

**DIOCESE OF BUFFALO**  
**FREQUENTLY ASKED QUESTIONS – August 13, 2019**

**Q1: What is the Child Victims Act?**

**A1:** The Child Victims Act (CVA) is a New York State law signed by Governor Cuomo on February 14, 2019. Among other things, the CVA provides that a victim of childhood sexual abuse has until age 55 to start a civil lawsuit for that abuse. The CVA also provides a one-year period or “window” in which child victims of sexual abuse can file lawsuits, even if their lawsuit would have been barred by the prior statute of limitations.

The CVA allows lawsuits against any party whose intentional or negligent acts or omissions are alleged to have resulted in illegal sexual conduct. The CVA allows for lawsuits against all such individuals or entities, not just the Church. For example, the CVA allows for lawsuits against municipalities, public and private schools, not-for-profit organizations, and private entities, as well as the individual alleged to have committed the abuse.

Under the CVA, the one-year period or “window” for the filing of these lawsuits begins on August 14, 2019 and closes August 14, 2020.

**Q2: What effect will the Child Victims Act have on the Diocese of Buffalo?**

**A2:** It is expected that a large number of CVA lawsuits will be filed across New York State, against a wide range of defendants, when the one-year period begins on August 14. The Diocese has been preparing for months but the ultimate effects of the Child Victims Act on the Diocese of Buffalo and its parishes are not yet known, and may not be known for some time, we expect the daily work of the diocese’s many ministries to continue uninterrupted.

**Q3: Will there be a public response by the diocese to claims filed in court?**

**A3:** Once a claim is filed in court, its details become public record. While the media may report details of the claims, the diocese will not respond since the claim is part of ongoing litigation. Any response and additional details are reserved to the litigation process and the diocese will not respond to individual claims.

**Q4: How does the diocese assist victim-survivors of sexual abuse of children by members of the clergy or church personnel/volunteers?**

**A4:** The Diocese of Buffalo employs a Victim Assistance Coordinator (VAC) to take reports of abuse. These reports are then forwarded to the Bishop, the Office of Professional Responsibility, attorneys and other staff for investigation. The VAC will ask if the caller would like a call from and/or personal meeting with a bishop. She will also recommend counseling - and the Diocese will pay for any out-of-pocket expenses. The VAC can assist in linking the caller with a mental health professional, if they would like. The VAC coordinates the billing between the therapist and the Diocese. The diocese continuously works to strengthen its efforts towards child protection, abuse prevention and pastoral outreach to survivors. The diocese reports allegations of sexual abuse of a minor to the appropriate law enforcement agency/district attorney. Allegations of abuse are thoroughly investigated.

Since 2003, the diocese has taken many decisive steps to protect children. Through its robust reporting mechanisms, the diocese has released the names of clergy credibly accused of the sexual abuse of a minor. The majority of clergy accused of abuse, most of which happened decades ago, have died; others have left the priesthood. Deceased priests with more than one allegation of sexual abuse of a minor are named on the list of accused priests published by the diocese and updated regularly.

In 2018, the Diocese of Buffalo initiated the Independent Reconciliation and Compensation Program (IRCP) to offer the opportunity for some measure of healing and justice to those who were abused by clergy.

The IRCP program allowed survivors of clergy sexual abuse to file confidential claims and receive financial compensation. It offered survivors a confidential option for reconciliation.

The IRCP builds on the reforms and best practices for protecting our children in the Catholic Church. Listed below are just some of the examples of the proactive procedures currently integrated into every dimension of the Catholic Church:

- The outreach of bishops and survivors' assistance coordinators to survivors and their families
- Following the Charter for Protection of Children and Young People with a firm zero tolerance policy regarding sexual abuse,
- Immediate reporting and cooperation with civil authorities
- Diocesan and parish audits
- The ongoing training of clergy, employees and volunteers to prevent child abuse (VIRTUS)
- Background checks on clergy, employees and volunteers charged with oversight of minors
- Screening of our seminarians preparing to become priests

**Q5: How do I report sexual abuse today?**

**A:** When abuse is suspected, we encourage the individual or the public to come forward and immediately call local law enforcement/9-1-1, their local police department or the New York Statewide Central Register (commonly known as the Child Abuse Hotline) at 1-800-342-3720. If certain criteria are met, the Central Register will then notify Erie County Child Protective Services (CPS) to pursue the case. The contact number for Erie County Child Protective Services is (716) 858-1665. Also, contact the Diocese of Buffalo's Victim Assistance Coordinator, Ms. Jacqueline Joy (716) 895-3010. She is available anyone who has been abused or victimized by someone representing the Catholic Church.

**Q6: How will the Diocese pay for the costs of CVA lawsuits settlements?**

**A6:** The costs of the lawsuits will be paid by the Diocese's liability insurance carriers and, if necessary, from diocesan investment fund reserves.

**Q7: Are the children of the diocese safe today?**

**A7:** Absolutely. In most cases, the horrific claims of sexual abuse by clergy made by survivors happened decades ago. Most of those accused are deceased; others have been removed from ministry or have left

the priesthood. Members of the clergy and other church ministers against whom a credible and substantiated claim of child abuse has been made are permanently removed from ministry.

Students, staff and volunteers in our Catholic elementary schools are taught to recognize predatory behavior by adults and how to report it. Further, the schools have enacted School Safety plans, some have implemented phone apps for students to confidentially report concerns and many have added social workers for student support.

There have been only three diocesan priests against whom there have been substantiated allegations of child sexual abuse since the year 2000. There have been no substantiated claims of child sexual abuse against any diocesan priest ordained in the past 30 years.

**Q8: What does the diocese say to those survivors who will file lawsuits because of the Child Victims Act?**

**A8:** First and foremost, Bishop Malone personally and on behalf of the Diocese of Buffalo sincerely apologizes to all victim-survivors of sexual abuse. The Diocese commends the courage of those who come forward to share their experiences and wish to see justice, healing and reconciliation prevail.

**Q9: I have read that dioceses in other states that passed a similar Child Victims Act were forced to file Chapter 11 Bankruptcy/Reorganization. Will the Diocese of Buffalo be forced to follow a similar path?**

**A9:** At this time, it is uncertain what path the diocese may take. Our primary concern is to do the right thing for the victims/survivors of abuse and at the same time ensure that the mission of our church continues. The term bankruptcy indicates finality, so the term reorganization is used because the overall mission of the Church will and must continue.

**Q10: Will schools or parishes be affected? Will they be forced to close because of any potential financial necessity?**

**A10:** While the diocese does not know the full impact of the Child Victims Act, we intend to work diligently to see that no schools or parishes will be forced to close as a result of the CVA. We do not believe, at this time, that the closure of parishes or schools because of the CVA would be a likely outcome.

As a result, it is possible that a lawsuit may include allegations concerning a parish that date back decades. Such a lawsuit may name a parish, the diocese, a religious order and/or the individual perpetrator (whether clergy, religious, lay employee, or volunteer) as defendants. It is also possible that a lawsuit will contain allegations about a parish even though the parish is not named as a defendant.

**Q11: Will employee pensions or retirement funds be impacted?**

**A11:** The Diocese of Buffalo will do everything within its legal parameters to preserve and protect employee pensions and retirement funds. That said, it is too early to say definitively, but in diocesan settlements in other parts of the country, no known employee pension money or retirement funds were impacted.

**Q12: How long will it take to fully litigate all the lawsuits filed under the Child Victims Act?**

**A12:** It is impossible to predict, but for some dioceses it took a number of years to reach final settlements with all of the survivors who filed lawsuits.