Church and the faithful. This again includes adherence on the part of the bishop emeritus to the requests or directives of the diocesan bishop.

- a. "The Bishop Emeritus, if he so desires, may continue to live within the boundaries of the diocese which he served. If he has not made his own arrangements, the diocese must provide him with suitable accommodation."¹⁶ However, the diocesan bishop can provide specific accommodations in light of local circumstances and the situation of the bishop emeritus. Moreover, should the pastoral good of the diocese or the bishop emeritus himself demand it, the diocesan bishop can request that the Apostolic See provide that the bishop emeritus reside outside of the diocese.¹⁷
- b. The diocesan bishop should advise the bishop emeritus regarding his sustenance and retirement benefits. "The Bishop

Emeritus has the right to receive sustenance from the diocese in which he served."¹⁸ The USCCB has issued *Guidelines for the Provision of Sustenance to Bishops Emeriti*. This text is not normative. It is meant to be a resource for the diocesan bishop in determining suitable sustenance in light of the particular circumstances of the diocese and the bishop emeritus. Thus, the diocesan bishop can adjust the benefits given to a bishop emeritus. For instance, the diocesan bishop can decide that no funding for travel or secretarial assistance is to be provided.

- c. "The Bishop Emeritus has the right to be buried in his own cathedral church or, if he is a religious, in a cemetery belonging to his institute."¹⁹ However, the diocesan bishop will prudently decide based on local circumstances where the bishop emeritus will be buried.

12. Regarding the participation of the bishop emeritus in this Episcopal Conference, although the USCCB Statutes do not categorize bishops emeriti as members of the

¹⁶ *Directory for the Pastoral Ministry of Bishops*, no. 228 a). See also CIC, can. 402 §1.

¹⁷ CIC, can. 402 §1.

¹⁸ *Directory for the Pastoral Ministry of Bishops*, no. 228 b). See also CIC, can. 402 §2.

¹⁹ *Directory for the Pastoral Ministry of Bishops*, no. 228 d). See also CIC, can. 1242.

Conference,²⁰ they “are encouraged and invited to attend all sessions of the Plenary Assembly and to make available to the Conference their special wisdom and experience by speaking to issues at hand (AS 17).” The President of the USCCB, in consultation with the Administrative Committee, can instruct the General Secretary that a bishop emeritus who resigned or was removed

from his office due to sexual abuse of minors, sexual misconduct with adults, or grave negligence in office, or who subsequent to his resignation was found by competent ecclesiastical authority to have so acted or failed to act, is not to be invited to attend the Plenary Assembly or to serve on any USCCB body.



20 The USCCB Statutes, in Article II, a) are clear on the membership of the conference. Article II, a) contains an exhaustive list of these members:

- 1) Bishops of the Latin and Eastern Catholic Churches who are diocesan and eparchial bishops, coadjutors, or auxiliaries in the service of the particular Churches in the United States or the U.S. Virgin Islands and who belong to no other episcopal conference (c. 450 §1; AS [Apostolos Suos] 17);
- 2) Bishops who are performing a special work entrusted to them by the Episcopal Conference or by the Apostolic See in the service of the Church in the United States or its territories and who belong to no other episcopal conference (AS 17);
- 3) Those equivalent to diocesan and eparchial bishops in law (CIC, cc. 381, 368; CCEO, cc. 178, 313).



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