

# Women's March Wisconsin: Matt Flynn's proposal for victims does not do enough to protect children from abusers

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*Flynn's proposal lacks "look-back" window for abuse victims previously barred from filing civil claims.*

Today Matt Flynn's campaign [released a statement](#) titled, "Matt Flynn Proposes Reforms to Help Victims See Justice." In his proposal, he lists several reforms that fall short of the true Child Victims Act which would remove the civil statute of limitations entirely and allow a three-year "look-back" window for child sex abuse victims previously barred from filing civil claims.

Flynn proposed:

- Extending the statute of limitations for civil claims for sexual abuse of minors to be the same as the statute of limitations for the corresponding criminal prosecutions.

Our response: *There are [several levels of statutes of limitation](#) for criminal cases of sex abuse. No such distinction currently exists in civil cases. Only in first-degree sexual assault cases is the statute of limitations lifted entirely in Wisconsin. For any other sexual crime against a minor, the criminal claim must be filed before the victim's 45th birthday. A civil child sex abuse case must be filed before the victim's 35th birthday. Flynn's proposal, for many of the instances of child sex abuse would only extend the window in which a victim could file a civil case by ten years. The Child Victims Act proposes removing the statute of limitations entirely for civil cases. Matt Flynn's proposal does not.*

- Strengthening penalties for non-compliance with mandatory reporting requirements.

Our response: *Mandatory reporting requirements, [found in 48.981\(2\)](#), do not require clergy to report abuse if he or she receives through confidential communications made privately, is authorized or accustomed to hearing such communication, or under the disciplines, tenets, or traditions of his or her religion as a duty or is expected to keep those communications secret. The law says, "Those disciplines, tenets, or traditions need not be in writing." For this reason, the Archdiocese of Milwaukee, represented by corporate lawyer Matt Flynn, was able to circumvent reporting laws allowing abusers to have continued access to children. This proposal does nothing to dismantle that loophole.*

- Requiring that depositions of any victim of child abuse, at the election of the victim, will be taken in the office of a court commissioner and presided over by the commissioner. Commissioner fees will be taxed as costs against the perpetrator if the claim is successful. If the claim is not successful, the chief judge, in his or her discretion, may pay the commissioner fees from a fund to be provided for that purpose. This will protect victims from abuse by bad lawyers, and will shield good lawyers from untrue allegations of misconduct in the depositions.

Our response: *In a proposed reform to “help victims see justice,” why is a provision being made to “shield lawyers from untrue allegations of misconduct in the deposition?”*

- Increasing criminal penalties for those who sexually abuse children with developmental delays or disabilities.

Our response: *Flynn was made aware of a priest, Father Michael Neuberger, who was said to have systematically preyed on “[marginalized and very vulnerable individuals...including foster children and the developmentally disabled](#)” in a [psychologists’ report](#) ordered by a “crisis team” to which Flynn belonged. Flynn argued against two of Neuberger’s victims in [John BBB Doe v Archdiocese of Milwaukee](#), telling a reporter in a [1997 Journal Sentinel Article](#), “there really is fraud going on out there,” in reference to the victims despite the fact that he was part of the team that ordered the report in which Neuberger confessed to the crimes.*

At today’s WisPolitics.com and Milwaukee Press Club Luncheon, Matt Flynn said the 1995 case he argued before the Wisconsin Supreme Court, *Pritzlaff v Archdiocese*, which resulted in barring all negligence supervision claims against religious entities, was not based on the First Amendment.

The majority decision in the case [reads as such](#),

“[A]ny inquiry into the policies and practices of the church Defendants in hiring or supervising their clergy raises the same kinds of First Amendment problems of entanglement discussed above, which might involve the court in making sensitive judgments about the propriety of the church Defendants’ supervision in light of their religious beliefs...the tort of negligent hiring and retention may not be maintained against a religious governing body due to concerns of excessive entanglement, and that the tort of negligent training or supervision cannot be successfully asserted in this case because it would require an inquiry into church laws, practices and policies.”

Matt Flynn’s proposals to “ help victims see justice” do not do enough to ensure civil cases can be brought to court. Women’s March WI has [proposed a Child Victims Act](#) that includes a removal of the civil statute all together and allows a three-year window in which victims previously barred from filing civil claims can bring their

cases to court. Any proposal that does not include these items is not the Wisconsin Child Victims Act.

At the time of this release, Wisconsin gubernatorial candidates Kelda Roys, Dana Wachs, Tony Evers, and Mahlon Mitchell have offered support for Women's March WI's proposed Child Victims Act.