



**STATEWIDE  
ADVOCACY SUPPORT UNIT**

**Cornelia Bright Gordon, Esq.**  
Director of Advocacy  
for Administrative Law  
(410) 951-7728  
cbgordon@mdlalab.org

**Gregory Countess, Esq.**  
Director of Advocacy  
for Housing & Community  
Economic Development  
(410) 951-7687  
gcountess@mdlalab.org

**Anthony H. Davis, II, Esq.**  
Director of Advocacy  
for Consumer Law  
(410) 951-7703  
adavis@mdlalab.org

**Erica I. LeMon, Esq.**  
Director of Advocacy  
for Children's Rights  
(410) 951-7648  
elemon@mdlalab.org

**Bobbie Steyer, Esq.**  
Director of Advocacy  
for Family Law  
(410) 951-7737  
bsteyer@mdlalab.org

**Julianne Kelly Tarver, Esq.**  
Director  
Pro Bono Program  
(410) 951-7642  
jkelly@mdlalab.org

**Meaghan McDermott, Esq.**  
Director  
Community Lawyering Initiative  
(410) 951-7635  
mmcdermott@mdlalab.org

**EXECUTIVE STAFF**

**Wilhelm H. Joseph, Jr., Esq.**  
Executive Director

**Stuart O. Simms, Esq.**  
Chief Counsel

**Gustava E. Taler, Esq.**  
Chief Operating Officer

**Administrative Offices**  
500 East Lexington Street  
Baltimore, MD 21202  
(410) 951-7777  
(800) 999-8904  
(410) 951-7778 (Fax)

www.mdlalab.org  
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February 2, 2021

The Honorable Senator William C. Smith, Jr.  
Chairperson of the Judicial Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: MARYLAND LEGAL AID'S TESTIMONY IN SUPPORT OF  
SENATE BILL 134  
Family Law – Child Custody and Visitation**

**Dear Chairman Smith and Members of the Committee:**

Thank you for your invitation to present testimony on SB 134. Maryland Legal Aid (MLA) is a private non-profit law firm representing indigent persons in civil matters throughout Maryland. As a part of its representation, Maryland Legal Aid's staff provides legal services to thousands of Maryland children every year in the child welfare system and adults in family law cases and has expertise in child and family law. MLA strongly supports SB 134 and asks this committee to give it a favorable report.

SB 134 seeks to broaden the definition of child sexual abuse and eliminates the statute of limitations for filing an action for damages in child sexual abuse cases found in Courts and Judicial Proceedings Code Ann. § 5-117.

Data shows the high incidence of sexual abuse among minors, even though child sexual abuse is severely underreported. 45% of child victims do not tell anyone for at least five years, and some children never disclose the abuse.<sup>i</sup> Approximately, 67% of all sexual assaults reported to police involved persons under the age of 17.<sup>ii</sup> Estimates show that 1 in 7 girls and 1 in 25 boys will be sexually abused before they turn 18 and that 7-12% or about 1 in 10 children are sexually abused.<sup>iii</sup> Every 11 minutes, Child Protective Services substantiates or finds evidence or claim of child sexual abuse.<sup>iv</sup>

The median age a victim discloses their abuse is 48; the average age is 52.<sup>v</sup> CJP § 5-117 permits an action until 20 years after the age of majority falling far short of age 48 or 52. The national trend is expanding the statute of limitations for actions related to childhood sexual abuse, allowing time-barred claims. Thirty-nine jurisdictions have expanded or eliminated limitations since 2002 and 17 jurisdictions expanded the limitation or created a window for filing claims previously barred by time limits in 2018-2019. Thirteen jurisdictions have eliminated time limitations for civil actions and five jurisdictions allow claims to be brought by a victim age 50 or older.<sup>vi</sup>

This recognition that a victim of childhood sexual abuse should not be limited to a timeframe, which may not comport with the victim's ability to acknowledge the crime, is overdue in Maryland. "According to data from 2016, 93% of childhood victims of assault know their perpetrator well, with 80% of those cases involving a parent, and 15% involving a close relative or unmarried partner to a parent. Statistics on substantiated crimes only tell us a small portion of the story. Many child sexual abuse victims never come forward to state their case. Being abused as a child often instills a sense of abandonment, self-hate, confusion, and guilt, which makes coming forward to discuss the assault impossible for many. Statutes of limitation on how long a victim has to report a crime also result in many undocumented and investigated crimes. Children often experience changes in behavior, mood, and awareness after the abuse has taken place. When questioned about the alleged abuse, children are often unable to recall specific details related to the event, such as time, place, and sequence of events."<sup>i</sup> Countless victims will be left behind without this expansion.

**Maryland Legal Aid strongly supports SB 134 and asks this committee give it a favorable report.**

/s/ Erica I. LeMon

Erica I. LeMon, Esq.

Director of Advocacy for Children's Rights

Maryland Legal Aid

/s/ Zach Cardin

Zach Cardin, Esq.

Staff Attorney

Baltimore City Child Advocacy Unit

Maryland Legal Aid

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<sup>i</sup> Journal of Clinical Child and Adolescent Psychology, "Sexual Assault Disclosure in Relation to Adolescent Mental Health: Results from the National Survey of Adolescents", J. Broman-Fulks, 2007.

<sup>i</sup> Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Sexual Assault of Young Children as Reported to Law Enforcement (2000).

<sup>i</sup> Townsend, C. & Rheingold, A. "Estimating a Child Sexual Abuse Prevalence Rate for Practitioners: A review of Child Sexual Abuse Prevalence Studies," Darkness to Light (2013).

<sup>i</sup> RAINN. Children and Teens: Statistics. Retrieved 2/20/19 from <https://www.rainn.org/statistics/children-and-teens>

<sup>i</sup> <https://childusa.org/2021sol/>

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<sup>i</sup> <https://lernercenter.syr.edu/2019/07/30/childhood-sexual-abuse-the-truth-behind-the-trauma/2019>