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Judiciary Committee Public Hearing Testimony
March 31, 2014

S.B. No. 492 AN ACT CONCERNING THE REPORTING OF SUSPECTED CHILD ABUSE BY PERSONS WHO ARE DIRECTORS, OFFICERS OR EMPLOYEES OF

Good Morning members of the Judiciary Committee. Thank you for this opportunity to speak with you.

My name is Michael McCooey, I was Chairman of the Board of the Haiti Fund, the fundraising arm of Project Pierre Toussaint in Cap Haitian, Haiti from 2008 until it closed in 2012.

For background, I am a non-practicing lawyer, and have for many years been involved in non profit organizations (including board membership of the largest child welfare agency in NYC -- assisting in the formation of a charter school in the poorest congressional district in the United States (Mott Haven in the Bronx), -- establishing a prison ministry program at the only maximum security prison for women in New York State).

I share with you my involvement in non profit organizations simply to emphasize the fact that I was surprised to learn of the gap in reporting laws relating to nonprofits that we are here today to discuss.

I know I only have a few minutes to speak so I will make my comments brief.

Project Pierre Toussaint was an amazing organization with the noblest of causes ... serving the poorest children in the poorest country in our hemisphere. Many lives were transformed at this extraordinary school in Cap Haitian, Haiti. Unfortunately, all accomplishments were overshadowed by abuse perpetrated by the school's founder and director.

For 10 years this school was supported by the fundraising efforts of The Haiti Fund of which I was its chairman.

This Board was made up of an influential, highly educated and professional group of lawyers, financiers, educators and entrepreneurs from Fairfield and Westchester counties.

Our Board was a group of very good people with great intentions who truly cared about the school's mission and were making a significant difference in hundreds of lives in Haiti.

So, the great story of Project Pierre Toussaint continued for 8 years. But in 2008 anonymous allegations of abuse surfaced and our board began looking into these allegations immediately,

I made numerous trips to Haiti where I personally learned from many Haitian and other credible sources that there was real evidence of abuse. Unfortunately, upon learning of this news our Board splintered. Seven board members continued down the difficult road of determining the truth while eight members denied the validity of the facts and seemed to work diligently to hinder the search for the truth.

Unfortunately, despite great efforts for many months, the splintered Board became unworkable. Sadly during this time, the abuse of the boys very likely continued. Also during this time, to my great disbelief, opposing members of the board were not only hindering the search for

the truth but were clearly obstructing justice going so far as making secret trips to Haiti to deter our investigation and assist the abuser.

Finally after many months, the remaining opposing board members left The Haiti Fund board.

Now, having a unified board, we completed an internal investigation resulting in a roadmap of our evidence describing the abuse we had uncovered. At this point, we were, again, presented with difficulty when trying to determine what to do with our evidence. With no idea what to do, I actually opened the phone book and looked up the number of the local FBI office.

This phone call started the long and difficult job of ending the abuse and bringing the perpetrator to justice.

It is my strong belief that had our Board members known that there was ***individual criminal liability of board members who did not report*** acts of abuse upon children, the abuse would have stopped sooner and the perpetrator would have been brought to justice much quicker.

In addition had our board known where to go -- who to report to -- and had we had basic training, and information on red flag warning signs of abuse ... these too may have ended the abuse sooner.

I am also confident in saying that had this gap in reporting been filled in 2008, Project Pierre Toussant would still be open and those 300 desks in our brand new school building would be filled today with boys eager to learn.

Thank you for the opportunity to appear before you today. I'll be happy to answer any questions that you may have.