

*6.0 PROTOCOL FOR RECONCILIATION
OF A PENITENT –AURICULAR CONFESSION*

Rationale:

The sexual abuse scandal of the latter decades of the previous millennium precipitated a serious intervention by the courts in the affairs of the church. Many states established mandatory reporting requirements for acts of sexual abuse and/or sexual harassment. The rationale given was that the needs of the victim outweighed the protections previously afforded by the church to those who committed these crimes.

Appropriate Role:

Inasmuch as the Anglican tradition stands within the Christian stream of catholicism, our practices of auricular confession have been impacted. Prior to the legal system's involvement in matters that were previously protected by the confessional seal, any act without regard to its criminality could be forgiven the truly repentant without legal involvement. The confessional seal was inviolate and this view of the confessional seal was generally supported by the laws of the land. The state did not intervene in the sacramental affairs of the church while it was demonstrating the ability to serve the wider society by exerting influence toward a just society. However, when clergy themselves were exposed as the perpetrators of crimes against children, many of them serially, the courts changed their view, which precipitated the mandatory reporting requirement. This effectively created two accountabilities from one: to Christ and His church on the one hand and to the wider society through the government mandate to report crime on the other. (Refer to the Note at the bottom of this Protocol to become appropriately informed of the Reporting Requirements of your state and prepare yourself to abide by them).

Our diocese is present in 7 states, so the protocol that is being proffered is designed to protect clergy and congregations in the state where the laws are the most restrictive from any misunderstanding of God's grace and how it is mediated in an environment which requires mandatory reporting of crimes. In practical terms, the government now allows for the church's role in mediating grace through Reconciliation of a Penitent (auricular confession) while also requiring the clergy person to report crimes as required by state statute.

Pre-Confession Preparation:

1. Research the laws of your state for understanding of the reporting requirements associated with crimes.
2. Separate in your mind the sacramental act as Christ's representative and your responsibility as a citizen of the state in which you are living. You are now accountable for both.



3. The BCP 79 offers both a formal and an informal process for this ordinance, so please be very familiar with both of them.
4. Locate the environment best suited for this ministry with an awareness that you must be in a place to be observed by others. It is best that the presbyter communicate the purpose of the appointment to the church administrator. Suggested environments include: Nave of the church building if that is available or an office with a window where the staff can observe without hearing what is being said or a classroom with similar observability. For accountability, it is helpful for the appointment to be clearly referenced in the presbyter's digital and/or desk calendar. Please do not hear confessions in one's home or at an hour where people to whom you are accountable are not nearby. For pastors who are serving in house church settings, this introduces a layer of complexity, so please speak to a pastor friend and arrange for use of an appropriate space in their building. Please publish in your regular communications documents the location where confessions may be heard.

Reconciliation of a Penitent (Auricular Confession Process):

1. When a penitent comes to the presbyter for auricular confession, please explain the process you will be using and refrain from moving forward until this section (1a-d) is thoroughly understood and you both have agreement:
 - a. First, the Pre-Confession Discussion, which is an informal interview, explaining the following:
 - i. God's grace is available to the truly repentant; assure them of God's mercy
 - ii. If a crime of sexual abuse is going to be confessed, you (the Presbyter) are required to report it, but your preference is that you be allowed to go with the person to the police department to help them report it; give them time to process and discuss this with you. If they tell you at this point what the crime is, you are not yet involved in the sacramental rite and, therefore, the confessional seal does not apply
 - iii. That you are willing to hear the confession given that the foregoing is understood and acceptable
 - b. Second, if the penitent chooses not to proceed with the confession or to communicate to you if a crime has been committed, then communicate that you will pray for him or her in hope that strength might be given to trust the Lord with the consequences associated with any crime that may have been committed. Again, give assurance of God's mercy for one who is truly penitent.
However, if the penitent chooses to proceed with the confession, the penitent needs to decide at this point if you will accompany him or her to the authorities to report or whether the person wants to tell you the crime prior to the initiation of the sacramental rite, thereby giving you the affirmation to report the crime. In either case, you may proceed by inviting him or her into a time of prayer when the confession is heard.



- c. Third, the Reconciliation of a Penitent rite, transition occurs when you will signal that you have moved to the sacramental moment by taking up the printed version of the sacramental rite and by placing on yourself a stole and gathering an oil stock if this is your practice, as well
 - d. Fourth, there will be a time of absolution which may be preceded or followed by healing prayer with the laying on of hands
2. Following this foregoing explanation, ask the person if he or she fully understands the process and be willing to answer any questions that the penitent may have. If there are none, then you may proceed with the process that is outlined above.
 3. When the absolution is given for confession of a crime of sexual abuse, then take the steps mentioned in 1b that were agreed to prior to hearing the confession. Either phone or drive to the local police station with the penitent and be with him or her while the penitent communicates to the authorities what he or she has done or, with the understanding of the penitent, you yourself phone the appropriate jurisdiction for the crime that was reported to you. (Most states have dedicated phone lines in local municipalities for the reporting of physical and/or sexual abuse, so please use this service if it is available in your community).

Note:

It is important for you to understand the laws of your state so that you will understand which crimes are required for mandatory reporting and what the reporting requirements might be. For example, minor traffic stops and other petty crimes are not covered by the mandatory reporting statutes. In some states, there may be modified reporting requirements. Please take the time to review your legal situation prior to involving yourself in a pastoral and sacramental work that may expose you to a lawsuit.

