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N.Y. Bills Would Require Clergy to Report Abuse Measures Stall in Legislature

By Anthony Farmer
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In 2002, during the growing sex abuse scandal in the Catholic church, state legislators pledged swift approval of a new law that would punish church officials who try to cover up such acts by fellow priests.

Three years later, a law still isn't in place and it could be well into 2006 before lawmakers get a chance to approve one.

Bills introduced by Sen. Steve Saland, R-Poughkeepsie, and Assemblyman John McEneny, D-Albany, would add members of the clergy to the list of occupations required to report suspected abuse against children. Clergy would then have to report sex abuse of children by priests and other clergy to authorities.

Each legislator's bill has been approved in their respective houses, but McEneny and Saland are at odds over differences in the two bills.

The main sticking points arise over how abuse is defined and to what extent social workers and other counselors would be required to report what they learn about teenagers' sex lives.

A leader of a group representing victims abused by priests said there's no reason the state shouldn't have the law in place. The bills vary only slightly and the differences should be able to be worked out, said Mark Lyman, co-director of the Capital Region Chapter of the Survivors Network of those Abused by Priests.

"I don't believe when we talk about the safety of children in the State of New York we should be arguing over whose 't' isn't crossed and whose 'i' isn't dotted," said Lyman, a victim of abuse by a priest. "We want to see action."

Notification required

In New York, doctors, teachers and mental health counselors are among more than 30 professions required to report suspected child abuse or maltreatment to authorities.

Twenty-one states require clergy to report child abuse, according to the National Conference of State Legislatures.

But there's been little progress toward reaching an agreement in New York.

The issue hardly commands the headlines it did two years ago, as revelations of coverups by the church of previous allegations against priests played out across the country.

As the Legislature wrapped up its annual session last week, Saland and McEneny were not optimistic an agreement would be reached before the next session begins in January.

Saland's bill would expand the scope of what is considered abuse for those required to report

suspected abuse. It would do so by requiring the reporting of sexual conduct between someone who is 19 or older and someone who is under 14. Also, instances where someone 21 or older who is in a position of authority — such as a coach, or Scout leader — engages in such conduct with someone under 17 must be reported, the bill states.

Several organizations, including Planned Parenthood, the New York Civil Liberties Union and the National Association of Social Workers, oppose Saland's bill. The new definitions for child abuse would discourage teens from seeking help from counselors, out of fear what they told the professionals would no longer be confidential, the groups argued.

Supporters of McEneny's bill note it, like Saland's, doesn't require clergy to make reports of allegations learned through privileged communication, such as confession.

The head of the Catholic League for Religious and Civil Rights, a lay group not funded by the church, wrote to legislators urging them to support Saland's bill. The groups opposing Saland's bill want an exemption for "abortion providers," wrote William Donohue, Catholic League president.

Bill called 'poison pill'

McEneny said Saland's proposal to expand what is considered abuse under the law is a "poison pill" that will prevent Saland's bill from ever getting through the Assembly. Saland should seek to expand the definition of abuse in another bill, so legislators could move forward on adding clergy to the list of those required to report abuse, he said.

"He's stopping me from addressing a serious problem in my church so he can pursue his personal crusade on an unrelated matter," McEneny, a Roman Catholic, said of Saland.

Not reaching an agreement this year means "another year of hiding serial abusers," he added.

Saland said McEneny had earlier agreed to expanding the definition of abuse, something the assemblyman vehemently denied.

Saland refuses to budge on altering his bill, arguing it focuses on protecting children. The groups opposing it are just trying to protect their turf and don't want to be inconvenienced, he said.

"To elevate the inconvenience of reporters over the critical importance of protecting children from predators and pedophiles serves no legitimate, in my opinion, social purpose," Saland said.

The Democratic Assembly is always slow to expand the powers of law enforcement and penalties for criminals, he added.

"This is certainly consistent with that philosophy," he said.

But the debate over the competing bills does little to ease the concerns of some.

A local mother whose son was victimized by a priest in Poughkeepsie in the early 1990s said the law may have protected her then-teenage son, if it had been in place.

"To me that is so obvious," said the mother, whose name is being withheld to protect the victim's identity.

In 1992, the Rev. Daniel Calabrese of St. Mary's Church in Poughkeepsie was convicted on charges he sexually abused the teenager. Calabrese was sentenced to three months in jail.

During the investigation of the case, it was discovered that Calabrese had left two other parishes in New York after questions involving youngsters and alcohol were raised.

The mother said she can't help but suspect the church has had a hand in keeping the measure from going through.

The New York State Catholic Conference, the public policy arm of the bishops in the state, said it has not taken a position on either of the bills, but does favor requiring clergy to report suspected abuse. Supporting one bill or the other would hinder the process, more than help it, said Dennis Poust, spokesman for the group.

"We do support the concept and we have urged the sponsors to reconcile the two bills and reach an agreement," Poust said.

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