

Again: Legislation Targeted at Church

The Catholic Review

For the sixth time in seven years, a bill has been brought before the Maryland legislature that, if passed, would have a devastating impact on the Catholic Church, including our parishes, schools and other institutions. The Maryland legislation, as with similar bills up for consideration throughout the country, is part of a coordinated national lobbying campaign aimed at making it easier for trial lawyers to bring monetary lawsuits, currently barred by time-limits, against the Catholic Church and other private institutions.

Before I offer the reasons why the Catholic Church in Maryland is opposed to this legislation, I wish to update our faithful on our ongoing efforts to protect children and to promote healing for victims of childhood sexual abuse.

Promoting Healing for Victims

Pastoral outreach to victims and the protection of children must continue to be our touchstones in responding to the scandal of child sexual abuse in the Church. I remain profoundly sorry that children have been abused by clergy and other representatives of our local Church and have expressed this personally to victims with whom I have met since arriving in October 2007.

In my meetings with victims, I listened to these victims. I seek to find out what more we can do to assist them in their healing. While we cannot undo the tremendous harm done to victims, we have the responsibility to provide concrete steps to facilitate their healing.

For many years, the first action taken by the Archdiocese when an abuse allegation is made against a representative of the Church has been to offer assistance with healing. The individual chooses the treatment provider, and the Archdiocese pays for the counseling or other treatment for as long as it is helpful to the abuse victim. The

same offer is made for the individual's family members. This offer is made regardless of the age of the incident and despite the fact that there is no legal obligation to do so. In some cases, cash settlements are appropriate and have been paid. During the past year, we have provided more than \$230,000 in counseling assistance and more than \$900,000 in direct financial assistance to 92 individuals, including funds for continuing psychological counseling. To date, more than \$8.1M has been paid for victim counseling and direct assistance to survivors.

Personally, these issues are difficult and painful. No apology can return these individuals to the innocence of their childhoods and, for some, no words can restore their faith in our Church. As a community of faith, we must continue to reach out to survivors, regardless of laws, regardless of court actions, because it is the morally right and just thing to do.

Protecting Children

Just as we have a moral obligation to those harmed by representatives of the Church, we have an absolute duty and commitment to provide safe environments for our children. The Archdiocese of Baltimore has long-standing policies and procedures aimed at protecting children, including mandatory criminal background checks for every volunteer and employee in the Archdiocese. To date, 60,000 people have undergone this critical safeguard. And five years after its implementation, STAND, the acronym for our safe environment training initiative, has become a household word among those who volunteer or work with children in our parishes and schools—a sure sign of the progress we have made toward ensuring that our churches and schools can once again be looked upon not only as places of prayer and learning, but also as sanctuaries of refuge and consolation.

In spite of these efforts, legislation nearly identical to bills submitted in the past several years has once again been introduced. Senate Bill 238 (likely to be joined by a companion House bill), sponsored by Senator Dolores Kelley and co-sponsored by Senator James Brochin, would extend the statute of limitations for future claims from 25 years of age to 50 years of age, and also allow a two year window for trial lawyers to file suits against perpetrators and private institutions such as dioceses, parishes, and schools for unlimited damages per claim, no matter how long ago in the past the alleged abuse occurred. The Archdiocese is opposed to this legislation

for four important reasons.

SB 238 will NOT Protect Children

The legislation will do nothing to protect children. Senate Bill 238 has no provisions to increase awareness of child abuse, promote counseling, toughen criminal penalties, or mandate background checks for employees and volunteers. In fact, by condoning long delays during which abuse may continue, the legislation would undermine current child protection laws that require the immediate reporting of child abuse. It must be pointed out that this legislation does not impact time limits on criminal actions for child abuse. In Maryland, gratefully, there is no time limit on the prosecution of such felonies, and a person who commits child abuse can be prosecuted until the day he dies.

Time Limits Ensure Fairness

The legislation is unfair because it forces the Church of today to pay millions of dollars for incidents that are alleged to have occurred many decades ago. The bill would retroactively change the rules of our legal system to permit claims regardless of how long ago they are alleged to have occurred. California passed a similar law in 2002. Among the lawsuits that resulted after the California legislature passed a similar law, drafted by two attorneys who were suing Catholic institutions, half of the claims filed against the Diocese of San Diego involved priests who were dead, and some of the lawsuits involved allegations of abuse dating back to the 1940s. Statutes of limitations in civil lawsuits are designed to protect the interests of all parties and help guarantee that legal disputes are resolved in a timely and fair fashion. Statutes of limitations ensure that witnesses are available, memories are fresh, and documents are intact, and they apply to virtually every type of civil claim. They are relied on by people and organizations in our nation of laws to plan their affairs. The Maryland Court of Appeals, the state's highest court, recognized this when it ruled that it is unconstitutional to revive retroactively a lawsuit that had been barred by limitations, which is what the legislation in question proposes to do.

Financial Devastation of Parishes, Schools, Ministries

This legislation would devastate our Archdiocese financially, our parishes, schools,

and other valuable ministries. The dioceses in Maryland and their current parishes and ministries would be the subject of many decades-old suits that would cost the Church enormous sums of money. The Catholic Church is the largest private provider of social services in Maryland. Its schools educate more than 60,000 students, including many who are low-income, minorities, or non-Catholic. Its hospitals and clinics provide medical services to assist countless thousands of homeless, the unemployed, immigrants, and pregnant women.

The potential impact is enormous. For example, payments in connection with child sexual abuse claims against the Church in California already total nearly \$1.8 billion, with trial lawyers taking some 40 percent—or \$720 million—of the amounts paid by the Church. So far, litigation of decades-old claims has forced six dioceses in the country to declare bankruptcy, and countless good works of the Church have been curtailed or altogether abandoned.

These suits have led to schools closing in poor urban and rural areas, ministries being eliminated, and staff reductions, which has curtailed social services. There is every reason to believe that the Maryland legislation, if approved, will have a similarly devastating impact on the services and programs of the Church in our state.

SB 238 Treats the Church, Private Institutions Differently

The proposed law treats the Catholic Church differently from public organizations. Government agencies, including public schools, are afforded many more protections against civil suits than those offered to private institutions such as the Archdiocese and our parishes and schools. Why are we being treated differently? A civil action brought against most public employees or government agencies is subject to much shorter time deadlines (as short as six months) and strict limits on the amount of damages that may be recovered. As written, Senator Kelley's legislation would not alter the existing special time deadlines and damages caps that apply only to government entities.

To those who claim that this legislation is about protecting children, I once again ask: "Why then does the legislation not apply to public settings where abuse has been shown to be much more prevalent?"

A nearly identical bill—promoted by many of the same individuals who will likely testify in support of the Maryland bill—passed through the Delaware legislature two years ago making Delaware only the second state to pass such a measure. Since that time, 34 lawsuits have been filed and all 34 have been filed against the Catholic Church and against individual Catholic parishes. As the Delaware “temporary window” nears its July expiration date, there is reason to believe that another bill will be proposed that would extend the window by two years, or more.

It is my duty, and my commitment, as Archbishop to support victims and protect children. It is also my duty to oppose legislation that would unfairly and unnecessarily devastate the enormous good work done today by so many faithful priests, employees, and volunteers.

Make Your Voices Heard

In light of our efforts to promote healing for our sisters and brothers who were harmed, and to protect every child entrusted to our care, as well as the reasonable basis for our opposition to this harmful and unnecessary legislation, I encourage you to contact your legislator and make your voices heard. You can do so by visiting the website of our Maryland Catholic Conference, www.mdcathcon.org.

So, please contact your representatives.

Please join me also and especially in praying for all who have been touched by the sin of child sexual abuse. Meanwhile, I pledge this Archdiocese to continue to work for healing, the protection of children, and reconciliation.