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Supreme Court: Churches Can Be Liable for Failing to Prevent Sex Abuse

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OLYMPIA — Churches can be held liable for failing to protect children from sexual abuse by church officials and members, the Washington Supreme Court ruled Thursday.

Addressing cases from Yakima, Twisp and Longview, the high court struck down a 1997 state Court of Appeals ruling that limited victims' claims to just their abusers, and ordered new trials.

The case divided the nine justices, with several warning in dissents that the ruling could leave organizations such as day-care centers, parent-teacher associations and youth groups vulnerable to lawsuits for decades after abuse occurs.

The court ruled on three separate cases:

-A plaintiff identified as "C.J.C." alleged that two Roman Catholic priests sexually molested him for two years, beginning in 1980 when he was 15 years old, at St. Paul's Parish in Yakima after they convinced him to trade sexual favors in exchange for gaining entry into heaven.

C.J.C. claimed the Catholic diocese was aware of the risk the Revs. Richard Scully and Dale Calhoun presented before the abuse occurred, but did nothing to prevent it.

-Three sisters from Okanogan County - Juanita Funkhouser, Sheri Lewis and Janelle Larson - alleged they were molested between 1969 and 1980 by Orin Wilson, a one-time deacon of their church, Calvary Baptist Church in Twisp.

Wilson admitted to the abuse in letters before his death, according to court records. But the sisters claimed the church and its governing body, the Calvary Baptist Conference, were aware of Wilson's alleged abuse of other young girls and failed to warn or protect them.

-A plaintiff identified as "E.R.B." and his parents claimed the New Life Fellowship Church of God in Longview and its governing body failed to properly investigate associate pastor Rick Shaw's conduct after numerous allegations were made against him. Shaw was accused of sexually abusing E.R.B. for five years, beginning in 1985 when E.R.B. was 14 years old.

At issue in each case is a law setting the statute of limitations for sex crimes.

Under the law, victims have three years to file claims. But the three-year clock doesn't start ticking until the victim "discovers" an injury or condition brought on by the abuse. That allows victims to file claims for abuse that may have occurred decades earlier.

In all three cases, trial courts threw out the victims' negligence claims against the churches on the grounds that a 1997 Court of Appeals ruling restricted claims to the abusers.

Justice Charles Johnson, writing a majority opinion signed by three other justices, said that 1997 ruling was in error.

"If the Legislature had intended the act to apply exclusively to the perpetrators of the abuse, the statute would have included specific limitations to that effect. It does not do so," Johnson wrote.

The ruling sparked one partial dissent and two full dissents.

In separate opinions, Justices Barbara Madsen and Barbara Durham expressed concern that the ruling threatens various community organizations that provide services or activities for children.

"The majority's approach exposes organizations to a perpetual threat of liability for negligent omissions that occurred 10, 20 or 30 years ago," Durham wrote. She called it a "misguided" attempt to provide justice for the victims.

Madsen also took exception to the majority ruling in the case of the three sisters from Twisp.

Calvary Baptist Church was not bound to protect the sisters from Wilson, Madsen said, because the acts of molestation occurred at his home while he baby-sat them at their parents' request.

The abuse did not occur on church property or during church-sponsored activities, and the church did not recommend Wilson as a baby sitter, Madsen said.

But Johnson, in his majority opinion, said an organization cannot "turn a blind eye" to a known risk of harm by an agent of that group simply because the injury is committed off premises or after hours.