

The truth about statute-of-limitation reforms

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By Marci A. Hamilton

As revelations of childhood sexual abuse by clergy have become epidemic across the globe, the Vatican has instituted a number of measures to increase transparency and action in dealing with the crisis. The Pope has now met with victims, accepted the resignation of a number of bishops and issued a directive to report abuse to civil authorities if civil law requires it.

These steps are welcome and necessary, but, with all due respect, they don't mean much to the countless victims of priest sex abuse who have yet to experience anything approaching justice. Survivors of these heinous crimes, including far too many here in Connecticut, have suffered for years in ignominy and silence.

Their suffering will continue unless Connecticut immediately joins the growing movement of states across the country that are introducing and enacting laws to reform their statutes of limitation for childhood sexual abuse. Survivors typically need decades to come forward and the legal system offers the only real path to justice and the only viable means of identifying child predators who are operating under the radar.

In fact, there are two reforms that must be passed in order to level the playing field for victims. First, civil and criminal statutes of limitations need to be liberally extended or totally eliminated, as Alaska, Delaware and Maine have done. Florida will soon join their ranks as a bill eliminating all SOLs for child sex abuse was passed this week and is likely to be signed shortly by the governor.

Second, the courthouse doors need to be opened for victims even if their SOLs have already expired. By creating a "window" -- a set time period for victims to initiate legal proceedings against their perpetrators -- states would also be performing an essential public service by exposing the names and crucial information about these abusers. California and Delaware have embraced such reform, and others, including Arizona, Florida, New York and Wisconsin, are considering the same. In California, the public learned the identities of 300 child predators while the window was in place in 2003.

To their tremendous credit, Connecticut legislators are considering a bill, HB5473, which would, at once, extend the SOLs and create a window. But Connecticut bishops are vehemently opposing it.

At the same time the Vatican was releasing documents online to prove its dedication to transparency, churchgoers received a letter from these bishops urging them to call their state representatives to kill the bill.

The letter focused first on dollars, telling parishioners that legislative reform that even temporarily eliminated SOLs "caused the bankruptcy of at least seven dioceses." This is totally untrue. Only California and Delaware have thus far enacted such "windows" and in those states only two bankruptcies have been filed, with both being voluntary. In other words, they were filed to protect assets, not because the dioceses were without funds to pay victims. In fact, the San Diego diocese's bankruptcy filing was, for all intents and purposes, thrown out of court because of its vast wealth -- it, like dioceses across the country, owns millions of dollars in property, much of it not dedicated to religious use, so settlements were paid out of property and insurance proceeds. No services were even remotely affected.

The Connecticut bishops also told their parishioners that Catholic Charities and the programs under its aegis would be negatively impacted by lawsuits, but they failed to note that over 70 percent of the organization's funding is paid by local, state and federal subsidies. Only a very small fraction comes from the parishes.

Further, the bishops claimed that they could never defend against potential lawsuits because some cases would be decades old. What they neglected to explain is that eliminating the SOLs does not eliminate the burden of proof on the plaintiff. Simply stated, if the plaintiff cannot prove the elements of the tort, the case does not go forward. And, unfortunately for the victims, much of the proof documenting how known child predators were moved from one diocese to another is hidden in the Church's secret archives.

The bishops also asserted that SOL reform legislation is discriminatory because it targets the [Catholic Church](#), which is patently false.

So it all comes down to a choice for Connecticut's legislators: Do they defer to the bishops, or do they protect the children of their state? The correct moral and public policy choice is obvious.

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