

Connecticut's Torts

Michael Sean Winters | Apr. 19, 2010 NCR Today

The bishops of Connecticut have urged their parishioners to fight a proposal in the legislature to lift the statute of limitations on the sexual abuse of minors. In the current climate, of course, this looks like just another example of the hierarchy trying to escape responsibility for their criminal neglect of the abuse.

To be clear, the bishops are wrong to oppose the proposal: One of the things we have learned about the sexual abuse of minors is that it often takes the victim years to admit that the abuse occurred, still less come forward and seek justice. There is a balance to be drawn between justice for the victims and the understandable fear of criminal prosecutions undertaken so long after the fact, but as a society ? and most certainly as a Church ? we should come down on the side of justice for the victims.

What the bishops should propose, however, is that while the statute should be lifted, the Connecticut legislature should adopt a different scale of punitive damages for all non-profits, including the Church, than currently apply under normal tort law for corporations. If a for-profit corporation willfully exposes others to damage, it makes sense to confiscate enough of its assets in a penalty so as to ensure that it won't happen again. The managers and the stockholders of the corporation should be made to pay because they did not exercise sufficient control over the company in question to prevent the abuse.

But, if a huge monetary award is levied against a non-profit, who pays? The poor who go to our hospitals? The children who attend our schools? Father Tom Reese, SJ, pointed this absurdity out to me and it has stuck in my mind since. Why can't there be a separate type of punishment for non-profits? Certainly, their leaders could be fired. Certainly, there could be some kind of court-ordered oversight. But, why should the poor pay because bishops messed up?

Here is a solution to the current political debate in Connecticut. Remove the statute of limitations, but re-write the tort law so that non-profits are treated differently when punitive damages are awarded.

Source URL (retrieved on 07/28/2017 - 04:03): <https://www.ncronline.org/blogs/ncr-today/connecticuts-torts>