

The *Child Victims Act* and the Archdiocese of New York Frequently Asked Questions

October 1, 2021

1. Q. What was the *Child Victims Act*?

A. The *Child Victims Act*, also known as the CVA, was legislation passed by the New York State Legislature and signed into law by Governor Andrew Cuomo in 2019. It established a one-year “window,” commencing August 15, 2019, for victims of child sexual abuse to sue for damages for otherwise time-barred claims. The window was later extended for a second year, due to the coronavirus pandemic. The window to file such suits “closed” on August 13, 2021.

2. Q. Did the church support or oppose this legislation?

A. The New York State Catholic Conference, which represents the dioceses in New York State, initially opposed the legislation on various grounds, principally because earlier versions of the bill would have exempted public institutions – government run schools, for instance – from the bill. Once the legislation was expanded to allow *any* victim of abuse to sue any defendant, the Conference dropped its opposition, even though voicing concerns about its ability to uphold the American constitutional “presumption of innocence” in decades old cases. The Conference also supported other measures which

have now become law, including significantly raising the age from 23 to 55 for a victim of abuse to bring a lawsuit.

3. Q. How many suits were brought?

A. Over the course of two years, a reported 10,000 cases involving many defendants were filed in New York State courts, alleging that a plaintiff suffered abuse. Approximately 1600 cases were filed naming the Archdiocese of New York as a defendant. However, our review of these cases indicates that the archdiocese is named in lawsuits involving organizations for which we have no connection or responsibility. In addition, only a portion of the claims involved allegations of abuse by clergy of the archdiocese, with the overwhelming majority of those cases dating back many decades.

4. Q. What happens now?

A. Our primary goal now is to expeditiously resolve meritorious claims. We have instructed our legal advisors to work with the plaintiffs' attorneys, with the court system's assistance, to help bring closure to those with legally meritorious claims. That's a high obligation that we take seriously. We also have an obligation to defend the rights of accused but innocent priests when the facts show they did not commit the abuse.

5. Q. Did it take the CVA to make the Church recognize its obligation to help victim-survivors?

A. Actually, it did not. The Archdiocese of New York has long encouraged victims to come forward, to report abuse to law enforcement, and to approach us for whatever assistance the Church could provide. The Victims Assistance Coordinator for the archdiocese, Mrs. Eileen Mulcahy, can be reached at victimsassistance@archny.org or 646-794-2949. In addition, in 2016, three years before passage of the CVA, the Archdiocese of New York instituted the *Independent Reconciliation and Compensation Program* [IRCP], which successfully helped approximately 350 victim-survivors to find some measure of healing through compensation for the abuse they had suffered.

6. Q. What has the Church done to deal with child sexual abuse?

A. The vast majority of cases filed under the CVA which alleged abuse by a clergyman of the archdiocese claimed that the abuse took place in the 1950's, 60's, 70's and 80's; there were even allegations dating from the 1930's and 40's. Many, if not most, of the alleged abusers are deceased, and others removed from the priesthood decades ago. In all of the lawsuits filed naming the archdiocese, less than one-quarter of one percent (0.025%) claimed the abuse was committed by a member of the clergy within the last 20 years. Since the 1990's, and especially since the bishops of the United States passed the *Charter for the Protection of Children and Young People* in 2002 and

dioceses created new child protection programs, accusations of abuse have declined dramatically, showing the effectiveness of the groundbreaking reforms made by the Church in the U.S. In fact they became the model for many other organizations seeking to combat the horror of abuse.

In order to ensure that children are protected, our Safe Environment office has now completed 138,220 background checks and provided age-appropriate safe environment training to 122,801 adults and children. We continue to report any allegation of abuse to the district attorney, we authorize independent professional investigators to investigate such an allegation, and our *Lay Review Board*, made up of lawyers, judges, psychiatrists, child care experts, and parents carefully examine such allegations. Retired Federal Judge Barbara Jones, who is also a former prosecutor, has been tasked with making certain that the archdiocese is living up to these promises and protocols to protect children and young people. And, in 2020, the archdiocese was once again found compliant with the *Charter for the Protection of Children and Young People*, for the 16th year in a row.

Perhaps the most dramatic example of how these reforms have worked is the recent allegations against former cardinal, Theodore McCarrick (although no contemporaneous allegations of abuse were made against him during his

years of service as a priest in the Archdiocese). It was the Archdiocese of New York that took seriously the complaint against him that came through our IRCP program in 2018, a claim eventually found to be substantiated and which led to his removal from the priesthood.

7. Q. What money will you use to settle meritorious lawsuits? Will you file for “bankruptcy” as some other dioceses have?
- A. The archdiocese is committed to settling meritorious claims as expeditiously as it can, and intends to rely on the insurance it purchased for these types of claims and also upon income from its assets and investments.

The archdiocese does have insurance coverage through much of the time that abuse is alleged to have occurred, with Chubb being the primary insurer. Chubb has recognized its duty to defend the archdiocese as well as its parishes and other archdiocesan-related entities during those years it provided coverage. However, Chubb reserved its rights to indemnify the archdiocese for these claims. Based on the law, the archdiocese firmly believes that Chubb has a legal duty and obligation to indemnify –pay claims on behalf of the archdiocese under the terms of the insurance policies and obligations Chubb issued for which the archdiocese paid significant premium dollars. Of course, the archdiocese will do whatever is legally necessary to

have Chubb honor its financial promises if they renege on the insurance they promised to maintain.

In order to compensate those who participated in the IRCP program, the archdiocese took a mortgage on some archdiocesan property, and will gradually repay that mortgage over the course of a number of years. If necessary we would follow the same approach to settle CVA claims. Should future circumstances require a different plan, we will certainly inform our faithful.

It is not the archdiocese's intention to seek Chapter 11 bankruptcy protection. Like any family facing financial pressure, we have already begun belt-tightening, and have trimmed administrative expenses at the central offices of the archdiocese. We will continue to do all that we can to be careful stewards with the funds entrusted to our care.

8. Q. Does the payment of claims end our obligation to abuse survivors?
- A. In our meetings with victim-survivors of abuse, one thing has become very clear: for victim-survivors, the abuse is over; but the memory is not erased. Together, our church prays for their healing and strength every day, and we

have recommitted our archdiocese to doing everything humanly possible to make certain that such abuse does not happen again.

Even though the number of abuse incidents has shrunken dramatically thanks to the measures the Church has implemented, we intensify our resolve to protect innocent children and vulnerable young people who merit every measure of protection we can muster.