

A CALL TO ACTION →

THE ISSUE: PA HOUSE BILL 1947

On Tuesday, April 12, 2016, the Pennsylvania House of Representatives passed House Bill 1947, a proposal to remove the criminal statute of limitations (SoL) for childhood sexual abuse and raise the civil SoL from age 30 to 50 moving forward. It also retroactively extends the civil SoL from survivor's age 30 to age 50. It will partially lift sovereign immunity so someone who is abused in a public institution **in the future** could sue the school district or government agency. However damage awards are capped and public agencies are protected from punitive damages. Public entities can only be sued if the injured party gives that entity notice within 6 months after the incident occurs, effectively nullifying the extension of the statute of limitations in these cases. There are no limits on punitive damages for non-public institutions.

Statute of Limitations (SoL) A fundamental principle of American law, statutes of limitations set time frames within which parties need to take action to ensure fairness in our legal system. Simply put, statutes of limitations encourage lawsuits to be filed when witnesses are available, memories are fresh, and evidence is intact. It's fair to everyone!

Sovereign Immunity A legal doctrine by which the state/government cannot commit a legal wrong and is immune from civil suit or criminal prosecution.

SO WHAT'S THE PROBLEM WITH HOUSE BILL 1947?

Nonprofit and private organizations like Catholic parishes and schools could be sued for past cases, but not public schools. As proposed, this "window" legislation would open up a 20 year period of time for lawsuits against private and nonprofit organizations, no matter when the offense occurred. Civil claims that are currently too old could be revived until the victim reaches age 50 but only if that abuse occurred in a non-profit setting, as public schools and agencies would still be protected by sovereign immunity.

Unequal Justice: ultimately the law targets organizations like the Church. The law would not apply to public schools or government agencies. Public entities would still be able to claim sovereign immunity from lawsuits, even though the vast majority of Pennsylvania students - 83 percent - attend public school. Survivors abused in the past in public schools, juvenile detention facilities, or county foster care programs could not bring suits under the legislation.

WHAT DOES THAT MEAN FOR THE CHURCH AND OUR PARISH?

Measures that nullified the civil statute of limitations in other states drained billions of dollars from current ministries, parishes, schools and dioceses. Bankruptcy and severe debt were the only option for many dioceses in the states with retroactive windows. In Delaware, where a retroactive law was adopted, **more than half of the individual parishes in the state were sued.**

More than two-thirds of the accused perpetrators [68 percent] were already dead or very old and long removed from ministry at the time claims were made under California's statutes of limitations "window." Plaintiffs' attorneys filed so many cases in California, Delaware, and Minnesota that out-of-court settlement and bankruptcy were the only way to manage the numbers. **Very few victims or defendants had their day in court; guilt or innocence was not the deciding factor in settlements but crippling financial ramifications for the defendant parishes and dioceses were the result.**

WHAT AM I BEING ASKED TO DO?

▶ Pray for all of those affected and scarred by this terrible scandal.

▶ Learn about the bill. Understand what it does and what it **DOES NOT** do.

Please visit www.pacatholic.org (The PA. Catholic Conference) for detailed information.

▶ **Write to the Governor, the Lt. Governor and your State Representatives to oppose Unfair Retroactive Statutes of Limitations Amendments. E-mail addresses and the information needed to write are available at www.pacatholic.org.**

Sexual abuse is a serious crime that affects every institution and community in Pennsylvania, public and private. Because of its gravity, it needs to be dealt with comprehensively and fairly. Any discussion of a legislative remedy must protect all children, not simply penalize some institutions. Everyone who values our parishes, schools and charitable organizations must urge their state lawmakers to oppose unfair changes to the civil statute of limitations.

The above was adapted from materials provided by the Pennsylvania Catholic Conference.
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