



Roman Catholic Diocese of Albany  
Office of the Bishop

June 29, 2022

### **Another Path for Survivors?**

Having learned so much from survivors, their friends and family members, and their stories of abuse, I feel deeply for all those who have painfully spoken and patiently awaited the justice promised by the New York State Child Victims Act (CVA). Many suffer in silence with no one to share their story with. While I will continue to do all in my power to assist and accompany survivors and loved ones in recovery, including in their spiritual healing, I understand that my efforts are naturally difficult to trust. It will be hard for many to believe that I am acting or speaking from my heart, or that what I do or say is credible. I still believe it is worth reaching out to survivors and their loved ones at this juncture to describe a path to justice for all survivors under the CVA.

Currently, two divergent courses of action are shaping up in the diocese of Albany. One is the path of litigation; the other is to file for bankruptcy (Chapter 11). In either scenario, the amount of funds available to be disbursed to survivors is the same. A third option, however, would secure the greatest portion of these finite funds for all, not just a few, survivors who have filed claims under the CVA.

This alternative plan has evolved over many months, as a team of legal and financial experts have developed a way to distribute these funds so that survivors share them equitably, instead of those who sued first depleting them, leaving less or no funds for those who sued later. The third alternative also ensures the greatest portion of the funds will go to survivors, and less for legal and court fees.

I am aware that offending institutions are not owed, and cannot assume, trust in their credibility or even good faith, so it seems best simply to put the plan out there and to let it stand or fall on its own merits. I believe this proposal is a just one, treating all survivors equally, developed in consultation with Hon. Joan Feeney, a former bankruptcy judge and in which the Court, overseeing the CVA litigation in Albany, has shown interest.



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The full plan will soon be released. A brief summary is attached. It shows a framework for settlements both possible and equitable. Every survivor would be able to make his or her case under judicial oversight and with the assistance of a mediation team agreed to by all parties. Prior to any settlement, a thorough and unbiased audit of the assets available will be undertaken so no hidden corners are left. Participants are free to retain counsel and seek additional assistance from the diocese through canonical process, accompanied by an Assistance Coordinator.

Financial aid or recovery alone does not address the substantial emotional, spiritual and relationship wounds of any survivor. One step of amends is a vigorous program of child-protection in all church settings which relies on broad training and empowerment to identify and report suspected abuse of minors. Another is a diversity of pastoral and spiritually healing options for those survivors and loved ones who have asked for care. It is important to keep in mind always that healing is far more than a monetary matter. This alternative to the costly options of litigation or bankruptcy is, I hope, a step through the financial issues so we may open healing dialogue for those who are interested -- whenever, now or later, they may be interested. For my part, I remain a pastor who cares very much for survivors, seeking to walk with them, to listen and to learn, so that no one may be on this journey towards healing alone.

Faithfully yours in Christ,

*+Edward B. Scharfenberger*

Most Rev. Edward B. Scharfenberger  
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