



## *New York State Catholic Conference*

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Testimony  
of the  
New York State Catholic Conference  
regarding the  
2018 – 2019  
Public Protection Budget

Hearing Room B  
Legislative Office Building  
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Senator Young, Assembly Member Weinstein, and distinguished members of the Senate Finance and Assembly Ways and Means Committees:

The Catholic Church has zero tolerance for sexual abuse and supports proposals in the New York State Legislature to extend the time allowed under the law to file criminal charges or civil lawsuits against those who abuse children.

Sexual abuse is a societal scourge. It knows no boundaries. Protecting children from sexual abuse and safeguarding the legal rights of victims requires a comprehensive approach. While the Catholic Conference strongly supports efforts to prospectively increase the criminal and civil statute of limitations for child sexual abuse, legislation put forward in the Executive Budget is seriously flawed in that it contains a statute of limitations “window” to open up previously time-barred civil claims going back indefinitely against not only abusers themselves, but against their employers as well. **The Catholic Conference strongly opposes this retroactive window.**

This extraordinary provision would force institutions to defend alleged conduct decades ago about which they have no knowledge, and in which they had no role, potentially involving employees long retired, dead or infirm, based on information long lost, if it ever existed. To be clear, this provision would allow claims from even the 1940s or 1950s to be resurrected.

Statutes of limitation are an essential protection of American law because they ensure that claims can be fairly adjudicated in a timely manner based on credible evidence. The New York State Bar Association has said:

*Over time, evidence is lost or destroyed and witnesses die or become unavailable or, when they are available, their memories are less reliable. These circumstances make proof and defense of such actions extremely difficult, if not impossible, for all parties involved. (New York State Bar Association’s Committee on Civil Practice Law and Rules Legislative Report #8, Feb. 25, 2003)*

While some legislative and policy disagreements about the ideal approach continue, New York State continues to make laudable progress in protecting children. The criminal statute of limitations on charges of rape or felony sexual abuse of a child has been eliminated. These crimes are now treated with the same gravity as murder.

Still more can and should be done. Currently under consideration is an omnibus child protection bill sponsored by Senator Andrew Lanza and Assembly Member Michael Cusick that would extend the civil statute of limitations for sexual abuse lawsuits another five years to the victim’s 28<sup>th</sup> birthday, and would apply equally to public and private institutions. This bill, S5660/A7302, also eliminates the criminal statute entirely, adds clergy to the list of mandated reporters, and requires criminal background checks for all employees and volunteers who work with children in either public or not-for-profit settings. The Catholic Conference strongly supports the S.5660/A7302 as the best legislative remedy available to protect children from abuse today and to give victims more time to seek justice, both criminally and civilly.

To reiterate, while we are in agreement with aspects of Governor Cuomo’s proposal in the Executive Budget referred to as the Child Victim’s Act, the ill-advised “window” to reopen decades-old claims is, in the end, contrary to justice, because simply too much time has gone by in many cases to mount an effective defense, particularly for institutional defendants.