

**INDEPENDENT COMPENSATION PROGRAM FOR THE  
ARCHDIOCESE OF LOS ANGELES, DIOCESE OF FRESNO, DIOCESE OF ORANGE, DIOCESE OF  
SACRAMENTO, DIOCESE OF SAN BERNARDINO,  
AND DIOCESE OF SAN DIEGO  
FOR VICTIM-SURVIVORS OF SEXUAL ABUSE OF MINORS BY PRIESTS**

**FREQUENTLY ASKED QUESTIONS (“FAQs”)**

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**FREQUENTLY ASKED QUESTIONS**

May 14, 2019

**FAQs Pertaining to the Terms and Conditions of the  
Independent Compensation Program for Archdiocese of Los Angeles, Diocese of Fresno, Diocese  
of Orange, Diocese of Sacramento, Diocese of San Bernardino,  
and Diocese of San Diego**

**1) What Is The Independent Compensation Program?**

The Independent Compensation Program (the “Program”) is an independent settlement program administered by Kenneth R. Feinberg and Camille Biros (the “Administrators”), two nationally recognized claims administration experts. The goal of the Program is to acknowledge the wrongs endured by victims, the Dioceses’ failure to prevent that harm and provide support for victims/survivors abused as minors by priests of the Archdiocese of Los Angeles, Diocese of Fresno, Diocese of Orange, Diocese of Sacramento, Diocese of San Bernardino, or Diocese of San Diego (the “Dioceses”), regardless of when that abuse occurred. The Program supplements initiatives, including some compensation programs, already undertaken by the Dioceses to address the sexual abuse of minors by priests of the Diocese.

The Program is independent of the Dioceses. The Administrators of the Program have complete autonomy to determine eligibility of individual claims and the amount of compensation for victims that come forward with a claim. The Program will be advised by an Independent Oversight Committee. The IOC has reviewed the Protocol and will periodically review the implementation and administration of the Program. Governor Gray Davis and Maria Contreras-Sweet have agreed to serve on the Oversight Committee. Additional members of the Oversight Committee will be added. Neither the Oversight Committee nor the Dioceses have authority to modify or reject any individual claim determinations governing eligibility and compensation rendered by the Independent Administrators or to act as an appeal board for any Claimant.

**2) Who May File a Claim?**

Individuals eligible to participate in this Program are: a) individuals who allege they were sexually abused as a minor by a priest of the Archdiocese of Los Angeles, Diocese of Fresno, Diocese of Orange, Diocese of Sacramento, Diocese of San Bernardino, or Diocese of San Diego, b) the Claimant’s attorney, if the claimant is represented by an attorney, c) in the case of a Claimant who is currently a minor , a parent or legal guardian authorized under law to serve as the minor’s legal representative or d) in the case of an incompetent or legally incapacitated individual Claimant, a person with proof that he or she has been duly appointed as the Claimant’s legal representative in accordance with applicable law. The following additional criteria apply:

- The claim of sexual abuse must be directed against a priest of the Archdiocese of Los Angeles, Diocese of Fresno, Diocese of Orange, Diocese of Sacramento, Diocese of San Bernardino, or Diocese of San Diego. Claims of sexual abuse directed against a member of a religious order, clergy of any other archdiocese or diocese, a deacon, or a lay person are not eligible under this Program.
- For new claims not previously reported to law enforcement or the Dioceses, the individual must register on the Program’s website to participate in the Program. Once the Claimant has registered, the Claimant must report the claim of abuse in writing to the appropriate law enforcement agency to participate in this Program (with a copy submitted to the

Administrators). A finding of criminal liability by law enforcement is not required for participating in this Program. All new allegations of abuse received through this Program will also be reported to the appropriate law enforcement agency by the Dioceses as required by law and the Dioceses' policies.

### **3) Will Filing Claim Cost Money?**

No. There is no fee associated with filing a claim with the Program. You may, however, incur fees from professionals such as lawyers, should you choose to engage their services. The Program will not pay for or reimburse you for such fees. However, it will provide you an independent lawyer free of charge for the purpose of explaining the nature of the release.

### **4) What Proof Will I Have to Submit to Receive Compensation From The Program?**

Claimants are invited to provide documentation identified in the Claim Form, and any other corroborating information sufficient to substantiate the claim, satisfy eligibility requirements, and allow the Administrators to review, process, and evaluate the claim. This information and documentation will aid the Administrators in making a fair and accurate determination. For claims reported to the Dioceses before the initiation of this Program, the documentation that victims/survivors and their medical or counseling providers previously provided to the Dioceses will be provided to the Administrators.

### **5) What Types of Supporting Documentation Will Be Required to Support My Claim?**

Supporting documentation which provides evidence of the nature, frequency, location and time of the sexual abuse will assist the Administrators in confirming eligibility and evaluating your claim. Examples of the type of supporting documentation include:

- Copies of contemporaneous notification (in the form of an email, a letter or other form of communication) regarding the abuse made by the individual Claimant to friends, family, church officials, law enforcement authorities, and/or others.
- Medical or counseling records for treatment received relevant to the abuse.
- Police or other law enforcement records.

### **6) What Happens After a Claim Is Filed?**

Once your Claim Form and supporting documentation are received, the Administrators will process your claim promptly. You will receive written notice by mail of the receipt of your claim. Claims are reviewed by the Administrators on a rolling basis. Upon completion of the review of your claim by the Administrators, you will be notified either of the determination of your claim, or of deficiencies in documentation and requests for additional documentation, if necessary.

### **7) How Will Compensation Amounts Be Determined?**

The Program Administrators have final decision-making authority to determine who is eligible and the amount of any compensation. The compensation will be determined based upon the experience and judgment of Mr. Feinberg and Ms. Biros and consistent with the Protocol. In the course of administering the Program, the following steps will be taken:

- The Administrators will evaluate claims submitted with the required documentation in a prompt and fair manner.
- Any documentation previously submitted by victims or their medical providers to the Dioceses in connection with claims of sexual abuse will be made available to the Administrators consistent with the Protocol.
- Consistent with the terms and conditions of the Protocol, any final decision rendered by the Administrators pertaining to an individual claim will be fully binding on the Dioceses. The Dioceses have no authority to reject any final decisions rendered by the Administrators.
- The Administrators will send each Claimant and the Dioceses notification of the determination of the claim including the proposed amount of compensation, which a Claimant can then elect whether to accept or reject.
- Acceptance of payment from the Administrators will require the Claimant to execute a Full Release of Liability.
- The Administrators of the Program will keep confidential all information received from all Claimants participating in the Program, except in connection with the processing of the claim, administering the Program, the Program-related work by the Dioceses (including internal investigations), the prevention of fraud, and the protection of children under the Dioceses' Safe Environment Program or as required by law. New allegations of abuse must be reported to the appropriate law enforcement agency before they can be considered by the Administrators.
- There is no confidentiality requirement of any kind for Claimants participating in the Program, and they may share details of their experience with whomever they wish. Nothing in the Protocol or the Release the Claimant will be required to sign if they accept the awarded compensation will preclude or limit a Claimant from reporting or discussing their claim with law enforcement or anyone else.

#### **8) When Will the Program Begin?**

The Dioceses are working with the Administrators to determine when the Program can feasibly begin. The Program is likely to begin in September of this year.

#### **9) When Will Claimants Receive Payment?**

Claims will be handled in the order in which they are received, and the Administrators will make payments to eligible Claimants on a rolling basis as their Claims are processed.

#### **10) How Will Payments Be Made?**

Payments will be issued by the Program following the final processing of an eligible Claimant's Claim Form, acceptance by the Claimant of the amount of compensation, and receipt of the Claimant's signed Release. The Program will authorize the payment, by check or electronic funds transfer (as requested by the Claimant) to each Claimant. Checks will be sent by overnight courier service.

#### **11) What About New Claims Not Previously Submitted to the Dioceses?**

Individuals who have not previously notified the Dioceses of claims of sexual abuse will be afforded the opportunity to register on the Program website by providing their names, contact information and a summary description of the nature of their claim, including the dates and location of the abuse and name of the perpetrator. After initial review of the information provided by the registrant, these individuals who registered with the Program will be sent information pertaining to the criteria for participation in the Program.

Information provided by the Registrant will be maintained as confidential as detailed in the Protocol, and will only be used from Program-related work. This includes forwarding the new claim to the local law enforcement agency and the Dioceses for review of the allegations. In addition, for any priest currently in ministry, the Dioceses will follow their established policies for investigating and responding to the claim. The Dioceses' policies can be found on their websites which are identified in the Protocol.

### **12) What if my Claim Is Against Clergy of Another Diocese or Religious Order? May I Still Register for the Program?**

If your claim involves acts of abuse committed by clergy of another diocese or religious order, your claim will be forwarded to the appropriate diocese and/ or religious community for handling using their own policies and procedures for responding to allegations of abuse. The person bringing the claim will be informed as to where the allegation has been forwarded. You are also encouraged to report the abuse to law enforcement.

### **13) How Do I Apply?**

Individuals who previously reported their claim of abuse to the Dioceses will be sent, via overnight delivery, a copy of the Program Protocol, the Claim Form and a copy of these FAQs. Those who have not previously reported a claim of abuse will be able to register on the Program website. If an individual is not contacted within two weeks of registering on the Program website and believes he/she should have received a Claim Form for the Program, an email and phone number will be available to contact the administrators.

Completed Claim Forms may be sent to the Administrators via US mail or overnight courier service (using the pre-paid return envelope provided in your claim packet) to the address shown on the Claim Form. The completed Claim Forms will be reviewed by the Administrators for determinations of eligibility and compensation. The Dioceses and the Claimant will be notified of each determination made by the Administrators. The Claimant will review the offered compensation and determine whether or not to accept that amount of compensation.

If a Claimant chooses to accept a final payment pursuant to this Protocol, the Claimant will be required to sign a Full Release of all past and future claims against any party relating to such allegations of sexual abuse. Before signing such a Release, the Claimant will be required to consult with an attorney for the sole purpose of advising the Claimant concerning the binding nature, language and significance of the Release. If the Claimant does not have an attorney, the Administrators will provide an independent attorney to consult with the Claimant for this purpose free of charge.

### **14) Are Claim Materials Available in Languages Other Than English?**

The Program documents, including the Protocol, Claim Form and these Frequently Asked Questions, will be made available in Spanish at the request of the Claimant.

**15) What If I Have Questions About The Claim Submission Process or Need Help with Completing the Claim Form?**

In the coming weeks, there will be a website with additional information and an email address and toll free phone number to contact the Administrators.

**16) How Will I Know If My Claim Is Missing Information Or Documents?**

You will be notified by the Administrators of any deficiency in your documentation once you have submitted your Claim Form. Please ensure that your full name, address, and other contact information appear on every communication submitted to the Program.

**17) How Can I Update Or Supplement My Claim Form?**

If you need to supplement your submission or correct or remedy a deficiency with your submission, you will be able to do so by sending the supplemental documentation to the Administrators at:

The Independent Compensation Program (ICP)  
For Certain California Dioceses  
c/o Feinberg Law Offices  
1455 Pennsylvania Avenue, NW – Suite 390  
Washington, DC 20004

The Administrators may contact you and state that your claim is deficient and must be supplemented with additional information. You will be afforded an opportunity to do so.

**18) How Long Will Victims/Survivors Be Able To Apply For Compensation?**

Once the start date of the Program is finalized, the Dioceses and Administrators will determine and provide more information on when the claim period will open and close.

**19) Do Claimants Waive Their Right To Legal Action If They Accept Money From The Program?**

Yes, any Claimant who chooses to accept the offered compensation pursuant to the Program must surrender any right to go to court to sue any party relating to the alleged sexual abuse. However, nothing in the Release will limit or preclude the victim from reporting and discussing their claim with law enforcement.

**20) What is the Independent Oversight Committee and What Is Its Role?**

The Dioceses have established an Independent Oversight Committee (the “Committee”) to serve in an independent advisory role. The Committee has reviewed the Protocol and will periodically review the implementation and administration of the Program. Governor Gray Davis and former Administrator of the Small Business Administrator Maria Contreras-Sweet are serving on the Committee. Additional Committee members will be added.

The Committee has no authority to modify or reject any individual claim determinations governing eligibility and compensation rendered by the Independent Claims Administrators, or to act as an appeal board for any Claimant. Accordingly, the Committee will not be able to override the eligibility or compensation decisions made by Administrators, and the decision of the Administrators is final.

**21) Will I Be Able to Meet with the Administrators?**

Yes. Claimants may request to speak with the Administrators by Skype, telephone, or video conference. Such meetings are not required, but are available at the Claimant’s request. Requests to meet with the Administrators should be sent by email and will be scheduled at a mutually convenient time and location.

**22) If I Submit a Claim, Will My Information Be Kept Confidential?**

This Program is a confidential mediation program under California law. All of the information submitted by a Claimant and the Dioceses pursuant to this Program will be used and disclosed only for purposes of this Program. This may include disclosure to the Independent Claims Administrators, Oversight Committee, Dioceses and its designees (including for internal investigations), law enforcement, and/or for the protection of children under the Safe Environment Program.

To protect the privacy of Claimants that participate in the Program, one year after the conclusion of the Program all personal information provided by the Claimant during this process will be destroyed, except to the extent otherwise required by law.

Claimants may always, if they choose, share information in their possession regarding their claim, compensation, and their experience with the Program.

**23) What About Victims/Survivors Who Do Not Want to Be Involved in the Church Anymore?**

The Program is independent of the Dioceses. Individuals are eligible to participate in the Program regardless of their affiliation with the Church. The Dioceses, through this Program, desire to help all victims/survivors to find support and healing wherever they can. The Dioceses support individuals’ efforts to find faith and hope from any denomination or source, even if not related to the Church.

**24) Other than Monetary Compensation, What are the Dioceses Doing to Assist Victims of Clergy Sexual Abuse?**

Since 2003, each of the Dioceses have had an Office for Child and Youth Protection (“OCYP”) based on its deep concern for victims/survivors sexually abused as minors by clergy. The OCYP in each Diocese has reached out to victims/survivors and assisted those impacted regardless of the legal status or time-barred nature of the potential claim. Since their establishment, each OCYP has served hundreds of people and paid for therapy and care. The Dioceses have also implemented Safe Environment Programs. Each Diocese audits all parishes, schools, and youth-serving entities and provides required training for all clergy, staff, and volunteers who have regular contact with children.

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