

Diocese continues push for amendment to abuse-related legislation

UPDATED

WILMINGTON, Del. (CNS) — A bill that eliminates Delaware's statute of limitations for civil suits in child sexual abuse cases and opens a two-year window for courts to hear old claims previously barred by the time limit is headed to the governor's desk after unanimous approval in the state House and Senate.

The Senate bill, SB 29, passed largely as written June 19 and 20 despite attempts by the Diocese of Wilmington to have it amended.

The diocese supported the bill's intent to change the state's current two-year statute of limitations but argued that the bill should be amended to make it clear "that equal protection is given to all children, not just children in private institutions or private settings," according to a statement June 7 in *The Dialog*, the diocesan newspaper.

Institutions that allowed abuse to occur through "gross negligence" can be sued under the legislation. But the diocese in its June 7 statement noted that SB 29 "neither waives the sovereign immunity that shields state agencies from lawsuits, nor does it alter the statutory immunity that bars most claims against public school districts."

The diocese also objected to the bill's two-year period for looking back at old claims because it places no time limit on the age of the claims that can be revisited.

Called the Child Victim's Act, the legislation passed the House 41-0 June 19 and now goes to Gov. Ruth Ann Minner, who said she will sign it into law. The Senate passed the bill in April, 19-0, and again passed it unanimously June 20 after a minor amendment was attached in the House.

An amendment to SB 29 that would have eliminated the state's sovereign immunity from sex abuse lawsuits failed June 19 by a 24-17 vote. In introducing the

amendment, Rep. Greg Lavelle of Wilmington called for “no special treatment for the state,” saying that the law should make it clear that the state is not protected from lawsuits by its sovereign immunity.

After his amendment failed and SB 29 passed, Lavelle filed a new bill June 21 that would remove the state’s immunity protection in child sex abuse lawsuits.

The diocese expressed its disappointment June 22 that SB 29 passed without Lavelle’s amendment and urged Delaware lawmakers to “address this issue promptly” through Lavelle’s new bill. The legislative session ends June 30.

The diocese also said it “will continue to do what we have been doing, reaching out to victims and their families, supporting them, providing counseling, and paying for their treatment and related expenses” and will continue to strengthen its safe-environment programs “to assure protection of our children and young people.”

As for SB 29’s two-year look-back period, the diocese suggested that old claims be directed to “mandatory mediation with specific rules regulating the proceedings.”

“Reviving old claims with no time limit whatsoever does not provide due process,” the diocese said in its June 7 statement. “The older the case, the less likely it will be that witnesses, including the alleged abuser, will still be alive and that important evidence will still be available.”

In a related development June 20, the Diocese of Wilmington repudiated remarks issued that day by Bill Donohue, president of the independent Catholic League for Religious and Civil Rights, who attacked the Delaware Legislature and the state teachers’ union in response to the passage of SB 29.

“The degree of corruption in the Delaware Legislature is matched only by the selective indignation its lawmakers have for child rape,” Donohue said. “The legislators are owned — lock, stock and barrel — by the teachers’ unions. Teachers can grope all they want. They can rape little kids. And now they will be protected by making it harder to prosecute them.”

The diocese in a statement said it was “surprised and chagrined” by Donohue’s remarks.

“The diocese did not authorize the statement nor did it request the statement. The Diocese of Wilmington does not endorse either the substance or the tenor of the statement,” it said. “We consider Mr. Donohue’s remarks about the Delaware Legislature and the state teachers’ union to be irresponsible and regrettable.”