

Minnesota Child Victims Act continues to rock Catholic Church

Fallout continues to jolt Catholic institutions across Minnesota as a law permitting lawsuits for older claims of clergy sex abuse marks its second anniversary.

By **Jean Hopfensperger** (<http://www.startribune.com/jean-hopfensperger/10645071/>) Star Tribune

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Fallout continues to jolt Catholic institutions across Minnesota as a landmark law permitting lawsuits for older claims of clergy sex abuse marks its second anniversary this week.

Just last week the Archdiocese of St. Paul and Minneapolis removed a priest from active ministry in Richfield — bringing to 69 the number of accused priests it has identified since the law was passed.

Earlier this month a young Hibbing priest was arrested and jailed for sexual misconduct with three girls, reflecting Catholics' heightened awareness of contacting law enforcement, not just the church.

A Catholic nun and her religious order were sued last month by a Shakopee man for sexual improprieties, a sign of the law's widening impact.

The current trial of former priest Francis Hoefgen in Dakota County — a rare criminal prosecution of a priest for child sex abuse — was sparked by an alleged victim emboldened by the new law.

"This is the biggest shake-up in the history of the Catholic Church in Minnesota," said Charles Reid, a professor of civil and canon law at the University of St. Thomas. "The church has always been a powerful institution in the state — just look the height of the cathedral compared to the State Capitol. What we're seeing is a humbling of that."

In a statement Friday Archbishop John Nienstedt said the archdiocese is committed to helping abuse victims.

"Our first priority is helping victims and survivors, and we are committed to doing that regardless of any statute of limitations," he said. "The Archdiocese is committed to providing compensation and services in a fair and just manner to those who have been harmed, and making sure nothing like this ever happens again."

Historic new law

The 2013 Minnesota Child Victims Act lifted the statute of limitations for child abuse cases, opening a three-year window for people to sue the church over incidents that happened years ago.

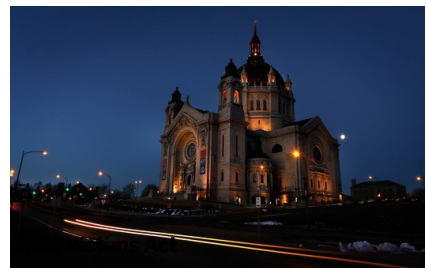
Until then, individuals sexually abused as children had until age 24 to sue their abusers. But victims' advocates had argued it could take years, even decades, for a survivor to come to terms with the trauma.

Today nearly 50 lawsuits have been filed in Minnesota's five dioceses and the archdiocese, implicating about 100 priests, according to lawyers for alleged victims. The archdiocese is facing about 175 lawsuits or notices of claims, said victims' attorney Jeff Anderson.

The people stepping forward say they were abused inside churches, schools, family homes and beyond from about the 1950s to 2010. They were altar boys, Catholic school kids, youngsters whose parents welcomed priests into their homes. For many, the opportunity to seek civil justice has been life changing.

"It was like a 1,000-pound elephant lifted off my chest," said Doug Devorak, a Shakopee man who sued the Diocese of New Ulm last month, stating he had been repeatedly abused by a sister at St. Michael's Catholic School in Madison in the 1960s.

The legal action — or threat of — has become an engine of institutional change. It has forged new protocols for church response to abuse complaints and, in some cases, made



http://stmedia.startribune.com/images/ows_1432415761416-44 Total lawsuits filed across the state of Minnesota

The Cathedral of St. Paul in March.

175 Lawsuits plus notices of claims against Archdiocese

100 Priests in lawsuits and notices of claims statewide

180 Priest names made public by dioceses, archdiocese, St. John's Abbey

Victim attorney estimates

public documents that prove the abuse was not a lie.

More than 60,000 pages, ranging from personnel files to psychological reports, have been released by the archdiocese and the Winona diocese, said Anderson. Every diocese's website now lists contact information for abuse victims. Click on the archdiocese website, for example, and the box in the top corner states "Your First Call Should Be to Law Enforcement."

It's a sea change from the church practice of trying to quietly settle abuse claims out of court and out of sight of law enforcement, victims said.

"The awareness factor is now front and center," said Bob Schwiderski, a longtime advocate for abuse survivors. "We now know you are supposed to report to law enforcement if you suspect abuse."

Meanwhile, about 180 priests have been publicly identified by the church as credibly accused child sex offenders, attorneys said. One priest on the Crookston Diocese list, the Rev. Joseph Jeyapaul, was extradited from India and pleaded guilty to criminal sexual misconduct Friday.

Bankruptcy complications

In year one of the Child Victims Act, a Ramsey District Court judge ordered the archdiocese to release the names of credibly accused priests it had held since 2004, as well as its internal files revealing its handling of abuse complaints.

Year two has seen lawyers focused on prying loose similar documents outstate — as well as on the fallout from the archdiocese bankruptcy filing.

The January bankruptcy suspended future lawsuits and trials that could have put priests, victims and archdiocese officials in the witness stand. Now alleged victims of archdiocese priests are urged to step forward, not to sue but to be part of a settlement.

That deeply disappoints Patrick Noacker, attorney for a man whose archdiocese lawsuit was slated for trial just days before bankruptcy was filed. Said Noacker: "The process was short-circuited by bankruptcy. Bankruptcy doesn't protect kids. Trials protect kids."

The bankruptcy, coupled with the steady revelations about abuse, has been difficult for many Catholics in the pews, especially the older faithful, said the Rev. Tom Walker, of Saint Ambrose of Woodbury.

"The result for some people is they don't know what to think," said Walker. "It's left them confused and even angry about what's happened."

The bankruptcy also created two different deadlines for filing claims, depending on where victims lived. The judge granted the archdiocese's request for an Aug. 3, 2015, deadline for archdiocese victims. Individuals suing priests anywhere else in the state have until May 2016. Ditto for individuals suing religious orders.

It was the first time in the nation that a court had shortened the deadline, prompting criticism of unequal justice for Minnesota victims.

Challenges remain

In spite of its successes, the law cannot address other key protection issues, such as the training and evaluation of seminarians, chancery leadership and the church's "culture," said Jennifer Haselberger, the archdiocese lawyer whose revelations of chancery coverups coincided with the new law.

Anderson said his biggest disappointment is the "seeming lack of rigor and vigor of the Ramsey County attorney's office." He said he's turned over thousands of pages of files on priest offenders.

"To date, none have been charged," said Anderson. David Clohessy, national director of Survivors Network of Those Abused by Priests, urged the church to release not just the names of accused priests, but details. When and where did the abuse happen? When did the church become aware?

In the year ahead, expect to hear more about clergy misconduct outstate and in religious orders. Bankruptcy settlement details. More clergy names revealed. More victims stepping forward.

“What you’re seeing is a cascading of justice,” said Sen. Ron Latz, DFL-St. Louis Park, the chief Senate author of the law. “We already knew there were a lot of cases out there that just hadn’t surfaced yet, because of the statute of limitations in effect. We didn’t appreciate how many cases there were, and how many people would step forward.”

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