

Statutes of limitations still in dispute

Tom Roberts | Apr. 23, 2010

One area that remains in dispute in the sex abuse crisis in the United States involves statutes of limitations preventing alleged victims from seeking redress after a certain age.

The statutes governing sex abuse crimes vary from state to state and have been overturned in some well-known cases, such as California. There the law was changed to allow victims who had run out of time to file criminal charges to seek civil awards. As a result, the Los Angeles archdiocese, for example, agreed to pay out a reported \$660 million in settlements to more than 500 claimants.

In some locations, the church has waged fierce campaigns against changing the statutes, while victims' groups push for elimination of the laws.

Currently, such battles are under way in Florida and Connecticut. In Florida, the church has been fighting for six years against some changes to the statute that mandates that victims of certain crimes, including non-forcible rape of children 12 and older, have until age 21 to file charges and until 26 to file civil lawsuits.

According to an April 8 report in *The Palm Beach Post*, the church favors eliminating the statute of limitations for individuals who commit the crimes, but its lobbyists have tried quietly to amend the measure to retain the current time restrictions on lawsuits against institutions like the Catholic church.

Mike McCarron, executive director of the Florida Catholic Conference, told the paper the church opposes the change because of the passage of time and the very reasons that statutes of limitations exist, the inability to find any information that relates to it. It's just a very difficult thing to defend against when you go out without any time limit whatsoever.

The fight is higher-profile in Connecticut where a proposed bill would extend the statute of limitations for civil cases dealing with sex abuse of children.

The state's bishops have written a letter placed in parish bulletins recently and carried as an ad in the *Hartford Courant* arguing that the change could lead to bankruptcy of the church, threatening even those parishes without a history of abuse and undermining the mission of the church in Connecticut.

Timothy O'Keefe, an attorney who represents abuse victims, told the *Courant* that the bishops' letter is an attempt to scare the state's Catholics into believing that any kind of extension of the statute of limitations is going to bankrupt the church. That is flat-out false.

O'Keefe also noted that the bill does not apply exclusively to the church, but to all institutions and individuals.

In Arizona, a bill that was to be voted on in late April would eradicate that state's statute of limitations and provide a one-year window for older clients to pursue civil suits in sex abuse cases. Joelle Casteix, western regional director of the Survivors Network of those Abused by Priests, said the bill, which was passed

unanimously in March by the Senate Judiciary Committee, was headed for passage by the entire legislature.

Casteix said the church in Arizona has not publicly opposed the proposed law.

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