

PCUSA Office of the General Assembly
Q & A Fact Sheet – Mike Kirk, PCUSA Attorney
Boys Scouts of America Bankruptcy Informational Document

*This document is for general information purposes only.
It is not, nor is it intended to, constitute legal advice.
After reviewing this document, you should consult
with your local attorney for additional guidance.*

1. What is Chapter 11 bankruptcy?

The Boy Scouts of America filed for Chapter 11 bankruptcy on February 18, 2020. Chapter 11 bankruptcy is also referred to as reorganization. It allows businesses time to restructure or reorganize their debts, while the business continues to operate.

The Boy Scouts of America case was filed in the U.S. Bankruptcy Court for the District of Delaware. The case is known as In re Boy Scouts of America and Delaware BSA, LLC, No. 20-10343 (Bankr. D. Del.). The bankruptcy is largely in response to the large number of sexual abuse claims made against the organization.

2. Why does this matter to my congregation?

If your congregation has ever hosted a Boy Scout troop, by charter or otherwise, it is possible that if a claim of sexual abuse is made against the Boy Scouts by a former scout in that troop, your congregation may also be named in the lawsuit. Some states have allowed claims to be filed decades after the time of the abuse.

3. What if my congregation did not have a Boy Scouts of America charter?

If you are certain your congregation does not have a charter, has never had a charter, and has never had a Scouting troop meeting at your congregation you likely do not need to take any additional action or file a proof of claim.

4. If we have or have had a charter what should we do now? Do we need to hire an attorney?

You may have a claim that needs to be filed in the bankruptcy. A claim is very broad and there are a number of types of claim that can be submitted to the bankruptcy court. You should consult with your attorney about the type(s) of claim your congregation may have in this bankruptcy.

If your congregation has or has had a charter with the Boy Scouts of America, your congregation might consider filing a general proof of claim prior to the November 16, 2020 deadline for filing with the bankruptcy court. Your congregation should consider past relationships with the Boy Scouts of America, even from many years ago because many jurisdictions in the United States have recently expanded the time periods in which civil claims relating to child sexual abuse may be filed in court. In some states, a large number of such cases have been filed in the past few years, and many have involved allegations from decades ago. Hence, your congregation might be named in a future abuse claim filed by a former scout who was a member of a troop hosted by your congregation.

If your congregation has received notice of a claim or information suggesting that a claim may be imminent, your congregation should notify its insurance carrier immediately and also file a general proof of claim prior to the November 16, 2020 deadline in the bankruptcy court.

If you have questions about this filing or are uncertain about how to proceed, you should consult with an attorney.

5. What is a proof of claim?

A proof of claim is a written statement setting forth a creditor's claim. It may represent a right to payment or equitable remedy from the entity that filed for bankruptcy.

In this matter, a proof of claim is required to vote on a Chapter 11 reorganization plan for the Boy Scouts of America. It is also how your congregation might seek payment or contributions from the Boy Scouts of America should Scouting abuse claims (occurring on or before February 18, 2020) be brought against your congregation.

Survivors of sexual abuse would file a Sexual Abuse Survivor Proof of claim. Others, including entities that have or have had charters would file a General Proof of Claim.

6. Does the Presbyterian Church (U.S.A.), our presbytery or the synod represent my congregation in this matter?

No. Neither the PCUSA national offices or corporation-nor the presbytery or synod represent your congregation in this matter or any other legal matters.

7. What is the last day to file a proof of claim?

All proofs of claim must be filed before the Bar Date, November 16, 2020 at 5:00 p.m. (Eastern Time). After this, claims will be barred and will no longer be received by the court.

8. How can a proof of claim be filed?

IF BY FIRST CLASS MAIL, OVERNIGHT COURIER, OR HAND DELIVERY:

BSA Claims Processing
c/o Omni Agent Solutions
5955 De Soto Ave., Suite 100
Woodland Hills, CA 91367

IF ELECTRONICALLY:

A proof of claim may be filed via the website established by the Boys Scouts of America Claims and Noticing Agent, using the Electronic Filing system at the link below:

<http://www.omniagentsolutions.com/bsaclaims>

General Proofs of Claim will be deemed filed only when received at the address listed above or via the Electronic Filing System on or before the applicable Bar Date. General Proofs of Claim may not be

delivered by email, facsimile, or telecopy transmission (other than General Proofs of Claim filed electronically through the Electronic Filing System)

The General Proof of Claim from may be found here:

https://casedocs.omniagentsolutions.com/CMSVol2/pub_47373/823244_BSA_GeneralPOC.pdf

9. What happens if we had a charter, but we do not file a proof of claim?

If your congregation does not file a timely proof of claim, you may have no recourse against the Boy Scouts of America if Scouting abuse claims emerge against your congregation.

10. Should we end our relationship with the Boy Scouts of America?

The decision to continue or end your congregation’s relationship with the Boy Scouts should be made with the protection and well-being of children as your primary focus.

11. What does the bankruptcy filing mean for sexual abuse claims brought against the Boy Scouts of America?

In an official approved notice from the bankruptcy court, the Boy Scouts of America indicated that the bankruptcy was filed, “...in order to restructure its nonprofit organization and pay sexual abuse survivors.”

Survivors of Scouting abuse (that occurred on or before February 18, 2020) who do not file a Sexual Abuse Proof of Claim by November 16, 2020 at 5:00 p.m. (Eastern Time) may lose or waive their rights to file a claim against the Boy Scouts of America.

After a Sexual Abuse Survivor Proof of Claim has been filed and approved, sexual abuse survivors may receive compensation from the bankruptcy.

12. How can Scouting sexual abuse survivors in my congregation report abuse?

Victims who experienced sexual abuse in Scouting on or before February 18, 2020, and who were under age 18 when the abuse occurred should file a Sexual Abuse Proof of Claim.

The website established by the Boys Scouts of America Claims and Noticing Agent includes a page for Survivors and a link to the Sexual Abuse Survivor Proof of Claim form.

<https://cases.omniagentsolutions.com/content/index?clientid=CsgAAncz%2b6Yclmvv9%2fg5CGybTGevZSjdVimQq9zQutqmTPHesk4PZDyfOOLxliIwZjXomPIMZCo%3d&vid=792910>

Victims of Scouting abuse might also consult a reputable attorney.

IF YOU OR SOMEONE IN YOUR CONGREGATION HAS INFORMATION ABOUT ABUSE IN SCOUTING OR ANY OTHER ABUSE AGAINST CHILDREN, PLEASE REPORT THIS INFORMATION TO LAW ENFORCEMENT IMMEDIATELY. YOU MAY ALSO HAVE REPORTING OBLIGATIONS TO CHILD AND FAMILY SERVICES AGENCIES OR OTHER GOVERNMENT AGENCIES IN YOUR AREA.