

## **Testimony in Support of SB0134**

### **Civil Actions - Child Sexual Abuse - Definition and Statute of Limitations \*\* Support\*\***

To: Hon. Chairman William Smith Jr., Vice Chair Jeff Waldstreicher and members of the Senate Judicial Proceedings Committee

From: Abbie Fitzgerald Schaub, with Baltimore's Archbishop Keough High School "The Keepers" Netflix documentary storytellers

Date: January 6, 2021

In 2013 I began a private effort doing historical research into the the unsolved 1969 Baltimore murder of my high school English teacher, Sister Catherine Cesnik. This evolved into the tragic story of sexual abuse of minor aged students at Archbishop Keough High School. The Emmy nominated Netflix documentary "The Keepers" tells our story. I had no understanding of the lifelong damage done by this intimate betrayal of trust. I thought it was like getting spanked - was something bad that you got over. I was very wrong about that. This betrayal of trust and intimate physical invasion creates permanent collateral damage that affects people their entire lives, and rolls over into harming relationships for generations within a family. Sexual abuse of a minor causes not just physical and mental difficulties but also takes a financial toll on those harmed. Under current Maryland SOL law, the people harmed have to bear those costs.

Trying to make sense of our Keepers story, I looked further into the institutional systems that are supposed to protect Maryland children. It was clear that our Keepers' Father A Joseph Maskell sexually abused at least scores of children over his life, likely hundreds, both boys and girls. He was sexually abusing young adolescent boys while in the seminary at St. Mary's in the early 1960s and continued to abuse both boys and girls for over three decades in Baltimore. We have multiple anecdotal reports that his abuse was reported to Keough school administrators and to the Archdiocese of Baltimore [AOB], though the AOB says they have no documents in their files to confirm this. Maryland allows criminal prosecution of felony sex offenses as long as the defendant is alive - but

Baltimore City Assistant State's Attorney Sharon May declined to charge Father Maskell in 1995, despite scores of criminal complaints and dozens of people willing to testify. Maskell fled from the US to Ireland to avoid that Baltimore civil motions hearing. The 1995 hearing ended with the civil case dismissed because of SOL age limits, allowing him to be free to abuse more youngsters in Ireland before returning to Baltimore.

There are other local hidden predators who are known but never criminally charged. There are also multiple clergy abusers from other states sent to Maryland to live, for example at a Jesuit retirement home in Baltimore and an Oblate retirement home in Childs, Maryland. Hundreds, perhaps thousands of abusers from around the US and around the world have lived at a facility in Montgomery County (St. Luke Institute) while being evaluated/treated with no notice to anyone. The abusers live protected, not on any registries, no notification of law enforcement or the community, with no legal restrictions on their contact with Maryland children.

The problem is not just with religious organizations, though that is what I am most familiar with from our story. Abuse of minors within religious settings is the minority statistically; far more children are harmed by family members, acquaintances, teachers, sport coaches, even strangers. SB0134 is not targeted at churches - rather it is a global child safety bill, aimed to protect Maryland children from hidden predators in all settings.

I most often hear objections to removing SOL age caps based on the idea that those who were harmed should come forward promptly to report the crime. This makes sense to those of us not harmed. Those who were harmed do not want to speak of it; they are embarrassed, ashamed, blame themselves and think others will blame them if they speak. Many were threatened to be silent, as our Keough survivors were. They fear retribution by the one who harmed them, and do not want their parents or families to know. A 2014 German study showed that one third of those sexually assaulted as children will never speak of it. One third do speak around the time of injury - but are often told to keep it secret or are not believed. The final third do speak later in their adult lives, with the average age of disclosure at 52 years old. People are ready to speak as older adults, some waiting until their parents have died - but the criminal judicial system will not press charges, and Maryland abuse survivors are age barred from using the civil judiciary system. The hidden predators remain in

communities - passing screening to work with children. Maryland's SOL time restrictions protect sexual abusers, allowing them to do more harm.

The Maryland Constitution's Declaration of Rights, Article 19, promises that "That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land". I believe statute of limitation laws deny those sexually abused as children from having that promised remedy for the injury. They are promised remedy "fully without any denial" - yet now in Maryland, purely because of their age, they are denied access to the civil court system.

SB0134, the Hidden Predator Act, addresses these issues:

- 1) Removes the term "statute of repose" that was inserted quietly into the 2017 law without required explanation or discussion. This is a construction based term that capped the time limit for civil lawsuits for construction defects at 20 years. They added 20 years to age of majority 18 to arrive at current cap of age 38. Building a house is entirely different than raping a child. This term has to be removed to make other SOL age cap revisions.
- 2) Abolishes SOL time caps going forward for sexual abuse of minors; that means those who are 38 or younger no longer will have age caps to file civil suits. Those 39 and older are still time barred.
- 3) Opens a defined two year window of time during which those older than 38 with allegations of sexual abuse in Maryland as a minor can file civil lawsuits. This will allow them to obtain documents that may help prove their case which they now are barred from seeing. Sixteen states and DC have passed look back windows or revival laws.
- 4) A severability amendment was added to the bill in 2020. If a portion is ruled illegal, the remainder of the bill can still become law.

I respectfully urge the Committee to issue a favorable report on SB0134 without any other amendments. Let lessons from our painful legacy allow other Maryland children to be better protected from sexual predators.

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