

**EXHIBIT B**

# Catholic Conference of Ohio

9 E. Long St. Columbus, Ohio 43215  
April 2005

## **Reasons Why the Statute of Limitations Revivor Language in S.B. 17 Should Not Be Adopted**

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1. **Catholic Bishops and Laity Are Extremely Embarrassed and Troubled by the Instances of Child Abuse That Occurred in the 1970's and 1980's. Careful Reforms Have Been Installed To Prevent Reoccurrence.**

Catholic dioceses in Ohio and throughout the country have taken aggressive steps to provide safety and protection for children and young people involved in our church ministries and institutions. All diocesan and parish employees that work with children must be fingerprinted and have background checks completed. Prospective employees are treated in the same manner. Any volunteer that works with children must also be fingerprinted and have background checks completed before they can begin.

These same persons must also attend "safe environment" programs to learn about child abuse before they can work or volunteer with children. Students attending Catholic schools and Parish Schools of Religion also receive instruction about child abuse with age appropriate lessons and discussions.

2. **An Attempt To Revise and Extend the Statute of Limitations That Has Already Expired Is Unconstitutional On Its Face.**

The Supreme Court of Ohio unequivocally announced in *Cox v. Ohio Dept. of Trans. (1981)*, 67 Ohio St. 2d 501:

**Where the time for commencing an action has expired due to the running of the statute of limitations, an amendment lengthening the statute of limitations, which is effective after the period of limitations has run, does not revive the cause of action.**

3. **False Comfort to Victims.**

This revivor provision may actually re-victimize those who have already sustained abuse. Will it help heal a victim if one files a lawsuit and undergoes cross-examination, discovery and potential counter-claims and then, after two or three years of litigation finds all was in vain because the revivor was unconstitutional? In reality, this would simply extend the pain and interfere with the healing process.

4. **Statutes of Limitations Have Been Adopted To Help Ensure Fair and Equitable Litigation.**

As time passes, witnesses' memories become impaired, witnesses and parties pass away, documents have been destroyed and accurately recreating facts and circumstances essential to a fair and just judgment becomes much more difficult. Revivor of expired statutes of limitations and reopening of thirty-five-year-old abuses will prevent fair proceedings, and unbridled emotion will prevail.

**5. The Catholic Bishops in Ohio Have Been the Strongest Proponents of the Reporting Requirements in S.B. 17.**

The Catholic Conference of Ohio was a strong supporter of the reporting requirements included in S.B. 17. This bill expanded the types of persons required to report known or suspected abuse of a child to include clergy and individuals designated by the Church as leaders and volunteers. Other interested parties eventually weakened this requirement to exclude volunteers and to limit reporting to only those clergy or church leaders who know or have reasonable cause to suspect that another clergy or church leader has or poses a threat of causing the abuse of a child.

By making this change, the reporting requirements in S.B. 17 as passed by the Senate, are not as strong as they were in the original bill.

The Conference believes it is important that any person working with or volunteering to work with children within the Catholic Church be required to report known or suspected child abuse. Article 4 of the *Charter for the Protection of Children and Young People*, adopted by all the Catholic dioceses, requires these persons to make such reports to the appropriate diocesan officials and to civil authorities, regardless of whether the state requires such reporting or not.

**6. After the Bill Is Declared Unconstitutional, Catholics Will Have Incurred Prohibitive Legal Fees Defending Cases Through the Trial Courts, Courts of Appeal and the Ohio Supreme Court.**

These costs alone will result in impairment of religious and charitable missions. Legal fees plus the reduction in charitable contributions that have resulted from the 1970's and 1980's abuses place Church finances in a precarious position. The losers become the average Catholic layperson who caused no harm.

**7. It Must Be Remembered That Each of the Diocesan Bishops Holds Church Assets in Trust for the Catholics in the Diocese.**

It is those Catholics who still support the Church but abhor the wrongdoing that occurred in the past who will suffer from the financial consequences of this unconstitutional legislation. The perpetrators of abuse have no assets. The Bishops hold all assets in trust for Church members. Thus, if this legislation is punishing anyone, it is the average Catholic in each representative's district who had nothing to do with child abuse and who was furious to learn that such had occurred.

**8. Canon Law does not permit lying.**

Arguments will be made that the Catholic Church has a canon law provision that permits bishops to lie. The truth is, there is no such canon. One can scour the Canon Law publications and find no such canon. Yet, the proponents have convinced some legislators that the Catholic Church espouses lying by its bishops.

**9. The Ohio General Assembly Has Recently Adopted Tort Reform Legislation to Reduce the Cost of Litigation in Ohio and Relieve Business Entities of Exposure to Substantial Verdicts.**

It seems somewhat inconsistent after enacting that legislation to move in the opposite direction that the General Assembly would impose millions of dollars of extra litigation costs upon the average Catholic, who sympathizes with the victims and had absolutely nothing to do with abuse.