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Roman Catholic Dioceses in Bankruptcy: An Exploratory Study of Victims' Experiences

INTRODUCTION

Since 2002, victims of child sexual abuse (CSA) have been afforded significantly more opportunities to bring claims against abusers and responsible institutions in civil litigation. This has often been facilitated by permitting victims whose claims had expired to revive these claims. Victims of abuse in the Roman Catholic Church context have initiated many claims in recent years, and Catholic dioceses have assiduously explored avenues to mitigate the costs of providing compensation to victims and to avoid further disclosures.

Starting in 2004, Roman Catholic dioceses started to explore the use of Chapter 11 bankruptcy filings to deal with the many victims of the Catholic clergy sex abuse crisis. To date, 29 Archdioceses and dioceses have filed for Chapter 11.¹ Following the initiation of bankruptcy proceedings, victims are faced with the choice of being treated as creditors as a group or sticking with litigation while the debtor settles with others. Resorting to bankruptcy when facing civil abuse liability for CSA was pioneered by the Hare Krishna movement,² and now has become a preferred choice for institutions facing liability for CSA. For example, hundreds of victims are currently negotiating a bankruptcy plan with USA Gymnastics,³ and USA Boy Scouts faces claims from over 80,000 victims as lawyers battle over a plan.⁴

The bankruptcy system was not established with child sex abuse victims in mind. Chapter 11, in particular, exists to manage assets for an organization going through difficult times. The purpose of a Chapter 11 filing is to stay actions against a debtor and its property so that the value of the estate can be distributed to creditors in the orderly manner provided by the Bankruptcy Code. In a cruel, though unintended, irony in these CSA cases, the focus is on the well-being of the institution that covered up child sex abuse and on providing victims with as little financial compensation as possible. Moreover, there is no reason to expect bankruptcy judges to have training on the trauma inflicted on children by sex abuse or the details of sex abuse, sex trafficking, and organizational dysfunction in dealing with CSA victims. The result is the re-traumatization of many victims, either through the way the process works, or through the feeling of being re-victimized by the institution that caused their problems, which typically include depression, PTSD, substance abuse, failed relationships and marriages, and suicidal ideation, as well as suicide itself. Other difficulties for victims in the legal process can include challenges in acquiring evidence as well as experiencing emotional hardships such as shame or mistrust of the judicial system.⁵

The purpose of CHILD USA's survey research on this topic is to delve into how Chapter 11 bankruptcy proceedings affect victims of CSA. As Catholic dioceses file for bankruptcy and complicate the CSA claims process, victims are put on a different footing than during civil litigation. Thus, our primary goal in this study is to determine how bankruptcy, as a legal mechanism, affects victims of child sexual abuse in their pursuit of justice.

I. METHODS

CHILD USA researchers distributed the online survey through the Qualtrics platform. Two primary distribution methods were Google advertisements and word of mouth, primarily through coordinators in the Survivors Network of Those Abused by Priests

(SNAP). SNAP is one of the largest and most well-established global support networks for victims of Catholic clergy abuse. The distribution was sufficient to acquire a limited convenience sample that enables the research team to begin to understand the most important aspects of bankruptcy proceedings for victims. Results from this exploratory study will inform future research efforts to better understand victims' experiences in diocesan bankruptcies throughout the United States.

The current survey tool consisted of 84 questions and included questions covering the following domains: 1) Demographics, 2) Health effects, 3) Settlement rewards, 4) Legal experiences, and 5) Improvement and further comments. Questions were primarily multiple choice, with several open-ended questions included to capture more detailed experiences of victims. The survey questions were designed in consultation with experts in the fields of child sexual abuse, statutes of limitations, and religious liberty.

The quantitative results of this initial survey are primarily represented as frequencies due to the small sample size. Qualitative results were developed through a thematic analysis in which open-ended responses were grouped into 18 different codes. The coding was reviewed with a second researcher, CET, who suggested modifications for clarity. Following the final grouping, the qualitative coding resulted in the narrative thematic analysis.

II. RESULTS

344 individuals responded to the online survey distribution and contributed responses. The final sample was composed of 26 individuals who indicated that they were involved in bankruptcy proceedings initiated by the Roman Catholic Church and completed the survey.

A. Demographics

73.1% ($N = 26$) of individuals in the sample were male. The distribution of current age of respondents ranged from the 18 to 24 years of age group to over 75 years of age. However, the age distribution clustered around the older end of the age range, with 42.3% of the sample indicating they were 55 to 64 years old, and 80.8% of respondents falling between the ages of 45 to 74.⁶ Tables 1 and 2 present demographic frequencies.

B. Characteristics of Abuse

Respondents to the survey reported being abused in dioceses clustered in three primary geographic regions of the country. Two respondents were abused in Minnesota. Eight (30.8%) were abused in New Orleans, Louisiana, representing the most common single city location of abuse for the sample. Another nine individuals (34.6%) were abused in dioceses in New York, representing the most common single state location of abuse (Table 3).

To indicate age at the start of abuse, respondents were able to select all ages that applied. The results show a bimodal distribution (see Figure 1), with the ages of 10 and 15 representing the two most common ages for experiencing abuse. Nine individuals reported experiencing abuse at the age of 10, and 11 individuals reported experiencing abuse at the age of 15. The range of ages spanned from five years of age or younger to 18 years or older.

Respondents also provided data on the number of times they were abused. One respondent reported being abused only once. For those who were abused multiple times, the frequency of abuse ranged from two to five times to more than 50 times. The distribution of multiple abuse frequencies is approximately U-shaped (see Figure 2). Six respondents (23.1%) indicated that they experienced abuse more than 50 times, representing the most common category in the distribution (see Table 4). Four respondents (15.4%) selected the second most common response of two to five times.

C. Disclosure

The survey inquired about disclosure of abuse and focused on the recipients of initial disclosure and on the initial disclosure to the diocese in which the abuse occurred (Tables 5 and 6). Most commonly, respondents initially disclosed the abuse to a spouse (34.6%) or to a parent (19.2%). Other trusted confidants included siblings, friends, and therapists (see Table 5). Three categories of diocesan representatives were equally indicated as the most common recipients of disclosures to non-offending clergy or diocesan representatives, including priests, bishops, and diocesan attorneys (19.2% each).

D. Mental and Physical Health

Respondents reported many emotional (Figure 3) and physical (Figure 4) symptoms resulting from the abuse. The most common emotional symptoms included feelings of guilt, worthlessness, and helplessness (88.5%); negative self-image (80.8%); restlessness or feeling on edge (73.1%); feelings of hopelessness (73.1%); and trouble concentrating (73.1%). Other psychological consequences included suicidal ideation or suicide attempts (61.5%), diagnosis of depression, anxiety, or post-traumatic stress disorder (84.6%), and substance abuse disorders - both previous (53.8%) and current (38.5%).

One individual wrote in a response stating that they experience “hypervigilance”, while another individual wrote in “isolation” as a symptom. Only one individual indicated that she did not have any emotional symptoms following the abuse.

The most common physical symptoms following abuse included clenched jaw / grinding teeth (46.2%), fatigue (38.5%), weight problems (38.5%), insomnia (34.6%), digestive problems (30.8%), and headaches (30.8%). Responses detailing other physical symptoms not listed in the survey instrument included: “Consistent back and upper body tightness, related to internalized stress,” “Levator Ani Syndrome, most likely from anal rape,”⁷ “anal fissure that required surgery,” and “hemorrhoids, pain.”

E. Impact of Bankruptcy and Legal Process

We asked survey participants to indicate how the bankruptcy proceedings made them feel on a scale from “very empowered” to “very frustrated”. While three individuals did indicate that they felt either very or slightly empowered by the process, the majority (88.5%) indicated that they felt very frustrated by the bankruptcy process (Table 7).

We also asked respondents about settlements. 38.5% of the sample had received a settlement, with another 46.2% stating that settlements were still pending. Of the individuals who had received a settlement ($n = 10$), 60% indicated that they would have liked a financial advisor to help organize and use their settlement money.

65.4% of the sample reported that they were not satisfied with the non-monetary aspects of settlements. A majority of respondents, 57.7%, indicated that there were aspects of the settlement not included that they would have liked to have seen included.⁸ Figure 5 presents some of the given options of potential settlement provisions respondents selected, the most common of which was “transparency”.

Responses showed 80.8% of survey participants had or currently have legal representation during the bankruptcy process. Of those who did not have legal representation, two individuals said legal representation was too expensive, one said they did not feel they needed representation, and one said they did not want representation. Three of the five individuals lacking representation said that they wished they had representation during the process. 90.5% of individuals who had an attorney(s) felt that their legal counsel was adequately sensitive to their personal feelings and situation, 71.4% said they felt that they were heard by their attorney(s), and 71.4% said they heard more from their attorney(s) compared to the creditors' committee. Only a quarter of the sampled individuals stated that their representative(s) communicated with them less than they would have liked.

Several questions aimed to discover the role and usefulness of a victims' assistance coordinator in the context of the bankruptcy settlement process. Less than half of the respondents answered as to whether there was a victims' assistance coordinator available to them. Of those that responded ($n = 12$), 58.3% said that one was not available to them. Five individuals had a victims' assistance coordinator available to them, four chose to contact that coordinator, and three indicated that contact with the coordinator was helpful.

Finally, one question inquired about desired changes to the legal process in general. Figure 6 presents these results. 69.2% said they would like to see changes to the legal process. 57.7% said they would like to see more criminal punishments for abusers. Results provided using the “other” response option are included in the following thematic analysis.

III. THEMATIC ANALYSIS OF OPEN-ENDED QUESTIONS

Several survey questions were open-ended and gave respondents a chance to describe in greater depth their experiences during bankruptcy proceedings. The following questions elicited the answers analyzed in this section:

- What would you have liked to have seen included [in the settlement process]?

- Was the settlement you received satisfactory? Why?
- Was the settlement process satisfactory? Why?
- Did the Archdiocese, Diocese, Parish, or Religious Order filing for bankruptcy affect your settlement in any way not addressed here?
- What would you change (about the legal process in your case)?
- Are there any other pieces of your experience during the bankruptcy settlement process which you feel are important to share which have not been addressed earlier in the survey?

Overall, the open-ended responses revealed an overwhelmingly negative impact of the bankruptcy process on victims of child sexual abuse. Table 8 presents the frequencies observed for codes developed during thematic analysis. “Emotional hardship” and “accountability”⁹ were the two codes observed most frequently. The following thematic analysis highlights important quotes from respondents and contextualizes the emergent themes in the discussion section.

A. Harm to Emotional Well-Being: “No amount of money can replace this damage.”

A clear theme emerged of harm to emotional well-being, which included the sub-codes emotional hardship, psychological distress, and lost time on the part of victims. Some examples of the emotionally difficult experiences included feeling “attacked” and “used” by the diocesan representative. These comments illustrate the deeply personal and relational nature of the justice-seeking process for victims. For example, one participant explained, “I am just waiting to be attacked by the Diocese ... I have zero trust in them.”

Other respondents reported emotional hardships such as feeling alone, angry, and bitter during the legal process. They repeatedly discussed reliving trauma or being forced to recall difficult experiences. One respondent explained, “I have such trepidation bringing this all to the surface again. I don’t want to feel the pain, [betrayal], and abuse all over again”. The responses discussed thus far point toward the retraumatizing and distressful nature of the bankruptcy process itself.

Other similar responses indicated psychological distress, as participants noted a disruption in their sense of identity and stability stemming from the original experience of abuse. As one participant explained, “[The abuse] destroyed my ability to retain my Catholic identity and for my family as well.” Another individual asked rhetorically, “What price is the stability of my family and the destruction that occurred from my constant anger and mood swings?”

This idea of long-term disruption and damage to family, identity, and well-being emerged alongside a clear theme of lost time. Several comments referred to temporal factors - “decades lost”, “50 years of my life that were polluted, corrupted, and tainted”, and a life being stolen away. These comments pointing back to the depth of harm caused by the original abuse begin to explain why some victims perceive the offer of monetary settlements alone as important but insufficient to redress an injury with lifelong consequences.

B. A Need for Resources: “We need more education on the process and how to get help through the process. Have someone assist us in finding counselling, advocates, and education.”

Pursuing justice and healing is emotionally and financially taxing on victims who are managing the lifelong effects of trauma. Acknowledging this fact, respondents submitted a high number of comments which discussed financial resources and a need for other resources. Comments regarding financial resources often related to dissatisfaction with the final monetary compensation awarded in settlements. In some cases, respondents explained that financial compensation did not meet or surpass documented expenses for medical and mental health treatment. For example, one individual stated, “It did not even cover the documented expenses I had incurred over the 38 years, much less attorney fees.”¹⁰ Another expressed a wish for “ongoing compensation for documented medical impacts (at least cover my real costs!),” implying that there is a discrepancy between what victims perceive as the financial costs resulting from abuse and what debtors are willing to acknowledge liability for.

Respondents referred to other resources that would help them navigate the processes of bankruptcy and healing from trauma. These included, “permanent therapy resources”, “counselling”, “victims’ assistance”, “financial advisors”, and “education”. Victims also emphasized that psychotherapy and counseling must take on a lifelong course.

C. Seeking Real Justice: “The settlement process was a means for the defendants to avoid true accountability.”

Accountability, transparency, and a desire to see documents released from diocesan records were all key concepts that revealed victims' desire to obtain information about abusers and how the institution endangered them. Several comments mentioned a belief that the idea of bankruptcy and settling cases through this process was a tool for the diocese to avoid compensating claimants fairly. Disclosure of documents is a measure of how claims can contribute to a victim's understanding, transparency, and education of the public. Respondents expressed a desire to see various specific forms of documentation, including, “the secret archives,” “the secret files,” “records,” “the list of abusers,” and “the names of the pedophiles.”

Apart from comments specific to document disclosure, respondents expressed an ardent desire to see church officials and dioceses accept responsibility for their actions, apologize to victims, and be held to account by legal authorities. Several respondents discussed wanting to see “an admission of guilt” or similar sentiments. Eight comments specifically stated a desire for an apology.

Many of the comments regarding lack of accountability or transparency appeared under questions regarding satisfaction with the settlement process. One respondent explained, “The settlement process was a means for the defendants to avoid true accountability and responsibility for their actions and does not force them to change in any real way.” Another stated, “Bankruptcy is just a ploy to avoid all of this [exposure of information, files, and a public trial].”

D. Law and Policy Reform: “The bankruptcy laws need to change.”

Some respondents used their comments to advocate for law and policy reform. A repeated comment referred to the tax-exempt status of the Catholic Church and its use of a federal legal process to mitigate consequences of child sexual abuse claims. For example, “It is enraging that a tax-exempt institution can use a Federal process to avoid complete accountability while making it more difficult for victims to find justice and healing.” Other comments discussed wanting to see dioceses held accountable for violating the 2002 *Charter for the Protection of Children & Young People*¹¹ or to see strengthened child protection policies put in place for the future.¹²

IV. DISCUSSION

This study provides three major insights into the CSA victim's experience of a federal bankruptcy for claims settlement. First, respondents largely perceived the bankruptcy and associated settlement process as a mechanism through which the diocese could avoid complete accountability. Second, victims experienced bankruptcy as a fundamentally adversarial process rather than a restorative one. The adversarial nature of the bankruptcy process itself acts as a disincentive for dioceses to directly acknowledge responsibility.¹³ As claimants seek healing and closure from lifelong struggles with the effects of trauma, dioceses seek to minimize compensation, avoid releasing documents, and eschew direct acceptance of responsibility.

Finally, victims consistently expressed a lack of trust in the Church and the justice system to provide procedural fairness. Trust is central to the relational nature of the abuse and the pain that victims continue to experience throughout bankruptcy proceedings. As children, victims often trusted their abusers implicitly as a function of their position in the church and respect in the community.¹⁴ Abusive acts create a long-standing sense of mistrust for victims that appears to be exacerbated by bankruptcy proceedings which are adversarial while obscuring the facts regarding those abusive acts. Shame and mistrust of the system are common emotions experienced by victims pursuing civil litigation against the Catholic Church.¹⁵ Without access to documents and records regarding abusers, victims are left with a sense that the risk of abuse is unresolved and unpunished beyond limited financial costs to the Church.

These insights suggest improvements to the bankruptcy and CSA claims litigation process. First, victims need formalized support in accessing resources such as financial advisors, education about the legal process, and psychological counseling. Three quarters of individuals who contacted a victims' assistance coordinator found that connection to be helpful, but most respondents either lacked access to a coordinator or did not respond to questions about coordinator access. Our survey did not specifically ask whether victims' assistance coordinators were hired independently of the diocese, and it is unclear whether independent assistance coordinators were available to all respondents. However, given the high number of comments indicating a need for support and resources during bankruptcy proceedings, our findings suggest that plaintiffs' attorneys should make referrals to social service agencies and/or financial advisors upon beginning work with a CSA victim.

Second, settlement provisions should mandate release of documents and the issuance of a formal apology from dioceses. Respondents selected “transparency” nine times as a desired settlement provision, making transparency the most frequently requested provision in our sample. Other comments requesting accountability, apologies, and release of documents, demonstrate that victims clearly prioritize transparency and accountability. Legal representatives of victims should prioritize aspects of negotiated settlement agreements which facilitate transparency and accountability on the part of debtors.

Finally, our findings suggest that federal bankruptcy judges should receive training on child sexual abuse and the longstanding effects of childhood trauma. The way in which judges oversee the bankruptcy process contributes to retraumatization of victims and the adversarial nature of these proceedings. Training programs can help judges to create a legal process for CSA victims which is trauma-informed, victim-centered, and restorative rather than adversarial. Furthermore, courts should give victims the right to appear and read a victim-impact statement prior to the finalization of a reorganization plan. An organization which strategically uses bankruptcy to address cases of CSA in which it and its insiders are implicated should be required to more effectively address the lifetimes of harm inflicted on its victims. The recommendations in this paper seek to provide give greater voice to the experiences of the victims and create a legal environment in which the needs of victims are better addressed.

V. LIMITATIONS

The primary limitation of this study is the limited convenience sample that completed the survey. Although the 26 respondents provided valuable insights into their experiences with bankruptcy and Catholic dioceses, a sample of this size does not allow for statistically meaningful quantitative analysis. Therefore, the results of this study should be viewed as a preliminary window into the issues surrounding bankruptcy from a victim's perspective, not as an authoritative or representative study of the CSA victim population and their experiences with Chapter 11 proceedings more broadly. We also collected responses from individuals in varying stages of the bankruptcy process, which limits our ability to draw definitive conclusions about outcomes.

Another flaw in the survey's design is that it did not include questions about racial and ethnic identity and economic status. Although research has identified some factors impeding CSA disclosures among racial and ethnic minority populations,¹⁶ little is known about this phenomenon in the context of bankruptcy proceedings and CSA claims. Future research should collect this demographic information to assess any possible racial, ethnic, and economic factors in diocesan bankruptcy and identify ways to help victims who are further disadvantaged by these factors in their efforts to access and obtain justice.

Responses to open-ended questions also suggest that there is an opportunity for more in-depth qualitative research exploring the complex and challenging circumstances of CSA claims which become folded into bankruptcy cases. Several responses included specific anecdotes which, if investigated further, could bring out new ideas for how to improve the bankruptcy process to be more victim centered. In particular, the connection between many of the comments and an underlying sense of mistrust and betrayal is tentative in the absence of detailed follow up questions. The researchers can draw connections based on a theoretical understanding of the role of misused trust in clergy sexual abuse; however, it is crucial that victims themselves have a determinative voice in explaining the relation between the emotional and procedural hardship in bankruptcy cases and the original damage to trust they experienced as children.

CONCLUSION

The results of this small-sample study suggest that victims are mostly dissatisfied with, and frustrated by, the results of bankruptcy proceedings. Dissatisfaction comes from both the financial aspects of final settlement provisions and the troubling lack of transparency, empathy, and emotional support during the process. However, because this report only deals with a small number of victims, it will be crucial to follow up with more representative research on a larger scale.

It is time to change bankruptcy law in order to either exclude CSA claims altogether or to at least make it a more trauma-informed process. Significant alterations are needed to create a more humane system, from training of federal judges on trauma-informed judging to changing how the system considers the victims' claims. Until then, Chapter 11 bankruptcy filings are flipping the tables on the victims as they transform the bad actor institution into an entity in need of protection and child sex abuse victims into mere “creditors.”

Appendix

Table 1
Gender

	FREQUENCY	PERCENT	VALID PERCENT	CUMULATIVE PERCENT
Male	19	73.1	73.1	73.1
Female	7	26.9	26.9	100.0
Total	26	100.0	100.0	

Table 2
Age

	FREQUENCY	PERCENT	VALID PERCENT	CUMULATIVE PERCENT
18–24 yrs old	1	3.8	3.8	3.8
25–34 yrs old	1	3.8	3.8	7.7
35–44 yrs old	1	3.8	3.8	11.5
45–54 yrs old	6	23.1	23.1	34.6
55–64 yrs old	11	42.3	42.3	76.9
65–74 yrs old	4	15.4	15.4	92.3
Over 75 yrs old	2	7.7	7.7	100.0
Total	26	100.0	100.0	

Table 3
Diocese - Location of Abuse

		FREQUENCY	PERCENT	VALID PERCENT	CUMULATIVE PERCENT
Valid	Did not specify/ unclear	1	3.8	4.2	4.2

	Wilmington DE & MD	1	3.8	4.2	8.3
	St. Paul & Minneapolis, MN	1	3.8	4.2	12.5
	Winona-Rochester, MN	1	3.8	4.2	16.7
	Rochester, NY	1	3.8	4.2	20.8
	Buffalo, NY	6	23.1	25.0	45.8
	New Orleans, LA	8	30.8	33.3	79.2
	Syracuse, NY	2	7.7	8.3	87.5
	Other	3	11.5	12.5	100.0
	Total	24	92.3	100.0	
Missing		2	7.7		
Total		26	100.0		

Table 4

Approximately how many times were you abused at the Archdiocese, Diocese, Parish, or Religious Order? (Multiple occasions)^a

		FREQUENCY	PERCENT	VALID PERCENT	CUMULATIVE PERCENT
Valid	2–5 times	4	15.4	17.4	17.4
	5–10 times	3	11.5	13.0	30.4
	10–15 times	3	11.5	13.0	43.5
	15–20 times	1	3.8	4.3	47.8
	20–30 times	2	7.7	8.7	56.5
	30–40 times	3	11.5	13.0	69.6
	40–50 times	1	3.8	4.3	73.9
	50+ times	6	23.1	26.1	100.0
	Total	23	88.5	100.0	
Missing		3	11.5		
Total		26	100.0		

Note. ^a One respondent indicated being abused only once.

Table 5*Whom did you first tell that you were abused?*

		FREQUENCY	PERCENT	VALID PERCENT	CUMULATIVE PERCENT
Valid	Spouse	9	34.6	37.5	37.5
	Parent	5	19.2	20.8	58.3
	Sibling	2	7.7	8.3	66.7
	Close friend	2	7.7	8.3	75.0
	Teacher	1	3.8	4.2	79.2
	Therapist	3	11.5	12.5	91.7
	Other	1	3.8	4.2	95.8
	Vicar	1	3.8	4.2	100.0
	Total	24	92.3	100.0	
Missing		2	7.7		
Total		26	100.0		

Table 6*Whom did you first notify in the Archdiocese, Diocese, Parish, or Religious Order that you were abused?*

		FREQUENCY	PERCENT	VALID PERCENT	CUMULATIVE PERCENT
Valid	Priest	5	19.2	20.8	20.8
	Secretary	2	7.7	8.3	29.2
	Bishop	5	19.2	20.8	50.0
	Archbishop	1	3.8	4.2	54.2
	Other	3	11.5	12.5	66.7
	Attorney	5	19.2	20.8	87.5
	Victims Assistance Coordinator	1	3.8	4.2	91.7
	Vicar	1	3.8	4.2	95.8

	Other	1	3.8	4.2	100.0
	Total	24	92.3	100.0	
Missing	System	2	7.7		
Total			26	100.0	

Table 7
How did the bankruptcy proceedings make you feel?

		FREQUENCY	PERCENT	VALID PERCENT	CUMULATIVE PERCENT
Valid	Very empowered	2	7.7	8.7	8.7
	Slightly empowered	1	3.8	4.3	13.0
	Neither	3	11.5	13.0	26.1
	Very frustrated	17	65.4	73.9	100.0
	Total	23	88.5	100.0	
Missing		3	11.5		
Total		26	100.0		

Table 8
Code Frequencies

CODE	FREQUENCY	CODE	FREQUENCY
Emotional hardship	21	Legal representation	4
Accountability	17	Psychological distress	4
Legal process	12	Lost time	3
Need for resources	11	Church self-preservation	2
Disclosure of documents	10	Emotional healing	2
Lack of transparency	9	Tax-exempt status	2
Financial resources	9	Costs of legal action	1
Apology	8	Delayed disclosure	1
Delay in legal process	8		

Church corruption	5		
Law and policy reform	5		

Table 9
Codes and Key Themes

CODES	THEME	EXEMPLARY QUOTE
Emotional hardship		
Psychological distress	Harm to emotional well-being	“No amount of money can replace this damage.”
Lost time		
Emotional healing		
Delayed disclosure		
Need for resources		
Financial resources	A need for resources	“We need more education on the process and how to get help through the process. Have someone assist us in finding counselling, advocates, and education.”
Accountability		
Lack of transparency		
Disclosure of documents	Seeking real justice	“The settlement process was a means for the defendants to avoid true accountability.”
Apology		
Church corruption		
Church self-preservation		
Law and policy reform		
Legal process	Law and policy reform	“The bankruptcy laws need to change.”
Delay in legal process		
Church corruption		
Law and policy reform		
Legal representation		
Tax-exempt status		

Costs of legal action		
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 Image 4 within document in PDF format.

 Image 5 within document in PDF format.

 Image 6 within document in PDF format.

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Footnotes

- * Marci A. Hamilton is the founder and CEO of CHILD USA, a non-profit think tank in Philadelphia, PA working to end child abuse and neglect. She is also the Fels Institute of Government Professor of Practice and a Resident Senior Fellow in the Program for Research on Religion at the University of Pennsylvania. Andrew J. Ortiz is a Social Science Researcher at CHILD USA. Carter E. Timon is the Social Science Director at CHILD USA. The authors would like to acknowledge Stephanie J. Dallam for her assistance in designing the survey instrument used to collect data for the study.
- 1 Bankruptcy Protection in the Abuse Crisis, BISHOP ACCOUNTABILITY, <https://www.bishop-accountability.org/bankruptcy.htm> (last visited Sept. 2, 2021).
- 2 The International Society for Krishna Consciousness (ISKCON), known as the Hare Krishna movement, filed for Chapter 11 bankruptcy in 2002 after former residents of the religious organization's boarding schools alleged physical and sexual abuse dating back to the 1970s. See, David O'Reilly, Hare Krishnas in Legal Straits, PHILA. INQUIRER, Feb. 9, 2002, at A10.
- 3 See CHILD USA's Game Over Commission Database for examples of news coverage on the USA Gymnastics bankruptcy case. CHILD USA, <https://gameover.childusa.org/page/1/?s=bankruptcy> (last visited Oct. 6, 2021).
- 4 Randall Chase, Boy Scouts Bankruptcy Plan Set for Vote by Abuse Claimants, ASSOCIATED PRESS NEWS, Sept. 30, 2021, <https://apnews.com/article/business-sexual-abuse-dover-boy-scouts-of-america-8b4b35baf133fdd8c853c3a988f20002>
- 5 Mayo Moran, *Cardinal Sins: How the Catholic Church Sexual Abuse Crisis Changed Private Law*, 21 GEO. J. GENDER & L. 95, 113 (2019), citing, Law Council of Australia, Issues Paper 5: Civil Litigation - Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse (Mar. 21, 2014), <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Issues%20Paper%205%20-%20Submission%20-%2029%20Law%20Council%20of%20Australia.pdf>
- 6 Our findings appear to be consistent with those of Spröber et al. (2014), who found that, in a sample of 1050 victims of CSA in institutional settings, the average age of those coming forward to report abuse was 52.2 years old. Nina Spröber et al., Child Sexual Abuse in Religiously Affiliated and Secular Institutions: A Retrospective Descriptive Analysis of Data Provided by Victims in a Government-Sponsored Reappraisal Program in Germany, 14 BMC PUBLIC HEALTH 282 (2014).
- 7 Levator Ani Syndrome (LAS) is a disorder characterized by chronic pain or pressure in pelvic floor muscles. Sexual intercourse is one possible precipitating event leading to symptoms of LAS. Ching Luen Ng, Levator Ani Syndrome: A Case Study and Literature Review, 36 AUST. FAM. PHYSICIAN 449, 450 (2007).
- 8 15 individuals indicated that there were aspects of the settlements that they would have liked to have seen included, although only 10 indicated earlier in the survey that they had received settlements. It is possible that some respondents went on in open-ended responses to discuss what they would like to see

in settlements that are pending, while some discussed aspects of settlements already finalized. Due to a lack of grammatical completeness, it is difficult to know for sure. These responses, however, do make up part of the data analyzed in the qualitative results section of this paper.

9 “Accountability” responses uniformly referenced dioceses rather than courts.

10 It is unclear why “attorney fees” is included, as attorney's fees are typically taken as a percentage of the final settlement in bankruptcy cases, and thus are necessarily less than the total compensation amount. However, another response stated, “Attorney's fees should be capped at 25% in all of these cases or the church should pay all legal fees separately. Therefore victims can receive the maximum benefit for the monies awarded to them.” This may imply that dissatisfaction with attorney's fees is related to the percentage of compensation claimed by plaintiffs' attorneys, which may be perceived as leaving the victim with less financial resources to cover the cost of expenses such as psychological and medical treatment.

11 Also known as the *Dallas Charter*, this document was drawn up by the Ad Hoc Committee on Sexual Abuse of the United States Conference of Catholic Bishops in 2002. It lays out principles for responding to the crisis of sexual abuse scandals within the church and correcting policies to facilitate prevention. CHILD USA's recent research has shown that archdioceses have failed to implement the policy changes consistently or comprehensively in the years since 2002. See, Stephanie J. Dallam et al., Analysis of the Written Policies of the 32 U.S. Archdioceses on the Prevention of Child Sexual Abuse, J. CHILD SEX. ABUSE (2021), <https://doi.org/10.1080/10538712.2021.1970678>

12 To date, the most successful diocesan bankruptcy resulting in improvements to child protection policies is the Wilmington, DE settlement. In accordance with non-monetary settlement provisions, the Diocese of Wilmington hired a child protection consultant to produce a report with recommendations for improving the diocesan child protection policies. See, Sandy K. Wurtele, Best Practices in Safeguarding Children: Report on the Diocese of Wilmington's For the Sake of God's Children (April 3, 2012), <https://www.cdow.org/WurteleCDOWReport-Final.pdf>

13 Meredith Edelman, An Unexpected Path: Bankruptcy, Justice, and Intersecting Identities in the Catholic Sexual Abuse Scandals, 41 AUST. FEM. LAW J. 271, 275 (2015).

14 Paul J. Isely et al., Jim Freiburger & Robert McMackin, In Their Own Voices: A Qualitative Study of Men Abused as Children by Catholic Clergy, 17 J. CHILD SEX. ABUSE 201, 204 (2008).

15 Moran; Law Council of Australia, *supra* note 2.

16 See, e.g., Pooja Sawrikar & Ilan Katz, Barriers to Disclosing Child Sexual Abuse (CSA) in Ethnic Minority Communities: A Review of the Literature and Implications for Practice in Australia, 83 CHILD. YOUTH SERV. REV. 302 (2017). Identified barriers to CSA disclosure that may be different across cultures and ethnicities include desire to preserve family reputation; diminished social power of children; norms regarding suppression of emotions; religious beliefs; fear of reprisal or stigma; and likelihood of non-supportive responses from recipients of disclosure.