

FAQ Document Regarding Pennsylvania House Bill 1947

Shouldn't the Church be accountable for what happened to these children?

The Catholic Church has accepted responsibility for the abuse that has happened in her ranks. One important and overlooked aspect of this discussion is that we provide support and assistance for survivors and their families – no matter when that abuse occurred or how long the assistance is needed.

Since 2002, the AOP has dedicated over \$13 million to provide counseling, provide medication, eliminate barriers to travel and childcare, provide vocational assistance and other forms of support survivors and their families through our Victim Assistance Program. It's important to note that the Archdiocese does not mandate the types of services an individual receives. In all cases, the Victim Assistance Program follows guidelines set forth by a survivor's independent counselor or therapist and tailors an assistance plan based on the unique needs of each individual. The Archdiocese wants to continue assisting them as much as possible. Ironically, this legislation has the potential to ripple its ability to do so.

Are public institutions, like public schools, juvenile detention centers and foster care facilities treated the same in this legislation?

Unfortunately, no. HB 1947 treats public and private entities very differently, despite the fact that over 80% of Pennsylvania's children attend public schools and the fact that child abuse has been recognized as an evil that exists in every aspect of society. While you may hear that the bill includes victims abused by employees of public institutions, there are vast disparities between how the bill treats survivors of abuse that occurred in public entities vs. survivors of abuse that occurred in a private nonprofit one including:

- 1) Only survivors of abuse in private non-profit institutions will be able to file a retroactive time-barred claim. Public schools, juvenile detention centers, foster care facilities and other public entities would not be subject to retroactive claims, while private institutions could be sued for acts that occurred as long ago as the 1960's.
- 2) Public entities can only be sued for abuse that occurs in the future. A child abused in a public setting just one day before this bill becomes law would not have the ability to seek a civil suit against the public entity.
- 3) Survivors of abuse within a public institution will not have the same opportunity to benefit from the extension of the SOL to age 50. Rather, the law requires that if the abuse took place in a public setting, the injured party must give notice within six months after the act occurred.
- 4) Public entities can only be sued for "gross negligence" with respect to abuse that occurs in the future. This is a higher burden of proof and provides greater protections to public entities. Private nonprofit organizations could be sued for acts that occurred as long ago as the 1960's, so long as a jury decides (in hindsight) that the organization should have known about the abuse. Actual knowledge that the perpetrator had a history of abuse would not be required.
- 5) Private organizations can be sued retroactively for unlimited amounts of damages, including punitive damages. Public entities, on the other hand are given caps on the damages that can be awarded against them and are not subject to punitive damages.

Because its gravity, sexual abuse of children must be dealt with comprehensively and fairly. Any legislative remedy must protect all children, not simply penalize some institutions.

See Reverse Side

Where does the Church stand on the bill's proposal to eliminate the criminal statute of limitations?

The Church does not oppose the elimination of the criminal statute of limitations. We can all agree that anyone who sexually abuses a child should be severely punished by law. Sexual predators should be locked behind bars and removed from society so they cannot hurt anyone else.

Aren't the claims about bankruptcy and financial ruin as a result of a retroactive window that nullifies the SOL overblown?

No. Bankruptcy and severe debt was the only option for most dioceses in the states where retroactive windows passed. Our neighbor, the Diocese of Wilmington, DE, paid out \$77.4 million in bankruptcy, closed two struggling inner-city Catholic schools, laid off 10 percent of its workforce, and shut down or severely cut back Catholic Charities programs that help all people regardless of creed.

Isn't this an Archdiocesan problem, not a parish problem?

In other states where similar laws were passed, lawsuits were brought against individual parishes as well as the dioceses. In Delaware, more than half of the individual parishes in the state were sued when a retroactive law was adopted. One individual parish in Delaware was hit with a verdict of over \$3 million. Very few could afford to go to court; none were able to defend themselves on their own. We can and should expect the same here.

Won't insurance cover the costs of these claims?

No. In other states where similar legislation became law, no institution had adequate insurance coverage to compensate for the damages that would be incurred or the wherewithal to litigate all of the claims. Despite our opponent's rhetoric, there are no institution resources to adequately cover the potential liability. The money needed to settle lawsuits would come from the people in our pews and will threatened funding for the Catholic outreach and charitable programs our community depends on.

Will a window encourage people to file false accusations in a bid for lucrative settlements?

In other states where retroactive windows passed, so many claims were filed that there were not enough resources to determine the validity of the claims and in most cases, claims were settled without the plaintiff's ever stepping foot in court. After the first window passed in California, the Archdiocese of Los Angeles was faced with over 1000 claims. In Minnesota, where a three-year window past 18 months ago, over 800 claims have been filed to date.

Is it appropriate for us as Christians and Catholics to wade into the political nature of this?

If we don't our Church and our parishes will face almost certain bankruptcy and more parish closings. This legislation is a uniquely serious threat to the Church and Greater Philadelphia. Just as we make our voices known on issues like abortion, death penalty and mandatory contraception coverage, it's important that we let our elected officials know that this legislation unfairly and unconstitutionally targets the Catholic community and ignores too many other victims and survivors of abuse.

What can someone do to let his or her legislator know they are opposed to HB 1947?

Everyone who values our parishes, schools and charitable organizations should urge their state lawmakers to oppose unfair changes to the civil statute of limitations. They can contact their legislators by phone, letter and most effectively through the Catholic Advocacy Network at <http://www.pacatholic.org>.