

APPENDIX B

GENERAL PROCEDURES PROVIDED BY CANON LAW

- a. In a trial the evidence collected in the preliminary investigation is presented in a complaint or indictment, called a *libellus*, to a group of at least three priest judges appointed for this particular trial. At this point, the accused has the right: to know, at least in a general way, the nature of the behavior alleged to be sexual abuse and the evidence or proofs offered in support of this allegation (CIC canon 1504, 2°; and CCEO, canon 1187 2°); to be represented by counsel; to be heard at the appropriate times, to offer evidence in his own behalf, and to act otherwise in accord with the procedural norms of the canons.
- b. The case is prosecuted by the Promoter of Justice and the accused is represented by an Advocate whom he appoints or whom the judges must appoint if the accused fails to do so. The victim, the accused, and other persons may be asked to give testimony to the judges, who may also seek other proofs that they deem necessary to reach a decision. The judges have to consider whether the evidence presented establishes, with moral certainty, the fact of the sexual abuse of a minor, whether the accused actually committed the abuse, and the extent to which the guilt of the accused is increased or mitigated by the circumstances. The judges are required to reach a decision whether and to what extent the accused is guilty and, if guilty, what penalty is to be applied. Both the Promoter of Justice and the accused have the right to appeal a decision about guilt and about penalty. The appeal is taken immediately and only to the Congregation for the Doctrine of the Faith. Even if there is no appeal the decision of the judges must be submitted to the Congregation for the Doctrine of the Faith for approval.
- c. The Congregation may direct the bishop to proceed administratively, that is, by a decree, if the accused has admitted responsibility for the acts of which he was accused, and if dismissal from the clerical state is not being sought as a penalty for those acts. The accused should be advised to obtain canonical counsel if he has not already done so. The bishop in this process is to inform the accused of the accusation and proofs if this has not been done and to provide the accused with the opportunity for self-defense (CIC, canon 1720, and CCEO, canon 1486). The Promoter of Justice and an ecclesiastical notary who is a priest are to be present when the bishop/eparch or his delegate meets with the accused (CCEO, canon 1486). The bishop/eparch considers the matter with the assistance of two assessors (Canon 1720) and then issues a decree, explaining the reasons in law and in fact, to impose the penalty. The accused then has recourse against the decree only to the Congregation for the Doctrine of the Faith. Recourse must be taken within ten available days of receipt of the decree (CCEO, canon 1486, CIC, canon 1734).