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Survivors, supporters voice concerns over Milwaukee's bankruptcy plan

Marie Rohde | Mar. 26, 2014
Milwaukee bankruptcy
Milwaukee

For 30 years, the Milwaukee archdiocese has provided therapy for the victims of clergy sex abuse. The plan it released as part of its bankruptcy reorganization plan is a continuation of that program.

"The protocols have their roots back to Project Benjamin days and have proven to be an effective and responsible way to administer the therapy program which abuse survivors have benefited for decades and which remains a priority for the archdiocese," Jerry Topczewski, chief of staff for the archbishop, said in an email.

The archdiocese established Project Benjamin in 1989 to deal with the growing sex abuse scandal. While the Milwaukee archdiocese said it served as a template of providing therapy for victims, it fell under heavy criticism by survivors who maintain that any program should not be run by the church.

Survivors of clergy sex abuse and their supporters point out parts of the bankruptcy plan that give the Milwaukee archdiocese unilateral control over how much therapy is provided, who will get it, and which therapists to use, as well as requiring victims to turn over treatment records to the archdiocese. It also provides that the archdiocese can change the plan without court permission or oversight.

"That makes it pretty much not worth the paper it is written on," said Mary Gail Frawley-O'Dea, a leading expert on the trauma of childhood sex abuse. "It's like signing a mortgage that says the interest rate and the monthly payment can change at any time at the sole discretion of the bank."

The Milwaukee archdiocese filed for bankruptcy in January 2011, and a lawyer for the victims says it is the most contentious in the country.

In mediation before filing for bankruptcy in late 2010, the archdiocese made a take-it-or-leave-it $4.6 million offer to the some 20 victims who at that time had pending cases in state court, saying that was all the money available. Since then, the archdiocese has spent more than $12 million on legal fees and predicted in court documents that legal fees would total about $18 million if their reorganization plan is accepted. If not accepted, the archdiocese said litigation would continue for another five years and cost an additional $14 million in legal fees.

According to Topczewski, the archdiocese has made $33 million in payments to abuse victims, a figure that includes the $16.65 million paid to 10 California victims in which half of the money came from insurance.

Lawyers for both sides will argue their cases April 17 when Judge Susan V. Kelley considers the archdiocese's request to approve their plan -- which was devised without input from the victims or their lawyers.

The plan provides $500,000 to pay for treatment of victims. Topczewski in his email outlined another $500,000

that would be available "so, in essence it is a $1 million fund, so there is not really a concern that there won't be money to provide such therapy."

But claimant Peter Isely, also the Midwest director of the Survivors Network of those Abused by Priests, said the additional money is not spelled out in the document. The plan also limits therapy to 336 of the 575 claimants, again a decision made unilaterally by the archdiocese.

Frawley-O'Dea was the only therapist to address the U.S. Conference of Catholic Bishops when they met in Dallas in 2002 in the midst of a growing sex abuse crisis. In an interview, she said the 26 weeks provided in the plan is not enough in most cases of childhood sexual trauma.

"It could actually be dangerous to see some of these people once a week when you are opening up things and they have nowhere to go for seven days," she said.

She also said she is concerned about some of the requirements placed on therapists. The archdiocese needs to know therapists are licensed in the state where the therapy is being provided and that the therapists have the necessary education and the experience in working with trauma survivors. The therapists are also required to have malpractice insurance and to provide three references.

"Why do you need to provide three references?" Frawley-O'Dea asked. "First of all, it's just silly. You're not going to give anyone the name of someone who would say, 'She's the worst therapist who ever walked down the street.' You can't give them the name of a patient, so you have to give them the name of a colleague. Even if you are really close to your colleagues, nobody knows what goes on in your office."

Frawley-O'Dea added that the treatment plan does not make it clear who is judging the therapists. "How does some functionary sitting in the Milwaukee archdiocese know how to judge?"

Terry Young, a licensed psychologist who is an adjunct professor at Marquette University, was hired by the archdiocese several years ago to approve therapy plans submitted by therapists. Some of the plans are approved by School Sister of St. Francis Susan Rosenbach, the victim assistance coordinator for the archdiocese, so Young said he is uncertain how many victims have received therapy.

Young said his role is to make sure there is a treatment plan. He had not read the plan submitted to the court but said there had been some concerns about therapists in the past that led to the creating of a vetting procedure.

"There was a therapist who wanted to meet with patients in hotel rooms," Young said. "The question was raised about whether that was appropriate."

Young said that while he teaches about therapy for trauma survivors at Marquette, he does not list it as his practice specialty, and although he has treated child and adult sex abuse patients, he has not treated priest sex abuse specifically.

Young said the treatment plans that he has seen fall within the three broad categories listed in the court document and that he has not rejected other approaches. But that doesn't mean he doesn't have questions.

He said he has asked therapists whether the victims may need substance abuse treatment or need to see a psychiatrist. "I have recommended a higher level of care in some cases," he said. "But I'm not breathing down their necks."

Some therapists want to leave the treatment plan open, he said, adding that some insist that hundreds of sessions are necessary. "Do they need to do it for years and years and years?"

"In no other world do I see [patients receiving] the level of treatment as these folks," Young said.

He said the weekly sessions, sometimes augmented by sessions with the patient's spouse or family, have generally been found to be adequate by therapists.

"This is not intended to be an oppressive process," he said. "Everyone at the archdiocese is interested in what is best for the survivor."

Isely is also a psychotherapist. He said survivors of clergy sex abuse should not have to deal with a program so intimately tied to the archdiocese. He also noted the website for Young's private practice advertises that it employs therapy in a Christian framework.

"You need to have someone who has absolute neutrality about the issue of religion," Isely said. "Since the trauma was inflicted by a religious organization, the victim should not have to deal with someone who might have a bias in their clinical practice."

Young said he is Catholic, but "the diocese did not select me for my beliefs."

Would it be better if the archdiocese had contracted with a private provider instead of doing it in-house with Project Benjamin?

"That is worthy of discussion," Young said.

[Marie Rohde is a freelance writer from Milwaukee.]

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