

## **A Guide for Clergy on Statutes of Limitations**

*Archdiocese of Philadelphia*

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A recent grand jury report detailing the sexual abuse of children in the Diocese of Altoona-Johnstown is heartbreaking. You know firsthand the changes implemented by the Church to respond to abuse survivors and affirm that they are not at fault for the crime committed against them. The Archdiocese of Philadelphia has a sincere commitment to the emotional and spiritual well-being of individuals who have been impacted by the crime of childhood sexual abuse, no matter how long ago the crime was committed. The Church accepts her responsibility for abuse that occurred within her ranks and will support those survivors as long as necessary.

You also know our diocese has committed to the goal of protecting children and ending child sexual abuse by aggressively responding to allegations of sexual abuse, carefully screening clergy, employees and volunteers, and educating adults and children about the signs of abuse. Despite that, on Tuesday, April 12, 2016, the Pennsylvania House of Representatives voted 180-15 to eliminate the criminal statute of limitations on child sexual abuse and extend the civil statute of limitations from age 30 to age 50. It was also amended to allow civil lawsuits to be filed **retroactively** for cases in which the victim is now between 30 and 50 years old. However, this provision applies only to private or nonprofit organizations like the Catholic Church and **not** to government institutions like public schools or juvenile facilities. This provision is clearly unfair and is designed to target the Catholic Church.

Over the next several weeks, it is essential to not only understand, but to share respectfully with others what the Church has done to help survivors of abuse, no matter when their abuse occurred, and the kind of impact this legislation will likely have on Catholic parishes and ministries throughout the state. Here is more information:

### **What are statutes of limitations?**

A basic principle of American law, statutes of limitations ensure fairness in our legal system by requiring lawsuits to be filed in a timely manner. Without them, non-profits and Churches could face lawsuits alleging abuse from decades ago. It is nearly impossible for an institution that did not itself commit the abuse to defend against a lawsuit from many years past because over time witnesses' memories become unreliable, evidence is lost or never found, and in many instances perpetrators or witnesses that could establish the Church's lack of knowledge about a particular incident may be deceased.

### **Why does the Church oppose this legislation?**

The Church does not oppose eliminating the criminal statute of limitations. We can all agree that anyone who sexually abuses a child should be punished by the law. Sexual predators should be removed from society so they cannot hurt anyone else. Criminal cases require a burden of proof that is beyond a reasonable doubt, and fairness is built into the system with many checks and balances.

In contrast, in civil cases, anyone can file a civil suit with a much lower burden of proof. An alleged abuser may be deceased, but a third party, like his or her employer, could be sued even after the perpetrator, possible witnesses, or clear evidence is long gone. Removing a fair and reasonable civil statute of limitations from our judicial system would make it impossible for any organization that cares for children to defend itself in court years later.

### **Why should my parishioners and I be concerned about this legislation?**

In other states where similar laws passed, lawsuits were brought against individual parishes as well as the diocese. The money needed to settle such lawsuits inevitably comes from the dioceses and parishes in which the alleged abuse occurred. In other states, retroactive changes to the law resulted in dioceses closing schools, parishes, and charities and, in some cases, declaring bankruptcy. In short, this legislation, while promoted in the media as “reform,” has the potential to severely cripple the ministry of the Catholic community in Pennsylvania.

### **This legislation would impact Catholic schools. What about public schools?**

The retroactive portion of the legislation would apply only to churches and other private or non-profit institutions, such as the Boy Scouts. It **would not** apply to public schools, which are protected from certain lawsuits under a legal doctrine called sovereign immunity. This is both ironic and unjust. The vast majority of abuse cases occur in public schools – this is a matter of public record – but the proposed legislation would lopsidedly target private and religious organizations. Simply put: The bill as currently written would allow lawsuits to be filed retroactively against private institutions, but only prospectively against public institutions.

### **What are some of the implications of the legislation to amend the statutes of limitations?**

The most obvious result of bills such as this one is to generate lawsuits against the Church and millions of dollars in legal fees for plaintiffs’ attorneys. The proposed bill **does nothing** to enhance the security of young people today. And since most Catholic schoolchildren attend public schools, Catholic families should note that it **does nothing** to assist the many persons abused in public schools and institutions in the past.

### **What can I do?**

The Church remains strongly committed to helping survivors of clergy sexual abuse heal. That will not change. The proposed legislation is really about selectively punishing the Church and her (innocent) people today for sins committed by evil individuals in the past. This is not justice. It’s therefore important to:

- Reach out to and pray for the healing and recovery for all who have survived the traumatic experience of childhood sexual abuse in your daily intentions.
- Use articles and op-eds in the Catholic media on the statute of limitations to educate your parishioners about the devastating impact of such legislation.

- Meet with your Parish Council to discuss the very real practical implications of the legislation.
- Encourage your parishioners to stay up-to-date on the issue by visiting the PA Catholic Conference website at [www.pacatholic.org](http://www.pacatholic.org).