

HB1- Civil Actions - Child Sexual Abuse - Definition, Damages, and Statute of Limitations (The Child Victims Act of 2023)

House Judiciary Committee – March 2, 2023

Testimony of Adam Rosenberg, Executive Director, LifeBridge Health Center for Hope

Position: **SUPPORT**

Center for Hope supports HB1. This bill extends Maryland’s statute of limitations (SOL) to allow adult victims of child sexual abuse the ability to take civil action when they are ready to do so. It also caps damages, including for government agencies.

Center for Hope, a subsidiary of LifeBridge Health, is a comprehensive violence intervention program that provides trauma-informed crisis intervention and prevention services to over 6,000 patients and community members each year who have experienced child abuse, domestic violence, elder abuse, and community gun violence in the Baltimore region. Our services include Maryland’s first nationally accredited child advocacy center that provides an evidence-based multidisciplinary team response to abuse and trafficking. Our team provides support for adult survivors of abuse and has trained thousands of professionals on how to prevent, identify and report child abuse.

Delayed reporting is the norm. Only 1/3 of child abuse victims report what happened to them while they are still minors. Some never report at all. A child may not have the emotional, mental and financial stability to confront their attackers – predators who almost always occupied a position of trust, power and care. The average disclosure age for reporting child abuse is 52 years old. CHILD USA (2022). Predators groom not just children, but also communities and institutions, helping ensure that their crimes continue undetected and unpunished, often for decades.

Statute of Repose issue can be decided by the courts. Legal experts disagree whether the language added to Maryland’s 2017 statute of limitations law qualifies as a “statute of repose” that may be exempt from legislative action, or a “statute of limitations” subject to repeal.¹ This, arguably, is not a matter for the legislature to decide, but rather one for the Maryland Supreme Court (formerly called the Maryland Court of Appeals). The Office of the Attorney General of Maryland issued a new letter to the Maryland Senate, stating “It is our view that Senate Bill 686 is not clearly unconstitutional...If the General Assembly chooses to provide victims of child sexual abuse an expanded chance for justice, I can in good faith defend the legislation should it be challenged in court.”²

We respectfully urge a favorable report on HB1.

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¹ Testimony of Kathleen Hoke, Esq. Public Health Law Clinic at the University of Maryland Carey School of Law and others during public briefing before the Senate Judicial Proceedings Committee, January 18, 2023

² Ford, William, “Maryland attorney general says he would ‘in good faith’ defend law to lift statute of limitations on sexual abuse claims,” Maryland Matters (February 24, 2023)