

Statutes of Limitations

The Catholic Review

When you attend Mass this weekend, you will likely receive a letter from me informing you about state legislation that poses a real and significant threat to our Church, including its parishes, schools, and other ministries. I urge you to read it carefully, as well as the additional materials that accompany it. They relate to the sad and painful issue of child sexual abuse in our Church.

Before I explain further about the legislation and why the Church is opposed to it, I wish to state from the outset that pastoral outreach to victims and protection of children must continue to be our touchstones in responding to this scandal. I am profoundly sorry that children have been abused by clergy and other representatives of our Church. When I first arrived in Baltimore, I was gratified to be fully informed about the long-standing policies and procedures of our Archdiocese to protect children. I was introduced to the safe-environment (STAND) training initiative that is required of all who work and volunteer with children on behalf of the Church, and I experienced first-hand the mandatory fingerprinting and background checks. I have also interacted with our Independent Review Board, comprised of predominantly lay Catholic and non-Catholic individuals who oversee our child protection efforts by reviewing how each case is handled and making recommendations for improving our practices.

I also made it a priority to meet with abuse victims. I wanted to personally apologize to them and listen to them. I wanted to offer my personal support and find out what more our local Church could be doing to assist them in their healing. 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 Church, 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.

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. To date, more than \$6.5M has been paid for victim counseling and direct assistance to survivors.

Despite our long-standing and strenuous efforts to reach out to victims and protect children, proposed legislation has been introduced again this year (as it has been in four of the last five years) that would permit trial lawyers to bring civil lawsuits for money damages based on incidents that are alleged to have occurred many decades ago. The legislation, House Bill 858, sponsored by Delegate Eric Bromwell, would extend the statute of limitations for claims in the future from 25 years of age to 50 years of age, and also allow a one year window for trial lawyers to file suits against perpetrators and private institutions such as dioceses, parishes, and schools for over \$1 million 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.

First, the legislation will do nothing to protect children. House Bill 858 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. In Maryland, gratefully, there is no time limit on the prosecution of felonies, and a person who commits child abuse can be prosecuted until the day he dies.

Second, 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 change the rules of our legal system to retroactively permit claims regardless of how long ago they are alleged to have occurred. For example, California passed a

similar law in 2002 and half of the lawsuits 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.

Third, this legislation would financially devastate the Archdiocese, our parishes, and 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 the homeless, the unemployed, immigrants, and pregnant women. The potential impact is enormous. Payments in connection with child sexual abuse claims against the Church in California alone already total nearly \$1.8 billion, with trial lawyers taking some 40% of the amounts paid by the Church. Five dioceses in the country have filed for bankruptcy, and countless good works of the Church have been curtailed or altogether abandoned. There is no reason to believe that the Maryland legislation, if approved, will not have a similarly devastating impact on the services and programs of the Church in our state.

Finally, 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 private institutions such as the Archdiocese and our parishes and schools. 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, Delegate Bromwell'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 ask: “Why then does the legislation not apply to public settings where abuse has been shown to be much more prevalent?”

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.

I ask you to join me in praying this Lenten season for all who have been touched by the sin of child sexual abuse. I also ask for your prayers for our Church as we continue to work for healing, the protection of children, and reconciliation.