



Senate Bill 134 – SUPPORT

Civil Actions – Child Sexual Abuse - Definition and Statute of Limitations (Hidden Predator Act)

Senate Judicial Proceedings Committee – February 2, 2021

Testimony of Adam Rosenberg, Executive Director, Center for Hope

Position: **SUPPORT**

Center for Hope writes in SUPPORT of SB134. This bill does three important things:

- It 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 remedy the trauma they endured in childhood
- It provides a temporary “look-back” window that would suspend the SOL for all claims for two years.
- Finally, it adds a severability clause, which allows Maryland’s high court to decide whether the state’s “statute of repose” – a legal device historically used to protect construction and building trades – can be used to insulate youth-serving institutions and others from claims arising from sex crimes

The Center for Hope’s mission is to advance hope, healing, and resilience for those impacted by trauma, abuse, and violence through comprehensive response, treatment, education and prevention. Center for Hope’s innovative programs address child abuse; domestic violence; community and street-based violence; and elder justice. Center for Hope, a subsidiary of LifeBridge Health, includes one of the nation’s oldest nationally accredited children’s advocacy centers, the Baltimore Child Abuse Center.

Only one-third of child abuse victims report what happened to them while they are still minors. Some never report at all. Research shows that trauma caused by adverse childhood experiences (ACEs), such as child sexual abuse, puts an individual at higher risk for poor long-term mental and physical health. It is usually not until adulthood that a child has 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 (2020).*

When an adult survivor does come forward, she or he is often met with disbelief or anger. “Why didn’t you come forward sooner?” “Why can’t you get over it?” Often, extended family or community members will reject the victim for daring to disturb their cherished memories or social relations. Often, it is the survivor who is shunned and shamed, not the perpetrator. Even worse, many times administrators representing youth serving institutions are complicit in willfully ignoring, intentionally failing to report, and sadly even covering up the abuse itself.



Left untreated, childhood trauma can have lasting effects on a person's social development, and physical and mental health. It is estimated that the annual public cost due to child maltreatment, including child sex abuse and neglect, is \$1.5 billion in Maryland. Long term costs stemming from child sex abuse are estimated to be about \$200,000 to \$800,000 per victim. *Md State Council on Child Abuse and Neglect.*

Healing takes many forms. And while very few victims wish to pursue court action, for those that do, it is often too late.

For those victims who do seek justice from the civil courts, an extended SOL can help shift the burden of untreated childhood trauma to the perpetrators and the institutions that hid their crimes. This modification can help expose the full extent of a predator's crimes.

In summary, an extended SOL:

- provides survivors a realistic window of time to access justice
- shifts the costs of healing to the perpetrators who caused the harm
- creates institutional accountability for intentional failure to report
- helps protect children who may still be at risk from formerly unknown abusers
- leads to improved institutional practices that keep children safe from sexual predators

While some opponents raise the specter of potential bankruptcies, it is important to note several things: 1) Mere access to the courts is not the same as prevailing in a lawsuit. Plaintiffs must still meet their burdens. 2) Bankruptcies are often strategic business decisions. They do not mean that the entity ceases operations. Of the nine dioceses that filed for bankruptcy over the last ten years, none have permanently closed. *See e.g. Reilly, Catholic Diocese in Bankruptcy, Penn State Law (updating listing of dioceses that have emerged from bankruptcies); CHILD USA.* Furthermore, many lawsuits against smaller entities, such as independent schools, have tended to lead to quiet out of court settlements, rather than drastic school closures. *See eg "Private schools, painful secrets," Boston Globe 2019 (reporting on hundreds of claims against New England private schools);* 3) Reputations of institutions not only can survive but thrive for those institutions who meet evidence of past crimes with honesty and humility.

For all of these reasons, we request a **FAVORABLE** report for SB134.