



## Class Action FAQs (\*Updated September 12, 2022\*)

### PASTORAL

#### **1. I was abused or I know someone who was abused. What do I do?**

We encourage you to report the abuse to the appropriate authorities. All abuse reported to the Archdiocese is investigated using the steps set forth in our Responsible Ministries Protocol. This protocol can be found at [www.halifaxyarmouth.org](http://www.halifaxyarmouth.org)

#### **2. How is the Archdiocese caring for victims beyond financial payouts?**

In all cases of abuse the Archdiocese has offered financial, pastoral, psychological, and spiritual support. The well-being of the victim as a whole person is considered and taken into account. In past cases, Archbishop Mancini has been present to the victims and offers as much accompaniment as the victim chooses to accept.

#### **3. Why does this keep happening? My faith is shaken by yet more disappointing news about clergy sex abuse. How can I stay in the Church? Who can I talk to?**

There is no easy answer to the question of why this keeps happening. What we do know is that we now know better and in turn must do better. While the Church was instituted by Christ, it is run by people who are very human.

If you are struggling with your faith seek out a person of faith whom you trust – be it a member of the clergy, spiritual director, member of a religious community – that you can share your concerns and thoughts with, someone with whom you feel safe and heard.

#### **4. How do I explain this to my children, my family, my friends and colleagues?**

Speaking about our faith under any circumstances is a delicate matter. In this instance it is even more difficult nevertheless, Christ calls us to follow his teachings and propose the Gospel. We can still do so in the midst of this crisis when we remember that our identity as Catholics is our faith in Christ, not the human organization or institution which is the imperfect Church. When we forget the who of our faith it is easy to falter on what our faith actually is.

#### **5. How do we support the faithful clergy who are vulnerable in this?**

For faithful clergy, the sexual abuse crisis is particularly difficult and challenging, especially in instances where accused abusers are men they know or with whom they have served. Let them know you greatly appreciate their faithfulness. It is important that people support the clergy by praying for and with them, encouraging their good ministry, and loving them.



**6. How does this impact the future of pastoral ministry in our local Archdiocese? our Church?**

The sexual abuse crisis casts an ever-growing shadow on the Church locally, nationally, and throughout the world. Yet our work as Catholics remains the same: spread the light of Christ to dispel the dark shadows of our world. We need to acknowledge the wrongs that have happened in the past and atone for them. Yet our good works of caring for the poor, sick, hungry, and the vulnerable must continue. Shining Christ's light means that there may be things that we did not want to see but must deal with in order to build up Christ's Church.

**7. Is this why we restructured our parishes?**

No. Parishes were restructured to increase our ability to live the mission Christ called us to: spread the Good News and make disciples. Our culture, demographics, and realities of the world have taken their toll on our communities of faith in Halifax-Yarmouth. To have healthy, viable, growing communities of faith, we need to change how we live and act as members of the Church and how we respond to the world in which the Church finds herself.

**8. Is this why Archbishop Dunn, who has experience with class actions, was appointed to the Archdiocese?**

No. While Archbishop Dunn has experience with class actions, his appointment to the Archdiocese comes from a long process of discernment by the Holy Father and his consultors.

**9. How long will we keep hearing about abuse?**

Again, there is no easy answer to this question. Whenever there are positions of authority there is potential for abuse of the power inherent in those positions. But the Archdiocese has taken, and will continue to take, the necessary steps within the Archdiocese of Halifax-Yarmouth to protect minors, the vulnerable, and all whom we serve.

## FINANCES

**1. Who is paying for this?**

Legal fees are paid through a combination of diocesan operating revenue and proceeds from insurance, where applicable. Ultimately, the greatest cost has already been paid by the victims of sexual abuse. Hopefully, this legal process can offer them some measure of closure.



**2. How much is this going to cost and where is that money going to come from?**

The proposed terms of settlement are scheduled to be approved in a hearing on November 14, 2022. Once the terms have been approved, the settlements will be made from a combination of assets of the Roman Catholic Episcopal Corporations of Halifax and Yarmouth, and insurance proceeds.

**3. How will settlements be determined?**

That will be determined through a negotiated settlement or by the Court.

**4. Is this why the diocese sold my church?**

No, the recent closure and sale of some churches was not motivated by this legal process.

**5. Are we selling church properties to pay for this – like in Antigonish?**

No predictions can be made about assets and properties at this time, and especially now given the present impact of COVID-19 in the life of our Church.

**6. Are my contributions to diocesan collections being used to pay lawyers' fees?**

No. Diocesan collections are made for specific projects and purposes. Both the Code of Canon Law and the Canada Revenue Agency require funds collected for a specific purpose to be used for that purpose.

Legal fees are paid through a combination of the operating revenue of the Roman Catholic Episcopal Corporations of Halifax and Yarmouth and insurance proceeds, where applicable.

**7. Are my collection contributions being used to pay the settlement fees?**

Settlement amounts have been proposed but not yet approved. On November 14, 2022 there will be a settlement approval hearing. Once the terms of the settlement are approved, future settlements will be made up of a combination of assets of the Roman Catholic Episcopal Corporations of Halifax and Yarmouth and insurance proceeds.

LEGAL

**1. What is a class action?**

A class action is a process where a claimant can bring a legal claim on behalf of a class of claimants.

**2. Is this a new case?**

No, this is not a new case. This proposed class action was filed in Nova Scotia Supreme Court in August 2018. A class action is usually a very long process with various stages.

**3. Is there a process to a class action suit? What stage of the process are we in?**



In general terms there are three phases to a class action:

*1. Pre-certification (Aug 2018- March 2020)*

The Plaintiff started this case in August 2018 as a proposed class action. In order to proceed as a class action, the Plaintiff requires court approval, which is known as certification. Rather than opposing certification, the Roman Catholic Episcopal Corporations of Halifax and Yarmouth consented to it and negotiated the various terms of certification.

*2. Certification (March 31, 2020)*

Even though the parties agreed that the action would be certified and proceed as a class action, the judge's approval was required.

The judge approved and issued an order on March 31, 2020 certifying the case as a class action.

*3. Post-certification*

This phase has three steps:

- a) Notice and opt out (Completed: June 12 to October 12, 2020)  
People who claim that they were sexually abused by a priest of the Roman Catholic Episcopal Corporation of Halifax or Yarmouth between 1960 and March 31, 2020 and have not reached a previous settlement are automatically class members unless they opt out by October 12, 2020.
- b) Negotiations on settlement process (Completed: September 2022)  
The lawyers will attempt to negotiate a settlement to resolve the class action. If the parties cannot reach a settlement, the parties will ask the Court to determine the case. As a result of these discussions, as of September there are now proposed terms of settlement. On November 14, 2022, there will be a settlement approval hearing. **Notifying the public of this hearing is the phase we currently find ourselves in.**
- c) When the judge determines that compensation is appropriate, then individual claimants can submit claims for compensation.

The process of a class action is lengthy and it is not possible to determine how long it will take.

**4. What is meant by the term "abuse"?**

This class action specifically addresses sexual abuse. Through settlement negotiations, the parties will attempt to define what constitutes sexual abuse.

**5. How will claims be verified?**

It is too early in the process to be able to speak about a process or steps to verify claims



**6. What happens to the priests who are found guilty?**

In many cases the accused priest may already be deceased. However, if any living priest is found to have committed sexual assault, he will face the appropriate legal repercussions and his priestly faculties will be permanently removed.

**7. Is the Archdiocese going to publicize the names of priests involved?**

The names of any priests found to have committed sexual abuse will be a matter of public domain and available in public documents related to the case proceedings.

We are not able to provide names of those who are part of the class action while the investigation is active.

**8. Can victims who have settled previously be included in this suit?**

No. Victims who have settled a claim in the past are not eligible to be included in this class action.

**9. Will this class action bring an end to the lawsuits?**

This class action seeks to bring together individuals who allege they were sexually abused by a priest of the Roman Catholic Episcopal Corporations of Halifax and Yarmouth between 1960 and March 31, 2020.

Because this is a wide time frame, this class action has the potential to resolve lawsuits of this type.

Anyone who alleges sexual abuse within that time frame had the option to opt out of the class action from June 12 to October 12, 2020. If someone chose to opt out of the class action, they have the right to take legal action as an individual in the future.

RESPONSE BY THE CHURCH

**1. What are we doing to prevent abuse from happening again? How are we protecting minors and the vulnerable?**

A variety of preventative measures have been put in place and/or are in the process of being updated locally and nationally.

Locally, the Archdiocese of Halifax-Yarmouth has had a Responsible Ministry Protocol in place since February 2010, to protect the vulnerable populations that we serve. All clergy, staff, and volunteers are required to adhere to this protocol. It can be found on the diocesan website: [www.halifaxyarmouth.org](http://www.halifaxyarmouth.org)



In October 2018, the Canadian Conference of Catholic Bishops (CCCB) released *Protecting Minors from Sexual Abuse: a Call to the Catholic Faithful in Canada for Healing, Reconciliation and Transformation*. This document is meant as a guide for dioceses across Canada to implement measures in their local areas to protect those we are called to serve. Archbishop Mancini played a key role in developing this document.

Recently the CCCB announced a Standing Committee for Responsible Ministry. This permanent structure has the mandate to address the grave harm sexual abuse has caused victims and their families and to ensure all pastoral environments are safe. The committee consists of 16 members, including four bishops, victims-survivors, and experts in the fields of safeguarding, psychology and law (civil & canon).

**2. Are there accused priests in active ministry currently?**

Any priest accused of abuse is immediately placed on administrative leave while the allegation is investigated.

**3. What is the Church doing to hold priests accountable in their ministry? How are candidates for seminary screened?**

In the Archdiocese all clergy are bound by the Responsible Ministry Protocol.

Seminarians from the Archdiocese go through a thorough screening prior to being accepted to a seminary. This includes full medical, physical, spiritual, psychological, sociological, and intellectual assessments.

**4. Will the Archdiocese do an independent review like the ones being done in US dioceses or, most recently by L'Arche?**

There is no plan to do an independent review at this time.

## **SPECIFIC TO OUR INTERNAL AUDIENCES**

**1. Is my job at risk (parish/diocesan staff)?**

At this early stage, we do not have a full picture of the risks involved because there a variety of pieces of the class action that are yet to be defined.

**2. Given that Halifax and Yarmouth are still legally two separate corporations will Halifax have to pay for Yarmouth?**

Again, it is too early to provide an answer to this question.

**3. As a parish staff person, who can I call at the Archdiocese for more information? Or to whom do I direct parishioners who want to speak to someone about this issue?**



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**Halifax-Yarmouth**

Contact Aurea Sadi in the Communications Office of the Archdiocese. She can be reached at 902.429.9800 x 310 or email: [asadi@halifaxyarmouth.org](mailto:asadi@halifaxyarmouth.org)