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Bishop Gainer Makes Change to Compensation Program: Prior Notice Requirement Removed

HARRISBURG, Pa. – Bishop Ronald W. Gainer and the Roman Catholic Diocese of Harrisburg announced a change to its Survivor Compensation Program today. Bishop Gainer recently completed his Listening Sessions throughout the Diocese. Based in part on feedback from these sessions, Bishop Gainer has waived the requirement that survivors of clergy abuse must have identified themselves to the Diocese by February 11, 2019. Now those survivors who had not previously come forward to the Diocese are eligible for the Program, but must participate in an in-person meeting with the Program Administrators. With this change, all survivors of clergy sexual abuse are encouraged to submit a claim to the Program. All other Program deadlines and terms remain the same.

“I have instructed our Fund Administrator to make this important change to ensure our Survivor Compensation Program includes all survivors of clergy sexual abuse, including those previously known to the Church and those just coming forward today. I made this change in part as a result of the feedback I have received from survivors, parishioners and the public who have attended the listening sessions I hosted across the Diocese,” said Bishop Gainer. “Our goal is to help as many survivors of clergy sexual abuse as possible and we encourage you to come forward and contact our fund administrators, Commonwealth Mediation & Conciliation, Inc. (CMCI). Again, in my name and on behalf of the Church, we extend our prayers, heartfelt sorrow and apologies to all survivors of clergy sexual abuse.”

On Tuesday, February 12, 2019, the Diocese of Harrisburg formally launched its Survivor Compensation Program. This Program is being administered by CMCI. Our Program will include settlements for abuse by Diocesan Priests, Deacons and Seminarians, as well as Priests of other dioceses and Religious Order Priests who had faculties in the Diocese of

Harrisburg at the time of the abuse. The claims period will run for 90 days, from February 12 through May 13. ***Please note: known survivors are not automatically enrolled in the Program and must apply through our program administrator CMCI, available at 1-800-540-2624 or Harrisburg@commonwealthmediation.com. Application forms are available at www.commonwealthmediation.com or www.youthprotectionhbg.com.*** If you are having trouble accessing forms, please call CMCI at 1-800-540-2624. Additional information regarding eligibility and the Program are detailed below.

Participation in the Survivor Compensation Program does not disqualify survivors from receiving additional counselling through the Victim Assistance Coordinator and Catholic Charities. Catholic Charities provides counselling services and/or reimbursement for counselling services with an approved provider for all survivors of child sexual abuse, not just clergy child sexual abuse, regardless of whether or not that abuse occurred in the Harrisburg Diocese.

Funding for the Survivor Compensation Program will come in the form of a loan from the Priest's Pension Fund, other existing Diocesan assets and hopefully from insurance proceeds. Money that is collected in the parishes and for the Diocesan Annual Campaign (formerly known as the Bishop's Lenten Appeal) will not go towards the funding of this Program.

The Survivor Compensation Program will be administered independently from the Diocese by Paul Finn of Commonwealth Mediation & Conciliation, Inc.

Finn and his firm successfully oversaw similar programs in the Archdiocese of Boston, the Diocese of Fall River (MA), the Diocese of Providence (RI), the Diocese of Springfield (MA), the Diocese of Jackson (MS), the Archdiocese of Milwaukee (WI), as well as in the Horace Mann School (Bronx, NY), and the Kamehameha School (Honolulu, HI). Further, CMCI has mediated claims involving the Rhode Island Station Fire (Providence, RI), Deutsche Bank (New York, NY), and the Big Dig Tunnel Collapse (Boston, MA).

This Survivor Compensation Program is one piece of the Diocese's efforts to address child sexual abuse within the Church. Under Bishop Gainer's leadership, the Church has released all allegations received against priests, clergy or seminarians and posted that list publicly; removed the names of clergy from positions of honor for abuses, as well as the names of Bishops for not doing enough to stop these atrocities from occurring; waived all non-disclosure provisions from settlement agreements; implemented a new Youth Protection Policy; and contracted with retired State Police Captain Janet McNeal to oversee the Safe Environment Program. During her career in the State Police, Janet oversaw the Megan's Law registry.

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Details Regarding the Survivor Compensation Program:

The Program is intended to provide compensation to those survivors of childhood sexual abuse committed by clergy and certain other persons associated with the Diocese of Harrisburg.

Eligibility for the Program:

A. Claimants eligible:

1. The person is alleging childhood sexual abuse. "Childhood sexual abuse" means sexual molestation or sexual exploitation of a child (a person under the age of 18) and other behavior by which an adult uses a child as an object of sexual gratification, including attempted behavior.
2. The allegation is against a priest, deacon, or seminarian of the Diocese; OR the allegation is against a priest or deacon from another diocese who had faculties in the Diocese at the time of the abuse; OR the allegation is against a priest or brother from a religious order who had faculties in the Diocese at the time of the abuse.

B. Claimants NOT eligible:

1. The person has previously settled the claim with the Diocese.
2. The childhood sexual abuse has no connection to the Diocese of Harrisburg (e.g., a claim of abuse in New Mexico by clergy in New Mexico).

II. Program Administration

A. Administrators

1. The Program will be administered by Commonwealth Mediation and Conciliation, Inc. (CMCI), including Paul Finn, Jon Prouty, Brian Mone, and Robert Berks.
2. **The administrators will be completely independent from the Diocese.**

III. Program Process

A. Claims Period

1. The Claims Period of the Program will run for 90 days: from **February 12, 2019** through **May 13, 2019**.

2. Within 14 days of the close of the Claims Period, CMCI shall notify all claimants as to their eligibility, under the criteria set forth above.

3. CMCI will hear all claims, and make settlement offers to the claimants **on or before June 28, 2019.**

B. Claims Submission

1. Claims will be made by eligible claimants on a Program questionnaire.

2. Claims will be submitted directly to CMCI.

3. CMCI also has a telephone number that claimants or potential claimants can call.

4. Regardless of whether the claimant is eligible for the Program, any claim submitted by a claimant to the Program that involves a victim whose claim has not been previously reported to law enforcement will be reported by the Diocese to ChildLine and the appropriate District Attorney.

C. Claims Administration

1. CMCI will administer all claims through in-person meetings with claimants in central Pennsylvania, at a venue to be announced. This venue will not be a Diocesan property.

a) Claimants who previously identified themselves to the Diocese on or before February 11, 2019 can decline an in-person meeting and still be eligible for a settlement offer.

b) Claimants who **had not** previously identified themselves to the Diocese on or before February 11, 2019, **must** have an in-person meeting to be eligible for a settlement offer.

c) The Diocese will not attend or otherwise participate in the in-person meetings; the meetings will solely involve CMCI administrators, the claimant, and any persons the claimant invites to attend, including counsel, spouses, witnesses, etc.

2. Claimants can participate in the Program with or without an attorney.

3. After hearing all claims, CMCI will make final settlement offers to those claimants that CMCI, and CMCI alone, deems entitled to an offer.

- a) The Diocese has no veto power over, or input into, the settlement offers.
 - b) CMCI will make settlement offers to those claimants that CMCI deems have sufficiently established the veracity of their claim.
 - c) The offers by the administrators are final.
4. If the claimant accepts the settlement offer, the claimant must execute a standard release of claims against the Diocese before the offer is paid by the Diocese.
- a) Claimants who participate in the Program without an attorney must be advised by an attorney about the meaning of the release before the release is executed by the claimant. If needed, such attorney review will be supplied at no cost to the claimant.
 - b) In all cases, the Diocese must receive a separately executed form stating that the claimant has been advised about the release by an attorney.
 - c) All releases must be notarized when executed.
5. The Diocese will pay all accepted offers within 30 days after receipt of the executed release from the claimant.
6. Regardless of whether a settlement is entered into with a survivor, counseling services will still be made available to the survivor through the Diocese's Victim Assistance Coordinator. Even if the survivor executes a release of claims against the Diocese and receives a settlement payment, the survivor can still seek counseling services.

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