



KROS
LEARNING GROUP

TO: Maryland House Judiciary Committee

FROM: Frank J. Kros, MSW, JD

RE: HB1: Child Victims Act of 2023

DATE: February 28, 2023

Dear Members of the House Judiciary Committee,

Thank you for the opportunity to submit testimony regarding HB1, which will increase access to justice for victims of child sexual abuse and enhance protection for children in Maryland.

By way of introduction, I am a career child advocate with 40 years of experience working with children, youth and families. I have served as a childcare worker, child abuse investigator, children's home administrator, consultant, professor, attorney, writer and speaker. In April 2019, I started my own professional development, coaching and consulting agency, the Kros Learning Group (KLG). Prior to opening KLG, I served as president of the Transformation Education Institute, Director of the National At-Risk Education Network, and Executive Vice President of the Children's Guild Alliance, a multi-service children's organization headquartered in Maryland. My work is focused on trauma and resilience, and I was awarded a Maryland Governor's Citation for his presentations on adolescent suicide prevention. In recognition of presentations on childhood trauma, I was also the recipient of the 2019 Advocate of the Year Award from the Maryland State Council on Child Abuse and Neglect and Maryland Essentials for Childhood. I am member of an elite group of Marylanders trained by principal investigator Dr. Robert Anda on the Adverse Childhood Experiences Study and added the title of "Master ACEs Trainer" to my bio in 2018. In 2021, I was appointed Frank to Maryland's first- ever Commission on Trauma Informed Care. I have also co-authored the books *Creating the Upside Down Organization: Transforming Staff to Save Troubled Children* (2005) and *The Upside Down Organization: Reinventing Group Care* (2008). I have created scores of professional development courses for child-serving professionals and parents, including a curriculum on trauma-informed care adopted by Sacramento County, California in 2020 for its public service employees. My professional development presentations have been hosted in 45 states and 8 foreign countries.

I received my undergraduate degree at Creighton University, my Master's of Social Work degree from the University of Nebraska-Omaha, and my law degree from the University of Notre Dame.

I am also a survivor of child maltreatment.

I am grateful that the Judiciary Committee is taking up HB1, which would revive all expired claims for child sexual abuse. I submit this testimony in support of passing this bill.

One of the arguments consistently made against efforts like HB1 is that child maltreatment victims should have filed their claims earlier—during the existing statute of limitations (SOL) guidelines. Because they did not do so, they lacked responsibility, were uneducated about the law, or are attempting to manipulate the legal system for personal financial gain.

This view reflects a fundamental misunderstanding of trauma. Delayed disclosure of child maltreatment, particularly child sexual abuse, is common. In fact, science has long supported that recovery from the trauma of child sexual abuse is often a long and complex path. There is no identifiable time when a victim is emotionally and psychologically ready to tell their story. To try and impose one, as in the current law, reflects a misunderstanding of the impact of this type of traumatic experience and is, in my view, cruel.

The trauma stemming from child sexual abuse is complex and individualized, and it impacts victims throughout their lifetimes. There is an overwhelming body of science exposing the ways in which the trauma of sexual abuse during childhood impacts memory formation and the repression of memories. . (van der Kolk, B. The Body Keeps the Score: Memory & the Evolving Psychobiology of Posttraumatic Stress. Harvard Review of Psychiatry (1994) 1(5), 253-65). It is now well-established in science that post-traumatic stress disorder (PTSD), memory deficits, and complete disassociation are common coping mechanisms for child sexual abuse victims.

Research supports that many victims, as much as 33%, never tell anyone they were abused. In fact, the average age of disclosure of child sexual abuse in a study of 1,000 victims was 52 years-old. (CHILD USA, Delayed Disclosure: A Factsheet Based on Cutting-Edge Research on Child Sex Abuse, CHILDDUSA.ORG, 3 (Mar. 2020) available at <https://childusa.org/wpcontent/uploads/2020/04/Delayed-DisclosureFactsheet-2020.pdf>., citing N. Spröber et. al., Child sexual abuse in religiously affiliated and secular institutions, 14 BMC PUB. HEALTH 282, 282 (2014). However, until recently, many states blocked criminal charges and civil lawsuits well before age 52. By the time most victims were ready to come forward, the courthouse doors were locked and victim's opportunity to obtain justice was prohibited by law. HB1 provides the vehicle to restore to victims their opportunity to seek justice by recognizing that childhood trauma creates multiple, varied, and often overwhelming challenges for victims.

Passing this law levels the playing field as the justice system itself protects all parties through its rules, processes and trial procedures. What this bill does is provide victims access to that system. Providing the victims the unfettered opportunity to seek justice is the very least that Maryland could do for them.

Respectfully submitted,

Frank J. Kros, MSW, JD

President, Kros Learning Group

