

On Tuesday, April 12, 2016 the Pennsylvania House of Representatives voted to allow civil lawsuits to be filed retroactively for cases against non-profits in which survivors of sexual abuse are now between 30 and 50 years old.

This provision only applies to private or non-public organizations like the Catholic Church. It treats government institutions such as public schools and juvenile facilities in a different manner and it fails to treat all victims of child sexual abuse in an equitable fashion.

What does the Church oppose about this legislation?

- Statutes of limitation (SoL) exist because they're sensible and just. They ensure that a just verdict can be reached. The more time that passes, the harder it is for anyone to defend against aged claims. Over time, witnesses' memories become unreliable, evidence is lost or never found, and in many instances perpetrators or witnesses may be deceased.
- It's unconstitutional. Pennsylvania's Constitution has a Remedies Clause, which explicitly prevents eliminating certain defenses or claims. The "look back" provision of this legislation would illegally eliminate a fixed defense, which the courts have affirmed cannot be taken away when the limitations period has already expired.
- This legislation fails to treat everyone equally. There are special protections and exemptions in the bill for abuse that happened in public schools and government-run programs, excluding the majority of survivors of abuse. Throwing justice out of balance, the legislation ignores that the vast majority of school-age children in Pennsylvania attend public schools, not parochial or private schools, and the hard fact that more children are abused in public schools.
- Allowing the filing of civil lawsuits for childhood sexual abuse that occurred 20, 30, even 40 years ago will jeopardize the future of every church, private school and charity that serves children in Pennsylvania.
- The Church is *not* opposed to eliminating the criminal statute of limitations. We all agree that anyone who sexually abuses a child should be severely punished by the law.
- The Church is not alone in opposing this bill. Other organizations that have expressed their deep concern include the Pennsylvania Insurance Federation, Pennsylvania Chamber of Business and Industry, PA National Federation of Independent Businesses, the Pennsylvania Business Council, the Pennsylvania Manufacturers Association and the Hospital & Healthsystem Association of Pennsylvania.

In other states, legislation to amend the civil statute of limitations has had devastating financial consequences.

- SoL windows in other states have drained billions of dollars from the Church ministries of today's Catholic community who are in no way responsible for abuse that occurred decades ago.
- Bankruptcy and severe debt was the only option for most dioceses in states with SoL windows.
 - The dioceses in California paid out \$1.2 billion for 1,000+ claims that were filed against the Catholic Church, some involving alleged abuse dating as far back as the 1930s.
 - The Diocese of Wilmington, DE, paid out \$77.4 million after claiming bankruptcy.

- The Diocese of Duluth, MN, was ordered to pay \$8.1 million to just one child abuse survivor.
- The drain of satisfying settlements and attorneys' fees forced the Diocese of Wilmington, DE, to close two struggling inner-city Catholic schools, lay off 10 percent of its workforce, shut down or severely cut back on its charitable services to the poor, and divert resources from struggling schools and ministries.
- The settlement documents within the bankruptcies certify that 1/3 of the entire payout was paid to the victims' attorneys – in some cases exceeding \$30 million. Reimbursement of other costs and expenses reduced the victims' share by millions more.

Pennsylvania's Catholic parishioners should be very concerned about this legislation.

- This legislation could easily cripple the parishes, schools, and ministries serving Pennsylvania's 3 million Catholics. In other states where similar laws were passed, lawsuits were brought against individual parishes as well as the dioceses.
- The money needed to settle lawsuits would come from the people in our pews, in addition to the dioceses and Archdioceses. 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.
- 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.

Not one pedophile was taken off the streets in states that retroactively nullified their statute of limitations. Putting charitable organizations out of existence does not protect children.

- The legislation only applies to civil lawsuits, not criminal charges. A substantial number (68 percent) of the accused perpetrators identified with California's "window" were already dead or were very old, infirm, and long removed from ministry at the time the claims were filed.

No other organization does more to pursue its commitment to prevent abuse and support survivors than the Church.

- The Church has a *zero tolerance* policy for clergy, lay employees, and volunteers who engage in misconduct with children and takes *immediate* action when an accusation is made.
- Our education programs teach parents, children, clergy, staff and volunteers how to recognize improper conduct and be comfortable enough to report a problem.
- We help survivors of childhood sexual abuse and their families heal, no matter who committed the crime against them or when the crime occurred.
- Over the last 14 years, the AOP has dedicated over \$18.8 million to make available counseling, provide medication, eliminate barriers to travel and childcare, provide vocational assistance and other forms of support to men, women, children and families as well as providing for background checks, trainings, and education programs aimed at preventing abuse.