

**ARCHDIOCESE OF NEWARK AND THE DIOCESES OF CAMDEN, METUCHEN, TRENTON AND  
PATERSON**

**INDEPENDENT VICTIM COMPENSATION PROGRAM  
ADDRESSING CLAIMS OF CLERGY SEXUAL ABUSE OF MINORS**

## **FREQUENTLY ASKED QUESTIONS**

June 15, 2019

**FAQs Pertaining to the Terms and Conditions of the  
Independent Victim Compensation Program (“IVCP”) for the  
ARCHDIOCESE OF NEWARK AND THE DIOCESES OF CAMDEN, METUCHEN, TRENTON AND  
PATERSON, NEW JERSEY (the “DIOCESES”)**

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

The Independent Victim Compensation Program (the “IVCP” or 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 clergy of the Dioceses. The Program supplements initiatives already undertaken by the Dioceses to address the sexual abuse of minors by clergy of the Dioceses.

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 Dioceses have no authority to modify or reject any individual claim determinations governing eligibility and compensation rendered by the Independent Administrators.

**2) What Claims are covered by this IVCP Program for the Dioceses?**

The IVCP is limited to claims of sexual abuse of minors by clergy of the Dioceses. Claims of sexual abuse against a member of a religious order, a priest of another Diocese or Archdiocese or a lay person are not eligible for participation in the Program.

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

The only individuals (“Claimants”) who may submit claims to the Administrators during Phase I are (a) individuals who, as of the date of this Final Protocol, have submitted complaints or reports alleging sexual abuse committed by clergy of one of the Dioceses, or (b) the Legal Representative (as defined below) of such a claimant. All other claimants may immediately register with the Administrators (via the Program website) to participate in Phase II of this Program which is intended to address claims received after the date that this Program is implemented.

**The deadline for registering a Phase II claim with the Program is October 31, 2019. The deadline for filing an individual Phase I or Phase II claim pursuant to this Protocol is December 31, 2019.**

The following groups are not eligible to participate in the Program: (1) persons who have had their claims decided by a court or an arbitrator; (2) persons who previously entered into a settlement agreement resolving the claim of clergy sexual abuse; and, (3) individuals with a claim of clergy sexual abuse against a member of a religious order, a priest of another Diocese or Archdiocese, or a lay person.

The “Legal Representative” of an individual Claimant shall mean: (1) 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; (2) 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; (3) in the case of a Claimant who was deceased prior to the effective date of the Program or a Claimant who submitted a claim while alive but passed away during the claims process, the spouse, descendant, relative or other person who is authorized by law to serve as the decedent's legal representative; or (4) an attorney authorized to represent the Claimant, in which case the Claimant must provide a retention agreement signed by both the Claimant and the attorney.

The claim of clergy sexual abuse must be directed against clergy of the one of the following New Jersey Dioceses:

- **ARCHDIOCESE OF NEWARK**
- **DIOCESE OF CAMDEN**
- **DIOCESE OF METUCHEN**
- **DIOCESE OF TRENTON**
- **DIOCESE OF PATERSON**

Claims against members of a religious order, clergy of any other archdiocese or diocese, or a lay person are not eligible under this Program.

Additional complaints alleging sexual abuse of a minor not previously reported to the NJ Dioceses shall be considered during Phase II of this Program. Individuals who wish to participate in Phase II may immediately register with the Administrators on the Program website by providing their names, contact information and a summary description of the nature of the claim, including the dates, time, location of the alleged abuse and name of the alleged perpetrator. Such information will be maintained in strict confidence in conjunction with Phase II of this Program except that it is to be forwarded to the office of the County Prosecutor where the abuse occurred by both the registrant and the NJ Dioceses for initial review. If deemed potentially eligible by the Administrators, these individuals will be sent information regarding the Phase II claims process. These claims will be considered under Phase II of the Program.

#### **4) 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 required if the claimant accepts the offered compensation.

#### **5) 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 providers previously provided to the Dioceses will be provided to the Administrators.

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

Supporting documentation which provides evidence of the nature, frequency, location and timeframe 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.

#### **7) 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 will be handled in the order in which they are received, starting with claims of sexual abuse that were reported to the Diocese prior to the date of Program Protocol. Claim forms and other relevant Program information will be sent to each potentially eligible Claimant. 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.

#### **8) How Will Settlement Amounts Be Determined?**

The Independent Victim Compensation Program Administrators have final decision-making authority to determine who is eligible and the amount of any reparations. 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 (upon submission of a claim to the Program) 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 reparations.
- Acceptance of payment from the Administrators will require the Claimant to execute a Full Release of Liability.
- The Administrators of the IVCP will keep confidential all information received from all Claimants participating in the IVCP, 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. As noted in the Protocol, new allegations of abuse must be reported to the appropriate District Attorney by both the Dioceses and the Claimant before they can be considered by the Administrators.
- There is no confidentiality requirement of any kind for Claimants participating in the IVCP, and they may share details of their experience with whomever they wish. Nothing in the Protocol or

the Release the Claimants will be required to sign if they accept the awarded reparations will preclude or limit a Claimant from reporting or discussing the claim with law enforcement authorities or anyone else.

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

The Independent Victim Compensation Program is effective June 15, 2019. The Program Administrators will begin to immediately reach out to known Claimants.

#### **10) 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.

#### **11) 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 reparations, 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. If so requested by the Claimant, the Administrators will work with the Claimant to offer alternatives to lump-sum payments, such as an annuity to have the money administered by a third party.

#### **12) 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 to confirm potential eligibility to file a claim, these individuals who registered with the Program will be sent information pertaining to the criteria for participation in the Program. The deadline for registering a new claim of sexual abuse is October 31, 2019.

Information provided by the Registrant will be maintained as confidential as detailed in the Protocol, and will only be used for Program-related work. This includes forwarding the new claim to the local office of the District Attorney and the Dioceses for review of the allegations. In addition, for any cleric currently in ministry, the Dioceses will have the matter investigated by its Office of Investigations and presented to the Archdiocesan Professional Responsibility Review Board.

#### **13) Will the IVCP Replace the Dioceses' Other Efforts to Address the Effects of Clergy Abuse Upon Its Victims?**

The short answer is "No." The Dioceses offer assistance through their Victim Assistance Programs to address emotional, psychological, and pastoral needs when desired by victims/survivors of sexual abuse or their family members. The IVCP is an additional mechanism to support victims by providing monetary compensation.

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

Only claims against clergy of the Dioceses are eligible for the IVCP. If your claim involves acts of abuse committed by clergy of another diocese or religious order, your claim will be forwarded to the appropriate 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.

### **15) 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 can register on the Program website: [www.NJDiocesesIVCP.com](http://www.NJDiocesesIVCP.com). (See FAQ No. 12 above.) 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, the individual should email the Administrators at [ClaimantServices@NJDiocesesIVCP.com](mailto:ClaimantServices@NJDiocesesIVCP.com), or call 1-(833)-640-9807.

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 reparations. The Dioceses and the Claimant will be notified of each determination made by the Administrators. The Claimant will review the offered reparations 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 sole purpose free of charge.

### **16) Do I Need to Contact the Dioceses to Request That They Send the Administrators the Documentation and Materials In My File From My Original Complaint?**

No. **The Dioceses will send the Administrators a complete copy of your file.** The Administrators will review this file together with your Claim Form submission and any other supporting or corroborating information you wish to submit. **There is no need for you to contact the Dioceses after filing your claim with the IVCP.**

### **17) 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.

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

You can contact the Administrators by sending your message/questions via email to: [ClaimantServices@NJDiocesesIVCP.com](mailto:ClaimantServices@NJDiocesesIVCP.com) or by calling toll free 1-((833) 640-9807.

**19) 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.

**20) 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 Victim Compensation Program  
for the Dioceses of New Jersey  
c/o The Law Offices of Kenneth R. Feinberg PC  
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.

**21) How Long Will Victims/Survivors Be Able To Apply For Reparations?**

All Claim Forms must be completed and postmarked no later than December 31, 2019.

**22) Do Claimants Waive Their Right To Legal Action If They Accept Money From the Independent Victim Compensation Program?**

Yes, any Claimant who chooses to accept the offered reparations 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 or anyone else.

**23) Will I Be Able to Meet in Person with a Program Representative?**

Yes. Claimants may request to meet (in-person, telephonically, or by video conference) with the Administrators. Such meetings are not required, but are available at the Claimant's request. Requests to meet with the Administrators should be sent by email to the Claimant Services email box at [ClaimantServices@njdiocesesIVCP.com](mailto:ClaimantServices@njdiocesesIVCP.com) and will be scheduled at a mutually convenient time and location. If there is a particular individual within the Dioceses the Claimant wishes to meet with to further the healing and reconciliation process, the Dioceses will make every reasonable effort to accommodate that request. Further, if a Claimant would find it helpful to meet with officials from the Dioceses or Victim Assistance Program with other Claimants, rather than individually, the Program will seek to provide that opportunity.

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

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

Administrators, the Dioceses and their designees (including for internal investigations), law enforcement, and/or for the protection of children under the Safe Environment Program.

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

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

The IVCP 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.

**26) Other than Monetary Reparations, What is the Dioceses Doing to Assist Victims of Clergy Sexual Abuse?**

The Dioceses offer counseling to victims of clergy abuse, and they have also implemented a robust and dedicated safe environment program which has conducted background checks on employees and volunteers, and have provided mandatory safe environment training to anyone who works with children.

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