

YOU ARE INVITED

By the Catholic Whistleblowers Steering Committee to continue the approach established by Saint John Paul II and Pope Emeritus Benedict XVI when each was Pope.

- Who:** Cardinal Timothy M. Dolan, Archbishop of New York
Bishop Edward B. Scharfenberger, Bishop of Albany
Bishop Nicholas DiMarzio, Bishop of Brooklyn
Bishop Richard J. Malone, Bishop of Buffalo
Bishop Gregory John Mansour, Bishop of St. Maron of Brooklyn
Bishop Terry R. LaValley, Bishop of Ogdensburg
Bishop Salvatore R. Matano, Bishop of Rochester
Bishop William F. Murphy, Bishop of Rockville Centre
Bishop Robert J. Cunningham, Bishop of Syracuse
Bishop Thomas Mar Eusebius, Bishop of Syro-Malankara Catholic Exarchate in USA
- Date:** Wednesday, April 22, 2015 (any time from 10:00 a.m. until 3:00 p.m.)
- Place:** New York State Legislative Office Building, Albany, New York
- Purpose:** Meet Legislators and voice support for the Child Victims Act to become Law in New York State
- Guests:** Members of the News Media

The Catholic Whistleblowers Steering Committee contends that all criminal and civil statutes of limitations for child sexual abuse should be removed so as to better protect children and to do justice.

Thus, we appreciate that on its website the United States Conference of Catholic Bishops (USCCB) says: ***“Regardless of when the abuse occurred, a cleric against whom there is an established or admitted act of child sexual abuse is permanently removed from the priesthood. There is no statute of limitations for removing a cleric who has sexual (sic) abused a minor from public ministry in the Catholic Church”*** (emphasis by underscore added).¹

How did this USCCB statement come to be? After more than a decade of dealing with clergy sexual abuse cases within the Catholic Church’s legal system, in 2003 Pope John Paul II implemented an important change. He authorized the Congregation for the Doctrine of the Faith (CDF), the Vatican office that handles these cases, to use as the statute of limitations in cases of clergy sexual abuse of a minor that the victim’s age at the time the allegation is made known to the church would be no more than 38 years (thus, 20 years after the person’s 18th birthday).

¹ Secretariat of Child and Youth Protection, United States Conference of Catholic Bishops, “Did you know ... ?”, 2013, <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Did-You-Know-2013-2.pdf> [See: #13]

Moreover and this is very important, in 2003 the pope also empowered the CDF to raise the victim's age limit in the statute of limitations beyond age 38 if necessary, on a case-by-case basis. For example, if at the time of making an allegation known to the church the victim's age is 45, for that case the age in the statute of limitations can be changed to no more than 45 years.

Hence, with these changes in the church law, the statute of limitations would never again prevent the church from dealing with an abuser priest, no matter how long in the past the crime occurred. Finally, on May 21, 2010, Pope Benedict XVI formalized into church law the authority that Pope John Paul II had granted to the CDF in 2003.²

In addition, these changes are retroactive. Consequently, the USCCB website statement says: "*Regardless of when the abuse occurred ...*".³

Furthermore, the change in the church's statute of limitations concerns both the crime of sexual abuse of a minor and also actions to recover compensation for damages incurred because of the crime, thus regarding both "criminal" law and "civil" law, as we would say in the United States.⁴

Now, therefore, is the time for the Catholic Bishops of New York State to follow the example of Saint John Paul II and Pope Benedict XVI and voice support for the Child Victims Act to become Law in New York State.

Members of the Catholic Whistleblowers Steering Committee who invite you are: Rev. Ronald D. Lemmert (Peekskill, NY); Sr. Sally Butler, OP (Brooklyn, NY); Sr. Claire Smith, OSU (Bronx, NY); Sr. Maureen Paul Turlish, SNDdeN (New Castle, DE); Rev. Patrick Collins, Ph.D. (Douglas, MI); Rev. Bruce N. Teague (Springfield, MA); Rev. John P. Bambrick (Jackson, NJ); Robert M. Hoatson, Ph.D., (West Orange, NJ); Rev. Thomas P. Doyle, OP, JCD (Vienna, VA); Rev. James E. Connell, JCD (Milwaukee, WI).

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² This 2003 change in the statute of limitations is explained in an important Vatican document issued in 2011: "Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics".

http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20110503_abuso-minori_en.html [See: II., 2nd paragraph]

³ A review of some specific clergy abuse cases shows the laicizations of priests (removing them from the ranks of the clergy) were granted in 2004 or later where the publicly alleged crime of clergy sexual abuse of a minor took place more than five years before the processing of the case by the CDF. Thus, these cases of older crimes, so to speak, have been processed according to the changes established in 2003, not according to prior rules.

⁴ Canon 1729 of the *Code of Canon Law* provides that within the penal trial itself an injured party can bring a contentious action to repair damages incurred as a result of the crime. Thus, the change in the statute of limitations (referred to as "prescription" in Canon Law) applies to both the crime of sexual abuse of a minor by a cleric and also to the damages incurred because of the crime.