Epiphany 3 - 2019
Pastoral Letter

To all the Good People of the Diocese of Utah:

This past summer, at our General Convention in Austin, Texas, the Episcopal Church took some historic and much needed steps in addressing past abuses by clergy toward lay persons and toward other clergy in the church. For those who have been in the Episcopal Church for over thirty years, you will remember that in the 1990’s the first reports of abusive clergy were made public through the prophetic work of The Rev. Margo Maris from the Diocese of Minnesota. (Now retired.) In the Diocese of Utah, The Rt. Rev. George Bates made a strong effort to teach and train people of our diocese about this. To this day, we require the training of clergy and laity to make our churches safe from sexual predators.

This is all well and good but this does not mean that abusive behavior by clergy toward laypersons and other clergy has stopped. It still happens that a person who is brave enough to come forward is met with silence, inaction or misdirection. I am writing this letter, and asking that it be read in every congregation, in order to make you aware of the implementation of one specific resolution from General Convention, namely, D034, which called for the lifting of the statutes of limitations as spelled out in Title IV.19.4 of the Constitution and Canons of the Episcopal Church specifically as it relates to sexual misconduct of clergy. That three year period of suspension began on January 1, 2019 and will run until December 31, 2021.

D034 is attached to this letter, the basic result of this suspension is that any allegation against a cleric in this Church for acts of sexual misconduct may be brought forward in this three year window regardless of any prior invoking of
a statute of limitations. In short, you do not have to wonder if the allegation comes from too long ago. In addition, the letter from Presiding Bishop Michael B. Curry and The Rev. Gay Clark Jennings, President of the House of Deputies is included in this document.

In our diocese, the Intake Officer’s for such allegations are the Rev. Susan Roberts and William Downes Jr., Esq. They can be reached by simply emailing them at susan.roberts@hsc.utah.org or William.downes@gmail.com. Susan+ can also be reached by calling her 801-599-7733 and William at 801-201-4115. If, for any reason you do not feel comfortable contacting either of them, you may also report to your cleric and finally the bishop. Keeping your confidentiality, especially in the early phases of any allegation and investigation, is our duty. All reports will also be assessed for any pastoral support needs.

There is yet much more work to do on this topic. Resolution D034 has as its goal to break down every possible barrier to reporting an allegation of sexual misconduct in this church. As President Jennings and Presiding Bishop Curry said so well in the end of their letter, I will end this one. May this resolution and other steps help “our church move closer to the day when, having repented of our sins and amended our common life, we may be restored in love, grace and trust with each other through our Savior Jesus Christ.”

Please pray for all those affected by misconduct, and pray for our Church.

Faithfully,

+Scott B. Hayashi,
Bishop of The Episcopal Diocese of Utah
D034 Amend Canon IV.19.4 - Suspending Statute of Limitations

Resolved, That the 79th General Convention amend Canon IV.19.4 to read as follows:

Sec. 4(a) A Member of the Clergy shall not be subject to proceedings under this Title for acts committed more than ten years before the initiation of proceedings except:

1. if a Member of the Clergy is convicted in a criminal Court of Record or a judgment in a civil Court of Record in a cause involving immorality, proceedings may be initiated at any time within three years after the conviction or judgment becomes final;

2. if an alleged Injured Person was under the age of twenty-one years at the time of the alleged acts, proceedings may be initiated at any time prior to the alleged Injured Person's attaining the age of twenty-five years; or

3. if an alleged Injured Person is otherwise under disability at the time of the alleged acts, or if the acts alleged were not discovered, or the effects thereof were not realized, during the ten years immediately following the date of the acts alleged, the time within which proceedings may be initiated shall be extended to two years after the disability ceases or the alleged Injured Person discovers or realizes the effects of the acts alleged; provided, however, the time within which proceedings may be initiated shall not be extended beyond fifteen years from the date the acts are alleged to have been committed.

(b) The time limits of Subsection (a) above shall not apply with respect to persons whose acts include physical violence, sexual abuse or sexual exploitation, if the acts occurred when the alleged Injured Person was under the age of twenty-one years; in any such case, proceedings under this Title may be initiated at any time.

(c) The time limits of Subsection (a) above shall not apply with respect to persons whose acts include sexual misconduct, provided proceedings are initiated under this Title between January 1, 2019 and December 31, 2021.

(d) Except as provided in Subsection (b) above, the time limitations for initiation of proceedings in this Section shall be retroactive only to January 1, 1996.

(e) No proceedings under this Title shall be initiated for acts which are alleged to violate Canon IV.3.1(a) or to constitute a breach of Canon IV.4.1(b), (c), (e) or (h)(2) unless the acts were committed within or continued up to two years immediately preceding the time the proceedings are initiated.

(f) For purposes of this Section 4, proceedings are initiated under this Title with respect to a particular Offense when specific allegations of the commission of that Offense are made to the Intake Office.
Letter to the Episcopal Church from the Presiding Bishop and President of the House of Deputies

Statute of Limitations Suspension for Clergy Sexual Misconduct Begins January 1, 2019

December 12, 2018
Advent 2018

Dear People of God in the Episcopal Church:

Nearly a year ago, we issued a call for the church to examine its history and come to a fuller understanding of how we have handled or mishandled cases of sexual harassment, exploitation and abuse through the years. In particular, we asked to hear voices from the wider church at General Convention so that deputies and bishops might consider both how to atone for the church’s past and shape a more just future. As followers of Jesus of Nazareth, as children of God with all people, we could do no less, and we must do more.

In July, General Convention considered 26 resolutions and one memorial addressing issues the #MeToo movement has brought to light, many of them developed by the House of Deputies Special Committee on Sexual Harassment and Exploitation. One of these resolutions, Resolution D034, suspends for three years the canon (church law) that places a time limit on initiating proceedings in cases of clergy sexual misconduct against adults. There is no time limit on reporting clergy sexual misconduct against children and youth under age 21.

As a result of this resolution, from January 1, 2019 until December 31, 2021, those who wish to bring a case of sexual misconduct against a member of the clergy will be able to do so, regardless of how long ago the alleged misconduct occurred. Allegations of misconduct can be made to the intake officer in the diocese where the alleged misconduct occurred, or, if the allegation is against a bishop, to the Office of Pastoral Development. You can learn how to reach the intake officer in a diocese by checking its website or calling the bishop’s office.
We hope that this temporary suspension of the statute of limitations will be one way for the church to come to terms with cases of sexual misconduct in our collective past. Between now and General Convention in 2021, laypeople, clergy and bishops appointed to several task forces created by the 2018 General Convention will be working on other ways of addressing these issues, including a process to help the church engage in truth-telling, confession, and reconciliation regarding our history of gender-based discrimination, harassment and violence.

We are grateful to the many deputies, bishops and other volunteers across the church whose careful work before, during, and after General Convention is helping our church move closer to the day when, having repented of our sins and amended our common life, we may be restored in love, grace and trust with each other through our Savior Jesus Christ.

Faithfully,

The Most Rev. Michael B. Curry

The Rev. Gay Clark Jennings

Presiding Bishop and Primate

President, House of Deputies