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After the release of the redacted report on child sexual abuse in the Catholic Archdiocese of Baltimore by the Maryland Attorney General's Office on April 6, 2023, Kurt Rupprecht speaks in Baltimore about the abuse he suffered. (Kim Hairston/The Baltimore Sun via AP)

Ahead of MD Supreme Court hearings, victims argue in favor of Child Victims Act

Ian Round (https://thedailyrecord.com/author/ian-round/) (mailto:ian.round@thedailyrecord.com) July 9, 2024 3:00 PM EDT
Victims of alleged child sexual abuse argued in briefs this week that the Maryland Child Victims Act is constitutional, allowing them to bring claims against the Roman Catholic Archdiocese of... You can read the content in details following link https://thedailyrecord.com/2024/08/09/ahead-of-md-supreme-court-hearings-victims-argue-in-favor-of-child-victims-act%2F

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Victims of alleged child sexual abuse argued in briefs this week that the Maryland Child Victims Act is constitutional, allowing them to bring claims against the Roman Catholic Archdiocese of Washington and other institutions decades later.

The respondents' briefs, and amicus briefs by the state attorney general, were filed Aug. 7 ahead of hearings scheduled for next month at the Maryland Supreme Court on the constitutionality of the 2023 law.

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“The CVA represents an appropriate legislative response to a horrific injustice,” wrote Jonathan Schochor and Andrew Janet, the lead attorneys representing the Washington archdiocese’s victims.

They argue the church is wrong to say a 2017 law gives them immunity that can’t be revoked by the Child Victims Act; they say that law is “subject to contraction and expansion by legislative choice,” rather than granting a permanent right. The archdiocese claims that 2017 law is a “statute of repose” that permanently protects “non-perpetrator” defendants, namely the institutions that employ them, from certain claims.

The Child Victims Act ended the statute of limitations for victims of child sexual abuse to bring civil claims against institutions that harbored the perpetrators. Gov. Wes Moore signed it into law in April 2023, days after the Maryland Attorney General’s Office published a mammoth report on abuse within the Archdiocese of Baltimore.

Lawmakers anticipated immediate constitutional challenges to the law and included a provision in the act allowing the Maryland Supreme Court to rule on it quickly. The Prince George’s County Circuit Court ruled in March that the law was constitutional; the Montgomery County Circuit Court in April found it unconstitutional.

The victims’ lawyers believe their interests outweigh the church’s immunity claims because victims are often unable to fully process what happened to them before the deadline to sue.

“The abuse occurs when they lack the psychological maturity or sophistication necessary to recognize the harm inflicted, let alone pursue civil justice,” Schochor and Janet wrote. “This is particularly true of children abused by those touted as moral and spiritual leaders of their religious community and representatives of God.”

Maryland Attorney General Anthony Brown made similar arguments in an amicus brief, saying the archdiocese does not have any “constitutionally protected, vested right against revival of civil claims.”

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“In actuality, the 2017 statute was a lawful exercise of the General Assembly’s authority to prescribe and adjust the time periods within which plaintiffs can sue — so is the Child Victims Act,” his office wrote. “The Act does not create a new cause of action against the defendant. It does not lower the burden of proof needed to hold it liable. It simply removes time barriers in order to allow victims to seek justice against those who enabled or harbored their abusers.”

The state’s high court on Sept. 10 will begin hearing arguments in four CVA cases. The other parties seeking to overturn the law are The Key School in Annapolis, the Board of Education of Harford County and the Church of Jesus Christ of Latter-Day Saints.

The Archdiocese of Baltimore is not involved in the litigation. It declared bankruptcy in order to avoid suits from hundreds of people empowered by the CVA and to limit the amount it would have to pay them.

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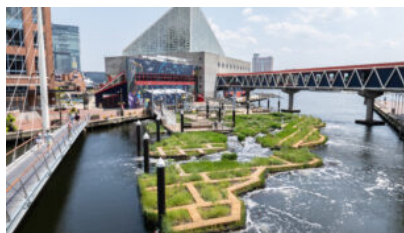


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Today	Saturday, August 10
Wednesday, August 14	
1:00pm	District 7 Tenants' Rights & F
1:00pm	Kent County Life Planning Cl
3:00pm	Loyola's Govans Farmers M:
Tuesday, August 20	
10:00am	Queen Anne's County Life Pl
Wednesday, August 21	
3:00pm	Loyola's Govans Farmers M:
Thursday, August 22	
9:00am	Family Practice Update
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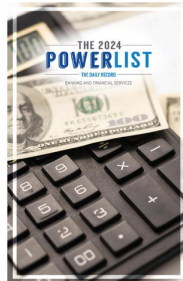
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