

Boy 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 was filed largely in response to the large number of sexual abuse claims made against the organization. ANY CLAIMS (PROOFS OF CLAIMS) AGAINST THE BOY SCOUTS OF AMERICA MUST BE FILED ON OR BEFORE NOVEMBER 16, 2020 at 5:00 p.m. EASTERN TIME (THE "BAR DATE").

2. Why does this matter to my congregation?

If your congregation has ever chartered or sponsored 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, a claim may also be made against your congregation, and your congregation may also be named in any claim that may be filed. In some states, claims may 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, has never sponsored a Boy Scout troop and has never had a Boy Scout 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?

If your congregation has or has had a charter with the Boy Scouts of America, your congregation may have a claim that could be lost if it is not filed in the bankruptcy, on or before the Bar Date of November 16th even if you are not aware of any claim being alleged by a victim. Your congregation should consider past relationships with the Boy Scouts of America, even from many years ago. A large number of cases have been filed in the past few years, and many have involved allegations from decades ago.

The definition of "claim" is very broad and there are a number of types of claim that are required to be submitted to the bankruptcy court. We suggest that you consult with an attorney about the claim, if any, that your congregation may have in this bankruptcy and whether your congregation's claim should be filed. Filing a claim can subject the claimant to the jurisdiction of

the bankruptcy court in situations when the claimant would not otherwise be subject to the bankruptcy court's jurisdiction.

If your congregation decides to file a claim, it must file a General Proof of Claim prior to the November 16, 2020, 5:00 p.m. (Eastern Time), deadline for filing with the bankruptcy court. Further information about how claims are filed can be found below.

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 and probably should file a General Proof of Claim prior to the November 16, 2020, 5:00 p.m. (Eastern Time), 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. More importantly here, 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.

The bankruptcy court has established claim filing procedures that differentiate between claims filed by survivors of sexual abuse and claims filed by other claimants. Survivors of sexual abuse would file a Sexual Abuse Survivor Proof of claim. Others, including your congregation, would file a General Proof of Claim. Further information about claim filing procedures can be found at the link below:

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

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

All proofs of claim must be received by the court-appointed claims agent, Omni Agent Solutions, on or before the Bar Date, November 16, 2020 at 5:00 p.m. (Eastern Time), to be considered timely filed. After the Bar Date, absent exceptional circumstances claims will be barred and will no longer be received by the court.

If your congregation determines that it will file a claim, we suggest that the claim be delivered to the claims agent or submitted into Omni Agent Solutions' electronic filing system one or two days in advance of the Bar Date. Especially in this case, where thousands of claims may be filed, the claims agent's electronic filing system may become overwhelmed as the deadline approaches. Additionally, courier services do not always deliver as promised.

7. 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

An original signed claim must be delivered. Copies will not be accepted.

If you include a copy of the claim and a self-addressed stamped return envelope, the claims agent will stamp the copy and return it to you for your records.

IF ELECTRONICALLY:

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

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

GENERAL:

General Proofs of Claim will be deemed filed only when received at the address listed above or submitted via the electronic filing system on or before the Bar Date, November 16, 2020 at 5:00 p.m. (Eastern Time). 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 form may be found here:

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

8. What happens if 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.

9. 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.

10. 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 through processes established by the bankruptcy court. It is not known at this time what effect the bankruptcy will have on claims that sexual abuse survivors may have against Boy Scouts regional and local councils and chartered organizations.

11. 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 Boy 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%2fq5CGybTGevZSjdVimQq9zQutqmTPHesk4PZDyfOOLxliiwZjXomPIMZCo%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.

12. Is there anything else that my congregation should do?

We suggest that, whether or not your congregation has ever hosted a Boy Scout troop, your congregation identify and secure all insurance policies that may provide coverage for claims such as sexual abuse claims that may not become known to the congregation for many years after they occur. Further information about the importance of retaining insurance records is available at:

https://download.elca.org/ELCA%20Resource%20Repository/Guide_to_Keeping_Insurance_Records.pdf?_ga=2.178716452.1616909920.1602532061-596960671.1552065499

13. Does the ELCA or the synod represent my congregation in this matter?

No. Neither the churchwide organization nor the synod represents your congregation in this matter or any other legal matter and cannot and will not file a proof of claim on behalf of your congregation.