

1 RESOLUTION

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3 Proposed Amendment to Diocese of Rochester Canon 9, Section 1(i)

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5 **RESOLVED**, that Diocesan Canon 9 be amended as set forth below (in ***bold italics***).

6 Section 1 (i), The Parish or Mission, including all buildings, and their contents,  
7 shall be kept adequately insured, as **reasonably determined by the Trustees of**  
8 **the Diocese.**

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10 **Background:** Recent lawsuits brought against the Diocese and one of our Parishes,  
11 highlight the importance of all churches maintaining strong liability insurance coverage, as  
12 well as the need to easily access coverage records and policies from the past. Under the  
13 provisions of the NYS Child Protection Act, a lawsuit may be brought against a church for  
14 an incident that took place decades ago. Current church leaders must be able to readily  
15 access the insurance policies that were in place back at that time of the alleged incident.  
16 Plaintiffs in these lawsuits typically bring suit against the Diocese, as well as the Parish.  
17 Therefore, Trustees’ ability to effectively coordinate legal defense and insurance coverage  
18 is greatly enhanced if all churches and the Diocese maintain adequate coverage with a  
19 strong, common insurance carrier.

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21 **Rationale:** Our current Diocesan Canons simply state that “*All buildings and their*  
22 *contents shall be kept adequately insured.*” The Canon should be modified to clarify who  
23 is responsible to determine what constitutes “adequate coverage”, as the definition is likely  
24 to change over time and will then need to be periodically communicated to our churches.  
25 In addition, insurance should include property, casualty and liability coverage.

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27 The Trustees of the Diocese are in the best position to determine and communicate these  
28 requirements:

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- 30 • Trustees are responsible for prudent management of the assets of the Diocese (real  
31 and personal property, cash, investments, etc.), administered in accordance with  
32 applicable law and the rules of the Diocese, for its support and maintenance.
  - 33 • Trustees have general powers, duties & responsibilities set forth by Section 5  
34 of the Religious Corporations Law of the State of NY.
  - 35 • Trustees are familiar with proper management of the real property of the  
36 Diocese, including property associated with closed churches.
  - 37 • Trustees are the governing body that engages legal counsel to defend the Diocese  
38 and its churches against legal actions, in order to protect the assets of the Diocese  
39 and is therefore in the best position to determine the necessary insurance coverage.
  - 40 • At times Parishes have sought guidance on what is considered to be adequate  
41 coverage limits for property, casualty, and liability coverage. Trustees are in a  
42 good position to review CPG offerings and to advise on reasonable choices for  
43 parishes.

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