



# ARCHDIOCESE OF WASHINGTON

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## **Priest Council Minutes Archdiocesan Pastoral Center February 16, 2017 at 10:00 a.m.**

**Present:** Cardinal Donald W. Wuerl; Most Rev. Barry C. Knestout; Rev. Msgr. Michael W. Fisher; Rev. Roy E. Campbell; Rev. Frederick J. Close; Rev. Alain M. Colliou; Rev. Msgr. Donald S. Essex; Rev. William E. Foley; Rev. Scott R. Hahn; Rev. Mark D. Knestout; Rev. Kevin J. Regan; Rev. Tam X. Tran; Rev. Moises Villalta, O.F.M. Cap., Rev. Msgr. James D. Watkins; Rev. Lawrence A. Young

**Absent:** Most Rev. Mario E. Dorsonville; Rev. LeRoy J. Fangmeyer; Rev. David M. Fitz-Patrick; Rev. W. Paul Hill; Rev. Raymond H. Moore; Rev. Raymond F. Schmidt; Rev. Lawrence C. Swink; Rev. Walter J. Tappe; Rev. Msgr. Eddie L. Tolentino; Rev. Msgr. Peter J. Vaghi

### **Opening Prayer and Remarks**

Following the opening prayer, Cardinal Wuerl invited Chancellor Kim Viti Fiorentino to come in and begin her presentations.

### **Approval of Minutes**

The minutes of the January 18, 2017 meeting were approved without corrections.

### **Maryland Catholic Conference & Statute of Limitations**

Chancellor Fiorentino gave an overview of several bills pending in the current Maryland legislative session related to extending the statute of limitations in which victims of child sexual abuse could initiate litigation against private entities including the church. A general background of the concept of “statute of limitations” was provided, including the fact that this legal concept has been in existence for hundreds of years and is intended to protect the interests of all parties by guaranteeing that legal questions are addressed in a timely and fair manner. Statutes of limitations help to ensure that witnesses are available to both sides to testify about the facts of a case and to provide other relevant information; that memories are fresh and relate as closely as possible to the time the facts of a case occurred; and that documents and electronic information relevant to a case are intact and available for trial.

One of the most concerning bills presently before the Maryland legislature would increase the statute of limitations from 7 years past the age of majority (to the age 25) to 32 years past the age of majority (to the age of 50). Delegate C.T. Wilson (Dist. 28, Charles County) is the primary sponsor and advocate for this bill. Delegate Wilson’s bill greatly expands the time within which alleged victims could initiate a civil action against the actual perpetrator of abuse, but the proposed legislation will target private institutions (churches, Boy Scouts) for expanded liability by unilaterally subjecting such groups to an expanded statute of limitations period. The bill proposes to revive time-barred civil claims and permits them to be filed for a one-year “window”

between January 1 and December 31, 2018. Maryland has no statute of limitations for prosecution of criminal cases involving child sexual abuse, and this bill allows public institutions to remain free from the expanded limitations periods and continue to benefit from statutory caps on damages that currently exist for such employers.

Three other bills, virtually identical but with different sponsors, have also been introduced in the Maryland legislature. Unlike Delegate Wilson's bill, they are solely "prospective," meaning they would provide an extended statute of limitations only for acts or causes of action that arose after the effective date of the bill. For claims against individual perpetrators, claims would need to be filed within either 20 years after the victim turns 18, or 3 years after the perpetrator is convicted of sexual abuse of a minor in relation to the incident that forms the basis of the civil claim. For claims against any entity, like a church, other than the perpetrator, would need to be filed within 20 years after the victim reached the age of majority (18). The bill requires claims against entities to demonstrate that the entity had actual knowledge of a previous incident or incident of sexual abuse, and negligently failed to prevent the abuse that is the basis for the claim. The "actual knowledge" standard is very important, as it reflects a higher burden of proof for legal liability for entities. Although these bills leave in place the various caps on damages against public institutions, they notably carve out exceptions for claims of child sexual abuse from the statutes that impose one-year notice requirements on claims against state and local governmental entities. Therefore, though still flawed, these bills do not include the onerous provisions of the proposed "window bill."

From a policy perspective, these bills are concerning, as they fail to add any safeguards to protect children from sexual abuse; fail to protect children throughout the state equally (that is, different provisions for private vs. public entities); fail to recognize that much evidence on both sides would be lost and unrecoverable (thereby causing injustice); and fail to include reasonable caps on damages as Maryland law does for other injury. The proposed bills do nothing to actually protect children from abuse and do not encourage prompt reporting, thereby allowing perpetrators to continue abusing others undetected for many years. The legislation takes no notice of the concrete and successful efforts for child protection implemented by the Archdiocese of Washington and other impacted dioceses.

In collaboration with the Maryland Catholic Conference, the archdiocese is designing and implementing a communication and advocacy strategy to advance our views during the legislative process.

### **Revised Immunization Policy**

At the December 9, 2016 meeting of the Priest Council, Chancellor Fiorentino presented the Revised Immunization Policy for schools of the Archdiocese of Washington. As a follow-up to this presentation, a Question & Answer document was distributed to the Council. The revision to the policy makes reference to its consistency with Catholic moral teaching, in light of how the immunization of children is a public health issue. The revised policy also states that the archdiocese will consider moral objection to immunization in addition to a physician-documented medical objection, and the reason why a moral objection could arise is clarified in the Question & Answer document. In response to questions, a discussion took place pointing out distinction between the moral judgment of parents that leads them to object to immunization, and the moral judgment of the school to implement immunizations that the Church has deemed morally acceptable.

## **2017-2018 Tuition Assistance Award Allocation**

Mr. William Ryan, Superintendent of Catholic Schools, gave an overview of the Archdiocesan Tuition Assistance Program for 2017-2018. The Catholic Education Foundation of the Archdiocese of Washington, Inc. (CEF) annually grants funds for the Tuition Assistance Program (TAP), and in each of the past four years, approximately \$6 million has been awarded. The demonstrated financial need of applicants continues to increase, and the tuition assistance awarding is in process for the 2017-2018 school year. A need to increase award allocation for archdiocesan elementary school students has been identified.

In September 2016, the application window opened for the 2017-2018 school year, and in November 2016, the CEF Board of Directors approved the award pool. In December 2016, the Catholic Schools Office provided a recommendation to Cardinal Wuerl regarding approval for the tuition assistance award pool. Between February and March 2017, detailed tuition assistance awards are recommended to Cardinal Wuerl, and when approved, are reported to schools and applicants.

The strategic plan calls for increasing enrollment by 10% by school year 2021, and enrollment in archdiocesan elementary schools is critical to achieving this goal. Demonstrated financial need of students is increasing across the board, and independent Catholic high schools are increasingly opting to self-fund. Mr. Ryan has contacted all independent high school presidents to discuss the need to increase tuition assistance for elementary school students/families.

Decisions for assistance are based on who has the most need, and it is helpful that funds are provided to pastors to use at their discretion. TAP has been allocated \$6 million for 2017-2018, but there is a \$51 million need. Enrollment for the Consortium of Catholic Academies has stayed pretty consistent, and independent high schools and K-8 archdiocesan schools have seen an enrollment increase over the past year. The Catholic Schools Office has also put together a Hispanic Enrollment Workgroup to make recommendations to the Cardinal. There is support for the Opportunity Scholarship Program, and we are working to get more money for Maryland's Broadening Options and Opportunities for Students Today (BOOST) program. TAP depends on several streams of income. We have to raise about \$3 million. It was noted that parents not getting their documentation together in time, as well as the application timeline itself, can hinder parents from getting assistance. Cardinal Wuerl affirmed that there may be a way to extend the TAP application deadline for those with good reason.

## **Closing Remarks and Prayer**

Commenting on his impression from deanery meetings, Cardinal Wuerl stated that the discussion of *Amoris Laetitia* has been well-received and has generated a lot of good pastoral reflection on the dual task of teaching and accompaniment, and priests who have been in ministry longer seem to be more comfortable with this dual task. We can take a lot of satisfaction from discussions about what is being done to enhance opportunities for confession in response to *The Light is ON for You* initiative.

Through the Priest Personnel Survey, *Aligning Pastoral Needs and Priest Personnel*, the Clergy Office is collecting responses that will form the basis for recommendations. We are not seeing much comment about a need for dramatic changes or for closing parishes, but there are areas

where pastoral creativity is needed. Some men are going to be sent to do graduate studies, and that takes out of play someone who could be a pastor. The meeting was closed in prayer.

**Next Meeting:** March 9, 2017