

September 19, 2016; A Glimmer of Hope for Justice

There are times I enjoy being proven wrong. Because of recent action taken by the Legislature, I am forced to eat my words. But, what a delicious meal it is!

In my June 27 and July 4, 2016 columns, I predicted dim prospects for those seeking justice for past incidents of child sexual abuse committed by persons in positions of trust. I wrote these columns in response to the numerous accusations pending against Archbishop Anthony Apuron by several former altar boys who allege he sexually abused them in the 1970's.

I felt that a bill introduced by Senator Frank Blas, supposedly to extend the civil statute of limitations for filing sexual abuse lawsuits, was "glaringly ineffective." In fact, I saw it as nothing more than political posturing meant to capture votes while protecting the Catholic Church from any meaningful sanctions. Thankfully, Blas' subsequent actions, and those of the entire Legislature, have proven me wrong.

For many years, Guam law provided that a victim of child sex abuse had two years to file a lawsuit against the alleged abuser. Obviously, because of the nature of child abuse, this time limitation was unrealistic and did little to discourage sexual abuse against children. In 2011, the Legislature passed a bill that temporarily amended the law and gave past sexual abuse victims two additional years to file their cases. As initially proposed by Senator B.J. Cruz, the bill would have allowed victims to sue the abuser as well as any grossly negligent "institution, agency, firm, business, corporation...that owed a duty of care to the victim."

Succumbing to pressure, many senators, foregoing their obligation to separate church and state, amended the bill. The final version only allowed the victim to sue the abuser and not an entity that may have been complicit in the abuse. In addition, the senators added a section that required lawyers to jump through an unprecedented legal obstacle course. These amendments effectively precluded any realistic means for a victim to fund a lawsuit and discouraged any attorney from accepting an old abuse case. Predictably, not one person filed suit during the extended two-year period.

In response to mounting community pressure to give past victims of child abuse an opportunity to have their day in court, last May Senator Blas introduced Bill 33-326. The bill eliminated all time constraints for filing an abuse case. It further removed the legal obstacle course contained in the 2011 law. However, the bill did not allow victims to sue complicit institutions. This would effectively shield the Catholic Church, and any other institution, from any legal exposure and again discourage attorneys from accepting abuse cases. I feared that Blas and the Legislature were again caving in to Church pressure.

However, after a series of public hearings, the Legislature amended the bill and the final version allows victims to sue the abuser and "a legal entity, their

enablers, their aiders or abettors, those acting in concert with them and their institutions at any time.” Now the bill has teeth!

I thank the Legislature for the amended bill and apologize to Senator Blas. Perhaps he can join me for lunch and watch me devour my words. Now, let’s hope Governor Calvo signs the bill into law, thereby giving past child abuse victims a path to justice.