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MEMORANDUM OF UNDERSTANDING
REGARDING THE REPORTING OF
ALLEGATIONS OF SEXUAL ABUSE

DISTRICT
ATTORNEY

The United States Conference of Catholic Bishops has approved a "Charter for the Protection of Children and Young People" ("Charter"), and the Holy See has issued the decree of "Recognitio" for the Essential Norms published in connection with the Charter.

As part of its response to that Charter and the Essential Norms, and in cooperation with the District Attorneys of the eight counties that comprise the Diocese of Buffalo, this Memorandum of Understanding ("Memorandum") will address the issue of reports to public authorities of allegations of sexual abuse of persons under the age of seventeen (17) (hereinafter "minors").

This Memorandum imposes reporting requirements beyond those provided in New York State law. If the New York State Legislature changes the legal reporting requirements to include members of the clergy, the parties to this Memorandum shall make their best efforts to enter into another agreement, if they deem it necessary.

With this understanding, the following constitutes the agreement between Most Rev. Henry J. Mansell, Bishop of the Roman Catholic Diocese of Buffalo ("the Diocese"), and the District Attorneys of Erie County (Hon. Frank J. Clark), Niagara County

(Hon. Matthew J. Murphy), Orleans County (Hon. Joseph V. Cardone), Genesee County (Hon. Lawrence Friedman), Wyoming County (Hon. Gerald L. Stout), Allegany County (Hon. Terrence M. Parker), Cattaraugus County (Hon. Edward M. Sharkey), and Chautauqua County (Hon. James P. Subjack), regarding the handling of allegations of sexual abuse of minors within the Diocese:

1. Under the policy of the Diocese of Buffalo, all Diocesan and parish personnel, including Diocesan and parish employees and volunteers, who learn of an allegation of or suspect sexual abuse of a minor must report that allegation or suspicion to the Diocese.

2. The Diocese will forward any allegation of sexual abuse of a person who is a minor that is reported after the date of this Memorandum to the appropriate District Attorney without prior screening regarding the truth of the allegation. During any investigation by a District Attorney, the Diocese will cooperate in accordance with the law of the State of New York.

When the Diocese learns of an allegation of sexual abuse of a person who is a minor, the Diocese will notify the person making the allegation that the information will be forwarded to the District Attorney

by the Diocese. The Diocese will notify the appropriate District Attorney of any transfer or re-assignment of the individual against whom the allegation is made.

3. The report to the office of the District Attorney will include the following, if known by the reporter:

- (a) the name and address of the individual against whom the allegation is made;
- (b) the name, address, and telephone number of the minor;
- (c) the name, address, and telephone number of the person reporting the complaint; and
- (d) any facts concerning the complaint that are known to the reporter.

4. Upon receipt of an allegation of sexual abuse, the appropriate District Attorney will undertake an initial investigation and will report the results of its initial investigation to the Diocese within thirty (30) days. If the initial investigation is not completed within thirty (30) days, the office of the District Attorney will inform the Diocese of the additional time needed to complete the initial investigation.

5. The District Attorney will not disclose any reports, documents, or other information received from the Diocese regarding allegations of sexual abuse, except to prosecutorial or law enforcement officials and employees as required for purposes of the investigation.

6. The District Attorney will advise the Diocese of the results of its initial investigation, and, if no criminal charges are filed at that time, the District Attorney will return the originals of any reports, documents, or other materials forwarded by the Diocese during the course of the investigation.

7. Nothing in this Memorandum shall require any member of the clergy to divulge a confidential communication made in the course of the priest-penitent relationship; moreover, nothing in this Memorandum shall require the Diocese to report any allegation of sexual abuse made more than five (5) years after the event and more than five (5) years after the victim reaches the age of eighteen (18).

DATED: Buffalo, New York
October __, 2003

+ Henry J. Mansell
Most Rev. Henry J. Mansell
Bishop of Buffalo

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Hon. Edward M. Sharkey
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