

AMENDED MEMORANDUM OF UNDERSTANDING

This amended memorandum reflects the understanding of the Catholic Bishop of Chicago (the “Archdiocese”) and the State’s Attorneys of Cook and Lake Counties, Illinois (the “State’s Attorney”) regarding communication between the Archdiocese and the State’s Attorney of information related to allegations of sexual misconduct with minors by clerics. It amends the Memorandum of Understanding established in October 2003. Nothing in this memorandum is intended to change, waive, modify or diminish in any way the rights and obligations under the law of any of the parties, including the requirements of the Abused and Neglected Child Reporting Act (“ANCRA”). Rather, this memorandum is intended to facilitate the transmittal of information which might otherwise be subject to protracted legal process, in order that children are protected and the civil authorities have the information necessary to perform their legitimate duties.

Background

In 1993, the Archdiocese implemented its Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry (the “Policies”). Pursuant to the policies, archdiocesan employees and agents are required to report all allegations of clerical sexual misconduct with a minor as required by ANCRA and to the Professional Responsibility Administrator (the “Administrator”). The Administrator, in turn, is obligated to cooperate with civil authorities in any investigation (Policies § 1104.2). In 2003, the Congregation for Bishops approved a Charter for the Protection of Children and Young People and Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons. The Charter and Norms confirm that diocesan representatives are to report allegations of clerical sexual misconduct with minors to the appropriate authorities and cooperate with official investigations (Charter Article 4, Essential Norms §11).

Notification and Cooperation

Pursuant to the applicable laws, policies, charter and norms, the Administrator promptly will notify the State's Attorney in writing of any allegation of clerical sexual misconduct with a minor.¹ The report normally will include, to the extent known: the name, address, date of birth and age of the person making the allegation; the name, address, date of birth, ministry status and history of the cleric involved as well as current clerical status and current address; the date and location of the alleged occurrence, and any other information that may be available.

The report normally will be completed within 48-72 hours. If the report takes longer than 48-72 hours the State's Attorney will be notified of that fact. If the alleged victim is currently a minor, the report will take place immediately. The State's Attorney will receive and maintain the information in a secure manner reflecting that the information is preliminary and unverified.

The Archdiocese will cooperate with any investigation or request for further information by the State's Attorney or other law enforcement agency.

In the event the State's Attorney determines that no further investigation or action is warranted, the information provided by the Archdiocese and others will be kept confidential. If, in the judgement of the State's Attorney, a crime has been committed but prosecution is time-barred, that determination will be communicated to all of the parishes. In the event the State's Attorney conducts an investigation, the Archdiocese is not aware of the investigation and the investigation does not result in the filing of a criminal charge, the State's Attorney will inform the Archdiocese of the matter to the extent allowable by law in order that the Archdiocese may act to protect children.

¹ In the course of interviewing an individual making an allegation of sexual misconduct with a minor, the Administrator provides written information describing the individual's opportunity to report the matter to civil authorities. This information includes the name and contact information for the Department of Children and Family Services and the Cook and Lake County State's Attorneys.

In the event another agency, including but not limited to the Department of Children and Family Services, conducts an investigation the Archdiocese shall inform the State's Attorney of the existence of such investigation and/or action taken.

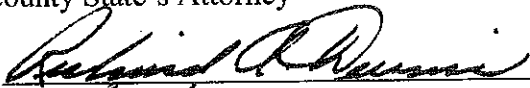
Legal Issues

In the event the Archdiocese is unable to provide certain information by reason of law or legal privilege, it will advise the State's Attorney that it is withholding information and the reason for doing so. If the parties are unable to resolve the question, the State's Attorney, in its sole discretion, may utilize legal process to compel production of the information and the Archdiocese may respond to that process as a legal matter. The parties recognize that in some cases a judicial determination may be necessary to resolve an issue and the parties agree to facilitate the review of such a matter by the appropriate court.


Conclusion

The Archdiocese will maintain a record of allegations referred to the State's Attorney. Representatives of the Archdiocese and State's Attorney will meet regularly to review and discuss any issues regarding the clarity of this understanding or effective transmittal of information. In the event the Archdiocese or State's Attorney determine to change its practice regarding anything described in this memorandum, it shall advise the other party of its intent to change and the reasons for it prior to effecting the change. If the parties agree to make a change in any practice described in the understanding, the change should be incorporated into the understanding in a writing signed by the parties.

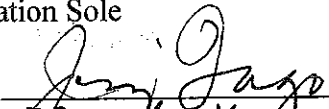
Richard A. Devine
Cook County State's Attorney

by: 
date: 3/17/06

Michael J. Waller
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by: 
date: 3-16-06

Catholic Bishop of Chicago, a
Corporation Sole

by: 
date: March 14, 2006

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