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TESTIMONY IN SUPPORT OF SB 134: CIVIL ACTIONS – CHILD SEXUAL ABUSE – DEFINITION AND STATUTE OF LIMITATIONS **SUPPORT**

**TO: Hon. William C. Smith, Jr. Chair, and members of the Senate Judicial
Proceedings Committee**

FROM: First Star Institute, Noy Davis, Vice President of Operations

DATE: February 2, 2021

Thank you to the Committee for allowing us to submit this testimony in support of the Hidden Predators Act.

My name is Noy Davis. I am the Vice President of Operations of First Star Institute, a national child advocacy policy organization. We evaluate and publish reports on various laws and practices that promote the welfare of abused and neglected children, including *A Child's Right to Counsel* (4th ed upcoming), and *State Secrecy and Child Deaths in the US*. First Star is committed to supporting change that will result in all children receiving the supports they need to grow up to lead happy, healthy and productive lives.

First Star supports the elimination of all civil statutes of limitations for child sexual abuse (SOL). Having an SOL protects perpetrators and systems that allow them to flourish. Removing it allows survivors to determine whether to proceed in court and opens the door to the possibility of justice and shifting the financial burden for harms to the perpetrators who caused the harms. Moreover, society's laws should be clear: child sexual abuse is wrong and time is not an automatic exoneration of responsibility for the harms caused.

Eliminating the statute of limitation is essential given the significant delay in victim disclosure. Whether for associated trauma, psychological, familial, or other reasons, **disclosure of childhood sexual abuse does not usually occur until well into adulthood**, with some estimates setting **the average age for disclosure at 52**. (SOL Fact Sheet <https://www.childusa.org/sol>)

This legislature acted on this widespread problem in 2017 and expanded civil access to the civil courts by child sexual abuse victims. Unintended language added to that legislation before passage, however, poses a risk to victims' access to the courts. While First Star believes that the unintended statute of repose language isn't viable in this context, somehow the language was inserted, and it is important for the legislature to act to address this unintended risk.

Child sexual abuse is a widespread problem, with estimates ranging from 18-20% for girls and 3 to 17% for boys. (D. Coilin-Vezina, I Daigneault, M Hebert, *Lessons learned from child sexual abuse research: prevalence, outcomes and preventive strategies*, Child and Adolescent Psychiatry and Mental Health 7:22). It is well past time for Maryland to allow the civil system to deter abusers and give victims the ability to determine whether to seek redress through the civil courts

Noy Davis,
Vice President of Operations. First Star Institute