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Deadline nears for abuse claims against Archdiocese of Santa Fe

By Rebecca Moss | rmoss@sfnewmexican.com Jun 8, 2019 Updated Jun 8, 2019

The seven-page sexual abuse questionnaire is stark.

Three lines are provided to name Roman Catholic clergy accused of raping or molesting a child at a parish within the Archdiocese of Santa Fe. There are five lines to write an account of alleged assaults, many dating back decades. Another three are available to describe the sites where the incidents occurred. And three more lines are there to list the physical, emotional or mental suffering caused by the purported abuse in childhood.

Attorneys say more than 200 people — ranging in age from their 30s to 80s — have filled out the document, making claims against the Archdiocese of Santa Fe, since it filed for bankruptcy protection in December 2018. The archdiocese claimed the bankruptcy was necessary because a growing number of lawsuits alleging child sexual abuse by a priest threatened to financially topple the organization, which operates churches and schools throughout Central and Northern New Mexico.

The deadline for filing abuse claims is 5 p.m. June 17. Claims filed by that time will be reviewed to determine if they are valid and to put a financial value on each allegation. They will then become part of a complex settlement negotiation.

After June 17, any new claims will be barred unless the court chooses to establish a latecomers fund.

“People are calling and coming in every day,” said Brad Hall, an Albuquerque attorney who has handled numerous lawsuits claiming clergy abuse.

Some advocates and the archdiocese say the bankruptcy process will provide an important reckoning for the Roman Catholic organization — when Archbishop John C. Wester announced the decision last year to file for bankruptcy, he called it a relief — and justice for survivors of sex crimes that were long concealed. Because the

claims are sealed, unless a person making a claim chooses to make it public, people who suffered abuse at the hands of a priest might feel more comfortable coming forward.

But other attorneys and advocates say such bankruptcy proceedings can be harsh and dehumanizing processes that reduce horrific crimes and the suffering they cause into crude financial equations.

The process also might enable the archdiocese and the Roman Catholic Church as a whole to further suppress the extent of decades of sex crimes against children in New Mexico by keeping the claims secret.

And it puts strict limits on when people who have suffered trauma can seek recourse, potentially leaving out many victims.

Survivors “come forward when they are ready to come forward,” Hall said.

Since the 1990s, between 250 and 400 civil cases alleging child sexual abuse by priests have been settled by the Archdiocese of Santa Fe, attorneys estimate. The archdiocese has released a list of priests and brothers who have been “credibly accused” of abuse, so far naming 78 men.

Criminal cases against priests accused of abuse are rare — in part because state law puts time limits on when charges can be brought. Still, the New Mexico attorney general has indicted two elderly former Catholic priests in recent months on charges of raping children at parishes in the state about three decades ago. A trial for Marvin Archuleta of Albuquerque, accused of raping a boy at the Santa Cruz parish north of Santa Fe, will begin in July. The second man, Sabine Griego, was arrested at his home in March on charges of raping a girl in Albuquerque.

Zach Hiner, director of the Survivors Network of those Abused by Priests, said that when an archdiocese files for bankruptcy, it can lead to financial amends for abuse survivors who otherwise have been barred from pursuing justice because of the state’s statutes of limitations, which set the time frame for when criminal charges or a civil lawsuit can be brought to address various types of allegations.

The window is narrow when it comes to accusations of child molestation. In rape cases involving a child under the age of a 13, a first-degree felony offense, there is no statute of limitations.

There also is no limitation in bankruptcy court for seeking monetary awards.

But most survivors are seeking something more meaningful than money, Hiner said. They want the crimes committed against them to be acknowledged and the names of the perpetrators to be made public.

Unlike civil and criminal cases, in which defendants are named in public documents, in a bankruptcy case, the court can choose to keep secret the name of an accused priest.

Celine Baca Radigan, a spokeswoman for the Archdiocese of Santa Fe, said the organization undertook “vast multimedia community outreach efforts” to inform parishioners about the bankruptcy filing and deadline for claims of sexual abuse, including publishing notices in its *People of God* magazine.

After the deadline, Archbishop Wester said in an email, he hopes mediation “will result in a consensual plan providing an appropriate resolution for each and every claimant. The archdiocese will continue to work closely with the [survivors] committee and other parties to ensure the most expeditious and fair resolution as possible.”

Twenty-two Roman Catholic dioceses in the U.S. have filed for bankruptcy protection since 2004. The Diocese of Gallup filed for bankruptcy in 2013 and ended up paying \$22 million to 57 victims.

While a handful of the cases are ongoing, so far more than 3,600 people have filed claims and just under a billion dollars has been paid in settlements under the bankruptcy procedures of Catholic dioceses. The total number of legal claims against the Catholic Church in the U.S. is far higher, however, with settlements in cases involving clergy abuse allegations well over \$3 billion, according to data compiled by bishopaccountability.org.

Filings in the Archdiocese of Santa Fe bankruptcy case list a broad range of assets valued between \$10 million and \$50 million and liabilities in the same amount. The top 20 liabilities disclosed involve child sexual abuse lawsuits, with plaintiffs named only as “John Doe.” Each is valued at \$100,000.

But questions have been raised over whether the organization attempted to protect some assets years before the case was filed. In 2012, it began incorporating 90 parishes as nonprofits, a step dioceses in other states have taken to protect assets from liability. Attorneys and advocates also have expressed concerns about how the Archdiocese of Santa Fe has handled lucrative properties. In 2012, the archdiocese created a real estate trust to hold several properties, but it has said this was not done to shield assets.

The bankruptcy process could provide a better accounting of just how many people in New Mexico were abused in childhood by a parish priest.

For decades, the Servants of the Paraclete, a Roman Catholic organization affiliated with the Archdiocese of Santa Fe, operated a therapeutic facility in Jemez Springs for treatment of priests nationwide with issues ranging from alcohol abuse to pedophilia. Many of these priests were allowed to work in weekend ministries throughout the state and often remained in New Mexico parishes after their release from the treatment center, according to multiple legal cases brought against the Paraclete and the Archdiocese of Santa Fe.

Daniel Fasy, a Seattle attorney who has worked on at least five other diocese bankruptcy proceedings in Washington, Montana and Wisconsin, said New Mexico has a unique set of circumstances because of the Paraclete.

“A lot of priests who had abused children elsewhere in the county were sent there for treatment and then were released out into the public,” he said, which means priest abuse in the state may be more widespread in than in other areas.

“One of our goals is to make sure everyone who has a claim comes forward so this problem is more well-known in the community and the people who hurt children are identified,” Fasy said.

Once the claims have been filed, the archdiocese and attorneys representing claimants will begin negotiating both monetary awards and other remedies, such as a latecomers fund for those who didn't file by the deadline, policy changes on how the archdiocese handles future sexual assault allegations and a more extensive disclosure of credibly accused priests.

The names of some who have been accused of abuse still don't appear on the archdiocese's list.

Melanie Sakoda, who works with the Survivors Network of those Abused by Priests in California, said she hopes the disclosure of new priests will result from the process.

“Otherwise, there will be victims who don't know they are not the only one, parents who have lost children to drugs or suicide and don't know why,” she said. “And if the names aren't exposed, they won't get their answers.”

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Rebecca Moss has covered the environment and Los Alamos National Laboratory for the Santa Fe New Mexican since j2015. In 2018, she was selected to participate in the ProPublica Local Reporting Network.