



Updated Statement Regarding the Chartering of Catholic Units of the Boy Scouts of America

In response to the ongoing bankruptcy proceedings involving the Boy Scouts of America (BSA), many dioceses in the United States contacted the Office of the General Counsel for the United States Conference of Catholic Bishops (USCCB) to express their concerns regarding continued partnership with the Boy Scouts of America. Though many dioceses wish to continue to charter BSA units, others would like to only permit units to use parish or school facilities, and some wish to cut ties with the BSA altogether. For several months now, Mr. William Quinn of the USCCB General Counsel office has been in discussions with representatives of the dioceses, the National Catholic Committee on Scouting (NCCS) and the BSA.

As a result of these discussions the BSA has developed three different options for those Catholic dioceses wishing to continue to offer scouting in parishes and schools. In addition to the traditional charter model, the Boy Scouts are willing to enter into facilities-usage agreements or to pursue a hybrid model that allows partnership and oversight without requiring local Catholic leaders to assume ownership responsibility of the units and their property. While the USCCB cannot recommend a particular approach for any diocese, they have reviewed the options and have sent them to diocesan General Counsel offices. The three options are described below.

1. Charter Agreement

Under a charter agreement, the local pastor (or school official) has full control over the local Boy Scout unit. In this way, the Boy Scouts can be understood as part of the parish's pastoral ministries with children and youth. In this scenario, the parish would also own all the unit's property and assumes liability for any claims that arise out of scouting activities. The BSA does provide general liability insurance coverage and broad indemnification for any lawsuits brought against the parish for scouting activities.

The charter agreement has been the traditional model used for partnerships with the BSA. As a chartering partner, the local pastor (or school official) appoints a Charter Organization Representative (COR) who represents the Catholic entity to the scouting unit. The local pastor (or school official) approves adult leadership and has the authority to remove adult leadership. Through the COR, the parish or school sets the direction of the program, especially as it relates to faith formation. All adult leadership would receive the same safe-environment and other trainings required by the parish to ensure a safe and faithful environment for youth in scouting. This model also ensures that pastors and pastoral leaders can regularly instill Catholic values, spirituality, and moral teachings in their approach to accompanying young people through the scouting experience.

2. Facilities Usage Agreement

Under a facilities-usage agreement, the BSA unit is not legally part of the parish and has no formal relationship with parish leadership, apart from an agreement that they may use parish or school facilities to host meetings and other scouting activities. Parishes and schools that have a demand for scouting within their community but lack the resources to effectively manage scouting activities may find this approach helpful.

Though laws vary state to state, in many jurisdictions, dioceses or parishes may add provisions to facilities-usage agreements that allow for their termination if the conduct of scouting activities violates the moral teaching of the Catholic Church. Facilities-usage agreements also contain provisions requiring that the BSA will provide insurance coverage and indemnify the parish for any claims arising out of scouting activities. These agreements typically do not contain a requirement that the adult volunteers participate in parish safe environment training, though that

varies by jurisdiction. With this model, pastors and pastoral leaders would not have any direct pastoral oversight or control over what is being taught or shared in the scouting units that are using their facilities.

3. Affiliated Agreement - Hybrid Model

There are three variations on the hybrid model. Each is covered by the same general liability insurance coverage and indemnification that BSA offers for claims arising from scouting activities. We recommend consulting with local counsel and your insurance carrier regarding each of these options should you wish to consider them.

- *Council Registered Units* – This allows the Boy Scouts' Local Council to register the unit and have oversight, but still partner with the Catholic diocese. To use this option, the parish or diocese would sign an affiliation agreement between the Catholic organization, the Local Council, and the Boy Scouts of America.
- *New Charter Organization* – This option allows the unit to be chartered by another community organization. The community organization, in turn, might sign a facilities-usage agreement with the local Catholic parish or school. If the organization has a Catholic identity, this could ensure some measure of pastoral accountability for what is being taught or shared with the young people in the scouting unit.
- *Group of Citizens* – This option is intended as a short-term fix when a local unit loses its charter organization (e.g., if the diocese decides to cease having its parishes serve as chartering organizations). Under this scenario, a group of interested adults may form an organization that serves as the chartering organization and then enter an agreement with the diocese or parish that defines the Church's level of involvement. That involvement can be defined with either an affiliation agreement or a facilities-usage agreement. Again, if the individuals have a Catholic connection and those individuals have a relationship with the local parish community, this option could be helpful for pastoral accountability.

Final Notes:

- Each of the options available to dioceses come with their own benefits and risks--legal, financial, and pastoral. While one option may have legal or financial benefit, the pastoral risks could be high; conversely, while one option may offer more pastoral benefits for the community, the legal and financial risks could be high.
- No single option presented is completely free of risk.
- USCCB strongly recommends that diocesan counsel consult local BSA councils and insurance carriers before approving the use of any agreements with the BSA.
- Catholic Mutual is recommending either the Charter Agreement, as risk is mitigated by the by the ability to control leadership, program, and safe environment standards, or dissociate from the hosting of BSA Units in any form, eliminating the risk altogether.
- For any option listed above, USCCB General Council with the Secretariat for Laity, Marriage, Family Life and Youth along with the NCCS recommend that diocese **do not** dissolve its diocesan committee on scouting, as this can exist even without chartered units, and maintains a connection to the Catholic elements of scouting and Catholic Youth.
- Local Councils have received the Catholic specific charter, facilities, and affiliated use agreements. NCCS can provide copies of these forms to diocesan committees, however, the decision on the type of agreement or a disassociation from hosting BSA units rest solely with the diocesan bishop. Diocesan Catholic Committees may be called upon by the diocesan bishop, his staff, or local BSA council to provide consultation but the DCCS should not impose themselves on these discussions.

Further inquiries regarding this matter should be directed to Mr. John Anthony, NCCS National Chairman - jacataka@gmail.com or Fr. Gerard Gentleman, NCCS National Chaplain - frgerard@srolchurch.org

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