

Supreme Court of New Jersey

DOCKET NO. 089571

CRIMINAL ACTION

IN RE THE MATTER :
CONCERNING THE STATE :
GRAND JURY :

UNDER SEAL

On Petition for Certification of the Final
Judgment of the Superior Court of New
Jersey, Appellate Division.
Docket No. A-003795-22

Entered: June 4, 2024

Sat Below:

Hon. Greta Gooden Brown, P.J.A.D.

Hon. Arnold L. Natali, Jr., J.A.D.

Hon. Michael J. Haas, J.A.D.

**NOTICE OF MOTION FOR LEAVE OF AMICUS CURIAE *CHILD USA*
TO FILE A BRIEF IN SUPPORT OF PETITIONER**

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Please take notice that, pursuant to Rule 1:13-9, CHILD USA, through its attorney, HILLARY NAPPI, hereby moves the Supreme Court of New Jersey, for an order granting them leave to appear as Amicus Curiae and to file the enclosed amicus brief with this motion.

Please take further notice that, in support of this motion, Amici rely on the attached Certification of HILLARY NAPPI, submitted herewith.

Respectfully submitted,

BY: */s/ Hillary Nappi, Esq.*

Hillary Nappi, Esq.

Counsel of Record for Amicus Curiae
CHILD USA

Dated: March 28, 2025

Supreme Court of New Jersey

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**CERTIFICATION OF HILLARY NAPPI, ESQ. IN SUPPORT OF CHILD
USA FOR LEAVE TO APPEAR AS AMICUS CURIAE**

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I, HILLARY NAPPI, ESQ. being of full age, hereby certify as follows:

1) I am an attorney admitted to practice law in the State of New Jersey. I make this certification in support of the motion of CHILD USA to appear in the above-captioned matter as amicus curiae.

2) CHILD USA is an interdisciplinary non-profit think tank dedicated to children's rights and access to justice for victims of abuse. CHILD USA's mission is to employ in-depth legal analysis and cutting-edge social science research to protect children, prevent future abuse and neglect, and bring justice to survivors. Distinct from an organization engaged in the direct delivery of services, CHILD USA produces evidence-based solutions and information needed by policymakers, youth-serving organizations, media, and the public to increase child protection and the common good.

3) CHILD USA's interests in this case are directly correlated with its mission to eliminate barriers to justice for child sex abuse victims who have been harmed by individuals and institutions. This case has immediate and broad implications on the grand jury's ability to issue a presentment on a matter of grave public concern—statewide clergy sexual abuse of children—and the attendant opportunities for the public, policymakers, and law enforcement to understand and mobilize a comprehensive response to this crisis.

4) CHILD USA has legal and social science expertise that can help the Court determine the question at issue in this case. CHILD USA is uniquely positioned to provide this Court with current research and analysis regarding New Jersey's compelling public interest in institutional transparency, the science of trauma and delayed disclosure by victims of their abuse, and the historical role of grand juries in fostering institutional change.

5) For these reasons, CHILD USA respectfully requests that the Court grant this Motion for Leave to File Brief of Amicus Curiae and accept the accompanying proposed amicus brief for filing. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

6) No counsel to the parties authored this brief in whole or in part nor has any person contributed money that was intended to fund in the preparation or submission of this brief

Respectfully submitted,

BY:

/s/Hillary Nappi

Hillary Nappi, Esq.

Counsel of Record for Amici Curiae
CHILD USA

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BRIEF OF AMICUS CURIAE *CHILD USA* IN SUPPORT OF PETITIONER

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Other Authorities

Angelakis, I., Gillespie, E.L., Panagioti, M., <u>Childhood maltreatment and adult suicidality: a comprehensive systematic review with meta-analysis</u> , <u>PSYCHOLOGICAL MEDICINE</u> 1-22 (2019).....	12
Archdiocese of Newark, <u>Social Ministry</u> (last visited Mar. 24, 2025), https://rcan.org/social-ministries-history/	7
Bessel A. van der Kolk M.D., et al., <u>Traumatic Stress: The Effects of Overwhelming Experience on Mind, Body, and Society</u> (2006).....	17
D. Finkelhor et al., <u>Sexually Assaulted Children: National Estimates and Characteristics</u> , US Dept. of Justice, Office of Justice Programs (2008)	17
<u>Delayed Disclosure of Child Sexual Abuse</u> , CHILD USA, https://childusa.org/wp-content/uploads/2020/03/delayed-disclosure-childUSA-1.jpg (last visited Mar. 8, 2022)	17
Delphine Collin-Vézina et al., <u>A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse</u> , 43 <u>CHILD ABUSE NEGL.</u> 123 (2015)	16
Delphine Collin-Vézina et al., <u>A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse</u> , 43 <u>CHILD ABUSE NEGL.</u> 123 (2015), https://pubmed.ncbi.nlm.nih.gov/25846196/	15
Elizabeth J. Letourneau et al., <u>The Economic Burden of Child Sexual Abuse in the United States</u> , 79 <u>CHILD ABUSE NEGL.</u> 413 (2018).....	13
Gail Hornot, <u>Childhood Trauma Exposure & Toxic Stress: What the PNP Needs to Know</u> , <u>J. PEDIATRIC HEALTHCARE</u> (2015)	12
<u>In re Fortieth Statewide Investigating Grand Jury</u> , No. 106 WM 2018, 2018 WL 3650493 (Pa. July 27, 2018).	8

In re: Cnty Investigating Grand Jury of Sept. 26 2001, Misc. No. 03-00-00239, Sept. 21, 2005, http://www.bishop-accountability.org/reports/2003_09_25_First_Philadelphia_Grand_Jury_Report.pdf	9
Marci A. Hamilton, <u>How the Ohio Legislature Betrayed Child Victims of Clergy Abuse, and How We Can Stop it From Happening Nationwide</u> , FINDLAW.COM, Apr. 6, 2006, http://writ.news.findlaw.com/hamilton/20060406.html	19
MATT CARROLL ET AL., <u>BETRAYAL: THE CRISIS IN THE CATHOLIC CHURCH</u> (The Boston Globe, 2002); SPOTLIGHT (Open Road Films 2015), http://www.bostonglobe.com/arts/movies/spotlight-movie	3
Michael Rezendes, <u>Church Allowed Abuse by Priest for Years</u> , THE BOSTON GLOBE: SPOTLIGHT SERIES (Jan. 6, 2002), https://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-foryears/cSHfGkTlrAT25qKGvBuDNM/story.html	3
Michelle Elliott et al., <u>Child Sexual Abuse Prevention: What Offenders Tell Us</u> , 19 CHILD ABUSE NEGL. 579 (1995)	17
<u>Myths and Facts About Sexual Assault</u> , CAL. DEP'T OF JUST., https://www.meganslaw.ca.gov/mobile/Education_MythsAndFacts.aspx (last visited June 2, 2022).....	14
New Jersey Catholic Conference, <u>New Jersey Catholic Statistics</u> (2016), available at https://njcatholic.org/new-jersey-catholic-statistics	7
Patrick J. O'Leary & James Barber, <u>Gender Differences in Silencing following Childhood Sexual Abuse</u> , 17 J. CHILD SEX. ABUSE 133 (2008).....	16
Perryman Group, <u>Suffer the Little Children: An Assessment of the Economic Cost of Child Maltreatment</u> , (2014)	12
R. Anda, et al., <u>The Enduring Effects of Abuse and Related Adverse Experiences in Childhood</u> , 256 EUR. ARCH PSYCHIATRY CLIN. NEUROSCIENCE 174 (Nov. 2005)	15
Ramona Alaggia et al., <u>Facilitators and Barriers to Child Sexual Abuse (CSA) Disclosures: A Research Update (2000-2016)</u> , 20 TRAUMA VIOLENCE ABUSE 260, 279 (2019)	16

Rebecca Campbell, Ph.D., “The Neurobiology of Sexual Assault: Explaining Effects on the Brain,” NAT’L INST. OF JUSTICE (2012).....17

Reports of Attorneys General, Grand Juries, Individuals, Commissions, and Organizations, BISHOPACCOUNTABILITY.ORG (last visited Sept. 30, 2021), <https://www.bishop-accountability.org/AtAGlance/reports.htm>11

Sachs-Ericsson, et al., A Review of Childhood Abuse, Health, and Pain-Related Problems: The Role of Psychiatric Disorders and Current Life Stress, 10(2) J. TRAUMA & DISSOCIATION 170 (2009).....15

Sarah E. Ullman, Relationship to Perpetrator, Disclosure, Social Reactions, and PTSD Symptoms in Child Sexual Abuse Survivors, 16 J. CHILD SEX. ABUSE 19, 30 (2007), <https://pubmed.ncbi.nlm.nih.gov/17255075/>10

Stephanie Dallam, Marci Hamilton & Sabine Glocker, Survey of the Written Child Protection Policies of the 32 U.S. Archdioceses, Journal of Child Sexual Abuse, J. of Child Sexual Abuse (2021)18

Stephanie Innes, Enrollment in Arizona’s Medicaid program hits record 2M adults and children, AZCENTRAL.COM (Jul. 14, 2020 at 1:10 PM)13

T.L. Simpson, et al., Concomitance between childhood sexual and physical abuse and substance use problems: A review, 22 CLINICAL PSYCHOL. REV., 27 (2002)15

Tia Ghose, By the Numbers: Who are the Catholics in America?, Live Science (Sep. 21, 2015). 7

Vatican laws changed to toughen sexual abuse punishment, BBC (last visited Sept. 30, 2021), <https://www.bbc.com/news/world-europe-57318959>10

STATEMENT OF INTEREST OF *AMICUS CURIAE*

Amicus curiae, CHILD USA, is a nonprofit interdisciplinary think tank dedicated to protecting and strengthening children's rights. Our mission is to employ in-depth legal analysis and cutting-edge social science research to protect children, prevent future abuse and neglect, and bring justice to survivors. CHILD USA produces evidence-based solutions and information needed by policymakers, youth-serving organizations, media, and the public to increase child protection and the common good.

Amici has a significant interest in the outcome of this case which will impact victims' ability to access justice and hold institutions accountable for the abuses that they made possible. This Court's intervention is crucial to ensure that grand juries in New Jersey maintain their constitutional authority to issue presentments on matters that affect the public welfare, particularly those as grave as the institutionalized sexual abuse of children, so that the public, policymakers, and law enforcement can mobilize a comprehensive response to this crisis.

PRELIMINARY STATEMENT

Child sexual abuse is a national public health crisis, with approximately 3.7 million children sexually abused in the United States every year. It is indiscriminate and pervasive, affecting 1 in 5 girls and 1 in 13 boys in this nation.¹ Historically, a wall of ignorance and secrecy has been constructed around child sexual abuse, which has been reinforced by unfairly short statutes of limitation (SOLs) that have deterred or completely disabled victims from prosecuting their abusers or bringing civil claims. That is a major reason why the public knew so little about the epidemic of child sexual abuse and the insidious ways that our trusted institutions were enabling the crisis. The issue of child sexual abuse became the focus of intense public scrutiny

¹ G. Moody et al., Establishing the international prevalence of self-reported child maltreatment: a systematic review by maltreatment type and gender, 18 BMC PUB. HEALTH (2018) (finding a 20.4% prevalence rate of child sexual abuse among North American girls), <https://bmcpublikealth.biomedcentral.com/articles/10.1186/s12889-018-6044-y#citeas>; M. Stoltenborgh et al., A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World, 16 CHILD MALTREATMENT 79 (2011), <https://pubmed.ncbi.nlm.nih.gov/21511741/> (finding a 20.1% prevalence rate of child sexual abuse among North American girls); N. Pereda et al., The prevalence of child sexual abuse in community and student samples: A meta-analysis, 29 CLINICAL PSYCH. REV. 328, 334 (2009) (finding a 7.5% and 25.3% prevalence rate of child sexual abuse among North American boys and girls respectively); CTR. FOR DISEASE CONTROL, PREVENTING CHILD SEXUAL ABUSE, <https://www.cdc.gov/violenceprevention/pdf/can/factsheetCSA508.pdf>. See also D. Finkelhor et al., Prevalence of child exposure to violence, crime, and abuse: Results from the Nat'l Survey of Children's Exposure to Violence, 169 JAMA PEDIATRICS 746 (2015), <https://pubmed.ncbi.nlm.nih.gov/26121291/>.

and debate in 2002 when the Boston Globe published its groundbreaking *Spotlight* investigation revealing widespread clergy abuse in the Boston Archdiocese.² The series played a significant role in positioning clergy sexual abuse as an institutional failure on the part of Catholic Church officials rather than merely a problem of a few “bad apple” priests. It also prompted Attorneys’ General in multiple states to initiate grand jury investigations into child sexual abuse cover-ups within their own states’ dioceses. These states became safer places for children because grand jury investigations were completed and, most importantly, their findings were publicly released. The aggregate effect has been to provide citizens and lawmakers with a more complete account of the impact of clergy abuse in their own communities.³

Limiting the power of the grand jury to issue a presentment in this case would deny the citizens the opportunity to uncover and understand the full scope and impact of clergy abuse within the state of New Jersey. We know that victims are healed, and children best protected by the transparent and honest release of the full truth. It is

² Michael Rezendes, Church Allowed Abuse by Priest for Years, THE BOSTON GLOBE: SPOTLIGHT SERIES (Jan. 6, 2002), <https://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-foryears/cSHfGkTlrAT25qKGvBuDNM/story.html>; see also MATT CARROLL ET AL., BETRAYAL: THE CRISIS IN THE CATHOLIC CHURCH (The Boston Globe, 2002); SPOTLIGHT (Open Road Films 2015), <http://www.bostonglobe.com/arts/movies/spotlight-movi>

³ See generally CHILD USA, History of Child Sex Abuse Statutes of Limitation Reform in the United States: 2002 to 2021 3, 18 (June 21, 2022), <https://childusa.org/6-17-2022-2021-sol-report-final/>.

time to prioritize the needs of New Jersey's children and victims above the pandering church leaders seeking to hide information about criminal actors and facilitators of abuse. The lower courts' decision to foreclose a lawful presentment process perpetuates the historical secrecy that enabled the Church to commit abuses unchecked and conceal their misdeeds from public view. It is imperative that this Court reverse such a decision to protect New Jersey's children now and into the future.

PROCEDURAL HISTORY AND STATEMENT OF FACTS

CHILD USA relies on the procedural history and statement of facts as put forth in Petitioner's Supplemental Brief dated December 16, 2024.

ARGUMENT

Courts in New Jersey have long recognized the power of grand jury's authority to issue presentments on "matters affecting the public interest and general welfare." In re Monmouth Cty. Grand Jury, 24 N.J. 318 (1957). Such investigations make it possible for prosecutors to put together the pieces of criminal puzzles, especially when the crime was committed through a conspiracy or organization that has otherwise successfully concealed the truth from the public. In the case of child sexual abuse, grand juries serve an important public function of uncovering systemic abuses of power that endanger the community. The lower courts' decision limiting the grand jury's authority to issue presentments on statewide clergy sexual abuse strips New Jersey's citizens of the opportunity to bring to light actions that have wide-reaching impacts on community safety and child welfare. It also perpetuates a harmful tradition of secrecy, that has been reinforced by short SOLs and institutional resistance to transparency. Accordingly, this Court should reverse the decision below to enable a comprehensive and transparent review of this issue of grave public concern.

I. STATEWIDE CLERGY SEXUAL ABUSE IS A MATTER OF PUBLIC CONCERN CLEARLY WITHIN THE PROPER ORBIT OF A GRAND JURY’S PRESENTMENT POWER

The Catholic Church, as the largest religious denomination in the United States with 64 million members—or 22% of the U.S. population—wields substantial influence both nationally and globally.⁴ This influence extends to New Jersey, where the Church operates 651 parishes across various dioceses including Camden, Metuchen, Paterson, and Trenton.⁵ But presence of the Catholic Church in New Jersey is not just limited to rectories and churches; the Church plays a significant role in the everyday lives of New Jerseyans through its operation of 197 schools and an array of social and medical services including foster care agencies, hospitals, and community centers.⁶ Catholic Charities exemplifies this reach, affecting “over 100,000 individuals and families annually through more than 150 programs from 51 sites across the state.”⁷

It is difficult to imagine an institution in the United States that can match the Catholic Church’s presence, reach, or influence. Accordingly, if there is an institution-wide policy within such an entity – like hiding the identities of child-

⁴ Tia Ghose, By the Numbers: Who are the Catholics in America?, Live Science (Sep. 21, 2015).

⁵ New Jersey Catholic Conference, New Jersey Catholic Statistics (2016), available at <https://njcatholic.org/new-jersey-catholic-statistics>.

⁶ Id.

⁷ Archdiocese of Newark, Social Ministry (last visited Mar. 24, 2025), <https://rcan.org/social-ministries-history/>.

molesting clergy – it likely exists in every state, if not every county, which means no American is terribly far from feeling its effects. Given the Church’s vast influence, and its unfortunate proportional incidence of child sexual abuse, the grand jury’s presentment power serves as a crucial tool to expose public harms, educate the community, and propel necessary legal and policy reforms.

A. Grand Juries Play an Important Role in Uncovering Hidden Child Sexual Abuse

The Catholic Church has, for decades, systematically ignored laws that require allegations of abuse to be reported to law enforcement and avoided disclosing to the public facts about its own crimes and endangerment of children. Historically, there have been two pathways to public disclosure of child sexual abuse and institutional cover-ups: (1) criminal prosecution and civil lawsuits and (2) grand jury investigations. Because the vast majority of victims do not come forward in childhood, the former rests on the need for generous SOLs. Short SOLs short-circuit judicial disclosure of the truth. Historically, the SOLs have been too short for most victims. With cases limited because of the SOLs, grand jury reports have been the most effective vehicle for serving the public’s need to know the facts of child sex abuse and institutional cover-ups. For example, the state of Pennsylvania has witnessed groundbreaking grand jury investigations uncovering the systematic abuse of more than 1,000 children by over 300 priests whose identities would have

otherwise remained hidden.⁸ The first grand jury investigation not only uncovered hidden perpetrators but also exposed to the public the pattern of cover-ups and abuse in the Philadelphia Archdiocese.⁹ Dozens of priests were identified in a city where many resisted believing that its beloved clergy could harm children. All of the claims were beyond the statute of limitations. Without the investigation, many to this day might still believe that the scourge of clergy sex abuse skipped Philadelphia entirely, and therefore its children spared. Instead, as a result of the grand jury findings, the citizens of Philadelphia learned:

This report contains the findings of the Grand Jury: how dozens of priests sexually abused hundreds of children; how Philadelphia Archdiocese officials – including Cardinal Bevilacqua and Cardinal Krol – excused and enabled the abuse; and how the law must be changed so that it doesn't happen again. Some may be tempted to describe these events as tragic. Tragedies such as tidal waves, however, are outside human control. What we found were not acts of God, but of men who acted in His name and defiled it.

But the biggest crime of all is this: it worked. The abuser priests, by choosing children as targets and trafficking on their trust, were able to prevent or delay reports of their sexual assaults, to the point where

⁸ In re Fortieth Statewide Investigating Grand Jury, No. 106 WM 2018, 2018 WL 3650493 (Pa. July 27, 2018).

⁹ In re: Cnty Investigating Grand Jury of Sept. 26 2001, Misc. No. 03-00-00239, Sept. 21, 2005, http://www.bishop-accountability.org/reports/2003_09_25_First_Philadelphia_Grand_Jury_Report.pdf

applicable statutes of limitation expired. Archdiocese officials, by burying those reports they did receive and covering up the conduct, similarly managed to outlast any statutes of limitation. As a result, these priests and officials will necessarily escape criminal prosecution. We surely would have charged them if we could have done so.

But the consequences are even worse than the avoidance of criminal penalties. Sexually abusive priests were either left quietly in place or “recycled” to unsuspecting new parishes – vastly expanding the number of children who were abused. It didn’t have to be this way. Prompt action and a climate of compassion for the child victims could have significantly limited the damage done. But the Archdiocese chose a different path.¹⁰

The Report, therefore, took up the slack that was created by inadequate SOLs, and informed Philadelphians and the world of a child sexual abuse dynamic that needed to be disclosed.

The information gleaned from grand jury investigations increases the public’s understanding of the nature of these crimes and how predators use their positions of trust to groom victims within institutional settings.¹¹ This knowledge protects the public by facilitating the identification of hidden predators so that they can be removed from positions of power and authority and prevented from having further

¹⁰ Id at 1.

¹¹ Sarah E. Ullman, Relationship to Perpetrator, Disclosure, Social Reactions, and PTSD Symptoms in Child Sexual Abuse Survivors, 16 J. CHILD SEX. ABUSE 19, 30 (2007), <https://pubmed.ncbi.nlm.nih.gov/17255075/>

contact with children. This, in turn, contributes to an atmosphere where victims feel empowered to disclose sexual abuse.

The attendant public scrutiny also puts appropriate pressure on institutions to adopt more child protective policies.¹² In this way, transparency acts as a powerful deterrent, sending the message to potential abusers and their would-be enablers that they will not enjoy immunity from exposure and accountability.

Without grand jury scrutiny, accountability would be attenuated at best. History shows that institutions need to be coerced into protecting children. For years, Church officials were aware of predatory clergy and spent obscene amounts of time and money to cover it up by moving predatory priests from parish to parish.¹³ Untold numbers of children suffered as a result of their actions and yet the Church did not even attempt to change until a wave of civil litigation forced them to turn over troves of incriminating documents. Limiting the scope of grand jury presentments is therefore irrational and counterproductive because it diminishes the deterrent effect of our laws. Indeed, optimal deterrence requires that injurers bear the full social cost of their risk-taking activities. To best protect children from abuse, there must be some reasonable expectation and degree of assurance that

¹² Vatican laws changed to toughen sexual abuse punishment, BBC (last visited Sept. 30, 2022), <https://www.bbc.com/news/world-europe-57318959>.

¹³ See generally Reports of Attorneys General, Grand Juries, Individuals, Commissions, and Organizations, BISHOPACCOUNTABILITY.ORG (last visited June 1, 2023), <https://www.bishop-accountability.org/AtAGlance/reports.htm>.

youth-serving organizations will recognize when they fall short of public expectations and be held meaningfully accountable.

B. Child Sexual Abuse Is Costly to New Jersey Taxpayers

The cost of child sexual abuse to victims is enormous,¹⁴ and they, along with the State of New Jersey, unjustly carry the burden of this expense.¹⁵ The estimated lifetime cost to society from child sexual abuse cases that occurred in the U.S. in 2015 is \$9.3 billion, while the average cost per non-fatal female victim was estimated at \$282,734.¹⁶ Average costs per victim include but are not limited to \$14,357 in child medical costs, \$9,882 in adult medical costs, \$223,581 in lost productivity, \$8,333 in child welfare costs, \$2,434 in costs associated with crime, and \$3,760 in special education costs.¹⁷ Costs associated with suicide deaths are estimated at

¹⁴ See M. Merricka., et al., Unpacking the impact of adverse childhood experiences on adult mental health, 69 CHILD ABUSE & NEGLECT 10 (July 2017); Angelakis, I., Gillespie, E.L., Panagioti, M., Childhood maltreatment and adult suicidality: a comprehensive systematic review with meta-analysis, PSYCHOLOGICAL MEDICINE 1-22 (2019); Gail Hornot, Childhood Trauma Exposure & Toxic Stress: What the PNP Needs to Know, J. PEDIATRIC HEALTHCARE (2015); Perryman Group, Suffer the Little Children: An Assessment of the Economic Cost of Child Maltreatment (2014).

¹⁵ While one in four Arizonans receive Medicaid, sex abuse victims likely disproportionately receive support due to the crippling effect of trauma. Stephanie Innes, Enrollment in Arizona's Medicaid program hits record 2M adults and children, AZCENTRAL.COM (Jul. 14, 2020 at 1:10 PM), <https://www.azcentral.com/story/news/local/arizona-health/2020/07/14/enrollment-arizonas-medicaid-program-hits-record-2-million/5429518002/>.

¹⁶ Elizabeth J. Letourneau et al., The Economic Burden of Child Sexual Abuse in the United States, 79 CHILD ABUSE NEGL. 413 (2018).

¹⁷ Id.

\$20,387 for female victims.¹⁸ These staggering costs gravely affect victims and also impact the nation's health care, education, criminal justice, and welfare systems.¹⁹

Grand jury investigations can play a crucial role in mitigating these costs by bringing the hidden dynamics of institutional abuse into the open. By thoroughly investigating and exposing how organizations handle—or fail to handle—allegations of abuse, we can identify preventative measures and policies that protect children more effectively and reduce the likelihood of experiencing abuse in the first place, rather than focusing almost solely on after-the-fact approaches. With better preventive strategies in place, the state can reduce the long-term financial impact on taxpayers as fewer resources will be needed for remedial services, and New Jersey's children will be safer.

II. UNADDRESSED STATEWIDE CLERGY SEXUAL ABUSE POSES AN IMMINENT THREAT TO NEW JERSEY'S CHILDREN

Child sexual abuse is a crime that is perpetuated in silence and secrecy. These crimes typically occur in private, and victims are often reluctant to disclose out of fear that they will not be believed.²⁰ The realities of delayed disclosure and the

¹⁸ Id.

¹⁹ Id.

²⁰ See Myths and Facts About Sexual Assault, CAL. DEP'T OF JUST., https://www.meganslaw.ca.gov/mobile/Education_MythsAndFacts.aspx (last visited Aug. 17, 2022)

persistent gaps in the Church's child protection policies enable would-be predators to continue their reign of terror unnoticed and needlessly endangers New Jersey's children.

A. The Realities of Delayed Disclosure Enable Perpetrators to Conceal the Immediate Risk They Pose to New Jersey's Children

An extensive body of research establishes that victims of childhood sexual abuse are traumatized in a way that is distinguishable from victims of other crimes.²¹ Child sexual abuse is strongly correlated with negative effects across an individual's lifespan.²² The wide-ranging effects of sexual abuse make it difficult for victims to

²¹ Delphine Collin-Vézina et al., A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse, 43 CHILD ABUSE & NEGLECT 123 (2015), <https://pubmed.ncbi.nlm.nih.gov/25846196/>.

²² See, e.g., V.J. Felitti et al., Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. The Adverse Childhood Experiences (ACE) Study, 14 AM. J. PREVENTIVE MED. 245–58 (1998); R. Anda et al., The Enduring Effects of Abuse and Related Adverse Experiences in Childhood, 256 EUR. ARCHIVES PSYCHIATRY & CLINICAL NEUROSCI. 174, 175 (2005) (stating, “[n]umerous studies have established that childhood stressor, including abuse, can lead to a variety of negative health outcomes and behaviors, such as substance abuse, suicide attempts, and depressive disorders”); M. Merricka et al., Unpacking the impact of adverse childhood experiences on adult mental health, 69 CHILD ABUSE & NEGLECT 10 (2017). See also Sachs-Ericsson et al., A Review of Childhood Abuse, Health, and Pain-Related Problems: The Role of Psychiatric Disorders and Current Life Stress, 10 J. TRAUMA & DISSOCIATION 170, 171 (2009) (explaining that adult survivors are thirty percent more likely to develop serious medical conditions such as cancer, diabetes, high blood pressure, stroke, and heart disease); T.L. Simpson et al., Concomitance between childhood sexual and physical abuse and substance use problems: A review, 22 CLINICAL PSYCH. REV. 27 (2002) (finding that adult survivors of child sexual abuse are nearly three times as likely to report substance abuse problems than their non-survivor peers).

comprehend that they have been sexually abused, and to connect their problems to the abusive experience. Indeed, many victims of child sexual abuse suffer in silence for decades before they speak to anyone about their traumatic experiences—that is, if they disclose at all. As children, child sexual abuse victims often fear the negative repercussions of disclosure, such as disruptions in family stability, loss of relationships, or involvement with the authorities.²³ These victims may also struggle to disclose their experiences due to effects of trauma and psychological barriers such as shame, self-blame, or fear, as well as social factors such as gender-based stereotypes or stigma regarding victimization.²⁴

Additionally, disclosing sexual abuse to the authorities for criminal prosecution or an attorney in pursuit of civil justice is a difficult and emotionally complex process which involves the victim knowing that they were abused, being willing to identify publicly as a sexual abuse victim, and deciding to act against their abuser.

It is hardly a surprise, then, that 44.9% of male victims and 25.4% of female child sexual abuse victims did not disclose their abuse until *more than twenty years*

²³ Delphine Collin-Vézina et al., A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse, 43 CHILD ABUSE NEGL. 123 (2015).

²⁴ Ramona Alaggia et al., Facilitators and Barriers to Child Sexual Abuse (CSA) Disclosures: A Research Update (2000-2016), 20 TRAUMA VIOLENCE ABUSE 260, 279 (2019).

after it occurred.²⁵ In another study of victims of abuse in Boy Scouts of America, 51% of victims disclosed their abuse for the first time at age fifty or older.²⁶ An estimated 70% of child sexual assault victims never report abuse to the police.²⁷ Victims, therefore, often need decades to process the abuse they suffered, much less to report it.²⁸

The decades before disclosure give perpetrators and institutions wide latitude to suppress the truth to the detriment of children, parents, and the public. It is especially concerning given that child predators are compulsive sex offenders for whom there is still no cure. Many abuse children well into their elderly years.²⁹ For example, one study found that 7% of offenders sampled committed offenses against forty-one to 450 children, and the longest time between offense and conviction was

²⁵ Patrick J. O'Leary & James Barber, Gender Differences in Silencing following Childhood Sexual Abuse, 17 J. CHILD SEX ABUSE 133 (2008).

²⁶ Delayed Disclosure of Child Sexual Abuse, CHILD USA, <https://childusa.org/wp-content/uploads/2020/03/delayed-disclosure-childUSA-1.jpg> (last visited Mar. 8, 2022).

²⁷ D. Finkelhor et al., Sexually Assaulted Children: National Estimates and Characteristics, US Dept. of Justice, Office of Justice Programs (2008), <https://www.ojp.gov/pdffiles1/ojjdp/214383.pdf>.

²⁸ R.L. v. Voytac, 971 A.2d 1074 (N.J. 2009); Rebecca Campbell, Ph.D., The Neurobiology of Sexual Assault: Explaining Effects on the Brain, NAT'L INST. OF JUSTICE (2012), <https://upc.utah.gov/materials/2014Materials/2014sexualAssault/TonicImmobilityWebinar.pdf>; Bessel A. van der Kolk M.D., et al., Traumatic Stress: The Effects of Overwhelming Experience on Mind, Body, and Society (2006).

²⁹ Michelle Elliott et al., Child Sexual Abuse Prevention: What Offenders Tell Us, 19 CHILD ABUSE NEGL. 579 (1995).

thirty-six years.³⁰ That is why public identification and incarceration are crucial to keeping children safe. Grand jury presentments that can bring these hidden abuses to light are therefore not only appropriate but necessary to ensure the safety of New Jersey's children now and into the future. With every day that the Church is permitted to shield its actions from public scrutiny, children will be at risk of victimization by organizations that have allowed it to happen time and again.

B. Persistent Gaps in Church Policies Pose an Imminent Threat to New Jersey's Children

Since 2002, the Catholic Church has made *some* positive changes with respect to its internal policies. However, a comprehensive evaluation of the child protection policies across 32 archdioceses reveals that the Church's promise of meaningful reform has fallen woefully short.³¹ The study uncovered substantial and persistent gaps in their policies that put children at risk. Even for the policies that do exist they often lack the rigor and comprehensive enforcement mechanisms necessary to ensure genuine safety and accountability within the church structures. For example, background screening practices are not sufficiently comprehensive, often excluding

³⁰ Id.

³¹ Stephanie Dallam, Marci Hamilton & Sabine Glocker, Survey of the Written Child Protection Policies of the 32 U.S. Archdioceses, Journal of Child Sexual Abuse, J. of Child Sexual Abuse (2021)

international checks and consistent re-screening of personnel, especially for third-party contractors.³²

Child abuse training programs also vary widely between archdioceses and lack standardization. Only a small percentage require training to be completed before working with children, and even fewer offer regular, mandatory retraining.³³

Although all archdioceses have a code of conduct, very few have clear policies regarding appropriate behaviors, managing clergy who have engaged in misconduct with minors, or how to protect children from known perpetrators within the community. Furthermore, policies often lack clear guidelines for reporting misconduct and protecting whistleblowers.

These shortcomings are not merely administrative failures but indicate a deeper, systemic reluctance to implement robust protections. For decades, Catholic bishops have argued that they could do nothing about predatory priests (other than move them from parish to parish), because of their belief in forgiveness and reconciliation and the hierarchical character of the church: no one was supposed to interfere with a bishop's oversight of a priest's "formation."³⁴ Of course, this is all delusory –

³² Id.

³³ Id.

³⁴ See Marci A. Hamilton, How the Ohio Legislature Betrayed Child Victims of Clergy Abuse, and How We Can Stop it From Happening Nationwide, FINDLAW.COM, Apr. 6, 2006, <http://writ.news.findlaw.com/hamilton/20060406.html>.

institutions can establish sound programs to detect and deter child abuse. They must, however, have the will to do so.

Starting in 2004, the Catholic Church began to use Chapter 11 bankruptcy filings to deal with the many victims of clergy sexual abuse. To date, 30 Archdioceses have filed for Chapter 11. Victims who are thrust into bankruptcy proceedings consistently express their desire for accountability and transparency from the Church. For many, the non-monetary aspects of settlements—such as the implementation of rigorous policy reforms—are crucial as they provide victims with a sense of justice and closure that money alone cannot provide.

The presentment process is a crucial step towards addressing the institutional complacency that allowed these abuses to continue, and facilitating the healing process for victims.

CONCLUSION

For these reasons, *Amicus Curiae* CHILD USA respectfully requests this Court reverse the lower courts' decision and uphold the grand jury's authority to issue presentments on statewide clergy sexual abuse.

Respectfully submitted,

/s/Hillary Nappi

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Counsel of Record for Amici Curiae
CHILD USA

Dated: March 28, 2025

CERTIFICATE OF SERVICE

I, Hillary Nappi, Esq. do hereby certify that a copy of the foregoing Motion on behalf of CHILD USA to appear as *amicus curiae* in support of Petitioner was served via electronic mail upon the following:

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