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Oregon diocese named in sex assault lawsuit

Dan Morris-Young | May. 3, 2011

Baker, Ore., diocese coat of arms

Fact-finding and behind-the-scenes legal wrangling continue in the Baker, Ore., diocese, where a lawsuit filed early this year claims the diocese?s largest parish is ?vicariously liable? for a situation in which a 12-year-old boy sexually assaulted twin 5-year-old girls in the parish school?s music room during a young adult weekend retreat nearly two years ago.

In a response dated April 1, the diocese counters that St. Francis of Assisi Parish in Bend, Ore., and the Baker diocese have no legal liability in the case. It asked the complaint ?be dismissed with prejudice? and that costs incurred be awarded to the diocese and parish.

The case, in which the attacker confessed guilt, ?is not related to the parish or the diocese in any way,? attorney for the diocese Gregory Lynch told *NCR*.

A Hispanic evangelization organization for young adults, Jovenes Para Cristo, ?was using the parish facility? for a weekend retreat during which the May 29, 2009, attack occurred; the event ?was not parish-related,? Lynch said.

He described Jovenes Para Cristo?s activity at the parish ?very much like the Boy Scouts? or other groups that might seek use of a parish facility. ?There is no liability [for the parish], and there was no duty to supervise? the child care provided for retreatants, he said.

The complaint, however, argues that the persons in charge of child care during the retreat were under parish auspices.

?The information discovered to date reflects that the diocese and St. Francis Church provided and trained the day care providers whose negligence led to the sexual assaults and employed the individuals whose actions damaged my clients,? Bend attorney Roxanne Farra, who represents the girls and their parents, wrote in an e-mail.

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The filing claims the day care workers ?were required to attend and complete, and did attend and complete, the ?Darkness to Light? program, a sexual abuse prevention training program designed to educate adults to prevent, recognize and react responsibly to child sexual abuse.?

The Baker diocese sponsors the Darkness to Light program.

Lynch said that before an organization is allowed to use a parish facility, an agreement must be signed that states ?they will not leave young children unattended, that children will be well-supervised, and that if there is going to be any kind of activity involving young children that whoever is in charge of supervising them will have gone through a program? of youth sex abuse prevention.

Headquartered in Norwalk, Calif., Jovenes Para Cristo did sign such an agreement, Lynch said.

The complaint also names via initials the attacker and his parents. Noting that Jovenes Para Cristo was not mentioned in police reports, Farra told *NCR* the organization could be added as a plaintiff in the future.

The lawsuit ?as presently drafted? seeks $490,000 for the two victims and their parents, Farra said. She said the amount is significantly less than an earlier demand for $3.5 million, and less than half of the total of the filing?s seven listed monetary ?claims for relief.?

?It is unfortunate, but the Oregon judicial system recently changed its filing fee schedule such that to file the complaint seeking the amount of my clients? demand -- $3.5 million -- my clients would be forced to pay the court a filing fee of $3,548,? Farra said. ?The damage request was reduced to a figure that resulted in a filing fee my clients could somehow afford and permit them access to the court system.?

Farra took over the case in February of last year and launched ?an intensive pre-filing investigation.?

She anticipates the complaint will ?be amended at a later date to increase damages to the amount of my clients? original demand.?

Complaint allegations include:

- Fr. Joseph Reinig, then pastor of St. Francis; Fr. Luis Flores-Alva, then associate pastor; Yaneth Espinoza, parish director of Hispanic ministries; and others violated the Baker diocese?s Statutes for the Protection of Children when they became aware of the sexual assault, notably in regard to reporting requirements.
- Bishop Robert F. Vasa ?at no point? made contact or met personally with the two victims or their parents after learning of the attack, despite stipulations in the diocesan regulations.
- Without consulting with the victims? parents about ?public dissemination of private information regarding their children,? Vasa ?ordered that the assaults of E.C.M. and E.D.M. be announced for three weeks at every Mass in all the churches of the diocese.?
- The 12-year-old perpetrator previously sexually molested the same girls on May 2, 2009, while they were being babysat at the home of his parents, that the boy?s parents were aware of it as well as the boy?s sexual aggressiveness, and that they had not informed the girls? parents.
- The diocese had provided no counseling to the victims or their parents, even though Reinig said during a television report on the crime that it had.

While he was not aware of Vasa ever meeting with the victims or their parents, Lynch said counseling support

had been offered the family.

Fara, however, claims that offer only came after the complaint?s filing. The children have been receiving counseling through the Crime Victims? Compensation Program of the Oregon Department of Justice.

The complaint describes the sexual assaults in graphic detail. Copies of the complaint and the diocese?s response can be found on the *NCR* Web site with the online version of this story.

Vasa was named coadjutor bishop of the Santa Rosa, Calif., diocese on Jan. 24. Calls and e-mails to him at the Santa Rosa diocese were not returned.

[Dan Morris-Young is a West Coast contributor to *NCR*.]

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