

Lifting statute of limitations 'unfair,' Catholic leaders say

While acknowledging the pain endured through child sexual abuse, Catholic leaders urged lawmakers Feb. 5 to reject a bill that would significantly extend the time period when victims can file civil lawsuits in Maryland.

Arguing that Senate Bill 238 unfairly targets the church and would do nothing to protect children from sexual abuse, Catholic leaders warned that if the measure became law it would have “devastating” results – severely curtailing the church’s many educational and charitable outreach efforts.

The measure would extend the age when child sexual abuse victims could file for civil damages from age 25 to 50. It would also create a two-year window allowing retroactive lawsuits that are barred by existing law.

“I do want to certainly express to the community, to everybody in the room, how deeply, deeply sorrowful and regretful we are for the fact that we are here at all today and having any involvement in the issue of child sexual abuse,” said Mary Ellen Russell, executive director of the Maryland Catholic Conference, testifying at a hearing in the Senate Judicial Proceedings Committee.

Ms. Russell said the best way to protect children is to focus on abuse awareness, child protection training and prompt reporting of abusers. She noted that there are no criminal statute of limitations on child sexual abuse in Maryland.

David Kinkopf, an attorney representing the Archdiocese of Baltimore, warned that expanding the statute of limitations would discourage the prompt reporting of child sexual abuse. Prompt reporting is critical for ensuring that abusers are stopped before they can continue their crimes, he said.

Calling the bill “unconstitutional, unfair and unwise,” Mr. Kinkopf said the measure treats private institutions differently from public ones. Public schools would not be affected by the bill, according to several bill opponents, because existing provisions require a child abuse victim to give notice of the suit within six months. Claims

against local school boards are limited to \$100,000.

The legislation allows lawsuits against Catholic dioceses, parishes, schools and institutions without any financial caps and would have no impact on public school provisions, bill opponents said.

Sen. Delores Kelley, a Baltimore County Democrat and the bill's lead sponsor, said abuse victims need extra time to come forward because they often don't come to terms with their abuse until later in life.

"For that to be denied I think would be ungodly," she said.

Several abuse survivors offered emotional testimony about the impact of abuse on their lives, saying they did not feel ready to confront their abusers until decades after their abuse.

Asked by lawmakers why the age limit for civil suits should be raised again after lawmakers had already raised it in a previous session, Sen. Kelley said she believes there should be no statute of limitations on civil lawsuits related to child sexual abuse.

But Sen. Brian Frosh, a Montgomery County Democrat and chair of the Judicial Proceedings Committee, noted that statute of limitations serve important functions.

"We have statutes of limitations because it's difficult to defend against old actions," he said.

Several bill opponents noted that defendants may have died and records may not be available for decades-old cases.

Catholic leaders from the Archdiocese of Baltimore and the Archdiocese of Washington outlined the child protection measures both have undertaken in recent years.

Archdiocese of Baltimore associate superintendent for Catholic schools Dr. Skip Sanders has worked as an administrator in public and private school systems. In comparing both before the committee, Dr. Sanders said the archdiocesan protection program was more stringent.

He said suspicions of child abuse are immediately reported and Catholic schools are audited to make sure they comply with child protection policies. The associate superintendent added he has been involved in terminating Catholic school employees who do not follow procedures.

“This level of consistent concern,” he said, “is unprecedented.”

Mary Sullivan, MCC communications director, said the Senate Judicial Proceedings Committee is expected to vote on the bill by the end of the week. An identical bill, sponsored by Frederick County Democrat C. Sue Hecht and 12 co-sponsors, has been cross filed in the House of Delegates.