

Lawsuit Claims Boy Scouts 'Institutional Negligence' Led to Child Sex Abuse

A lawsuit filed on August 31 claims that Boy Scouts of America's "institutional negligence" led to a Colorado man's sexual abuse when he was a child.

FORT SMITH, ARKANSAS, UNITED STATES, September 22, 2020 /EINPresswire.com/ -- A lawsuit filed on August 31 in the United States District Court, Western District of Arkansas, Fort Smith Division, alleges that "institutional negligence" in Boy Scouts of America (BSA) led to a Colorado man's sexual abuse when he was a child. The lawsuit's case number is 2:20-cv-02157-PKH.

The complaint alleges that Francis Joe McCourt, an Assistant Scoutmaster from 1999 through 2001, sexually abused the Colorado man when he was 15 and 16 years old. The complaint claims that McCourt was allowed to be an Assistant Scoutmaster despite the fact he "was already a convicted a felon."

The complaint argues that BSA failed to take "reasonable efforts" to check McCourt's background for suitability for a position which gave him authority and supervision over children.

The complaint argues that BSA, by allowing McCourt to perform his duties as a Scout leader, enabled him to groom the plaintiff. The complaint alleges that BSA knew or should have known, "particularly by 1999," that child molesters were exploiting positions as Scout leaders in order to access children. The complaint further claims that BSA "had knowledge that McCourt had groomed and assaulted boy scouts while acting as Scout leader."

The complaint bolsters its assertion that BSA knew or should have known child molesters were exploiting Scout programs by mentioning the "perversion files," a collection of documents about child sex abuse in Scouting programs which the complaint notes has existed "as early as 1920."

The complaint seeks to recover damages based on numerous causes of action, including:

- Sexual battery of a child
- Tort of outrage
- Negligent hiring, training, supervision and retention
- Negligence – special relationship
- Negligence – failure to warn
- Fraud

- Constructive fraud
- Malice and/or reckless disregard – punitive damages

The complaint argues that it was negligent of BSA to not thoroughly investigate McCourt's background and to fail to properly train and supervise McCourt. The complaint states that BSA failed to properly train McCourt in BSA's rules and regulations about how to appropriately interact with Scout members, failed to provide oversight of McCourt's Assistant Scoutmaster activities and failed to review McCourt's performance, "despite widespread institutional knowledge of sexual abuse by existing Scoutmasters and Assistant Scoutmasters."

The complaint argues that it was negligent of BSA to fail to warn the plaintiff or his parents about the risk of sexual abuse in Scouting programs and to fail to implement changes to Scouting programs to prevent sexual abuse despite knowing it was a problem.

The complaint claims BSA committed fraud by misrepresenting and failing to disclose, or actively concealing the risk of child sex abuse in Scouting "with the intent of inducing Plaintiff, Plaintiff's parents, and the community at large to... participate in Scouting."

[Contingency fee representation](#) is available for survivors of Boy Scouts child sex abuse.

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