

SB686- Civil Actions - Child Sexual Abuse - Definition, Damages, and Statute of Limitations (The Child Victims Act of 2023)

Senate Judicial Proceedings Committee -- February 23, 2023

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

Position: **SUPPORT**

Center for Hope supports SB686. 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).

Burden shifting. Left untreated, childhood trauma can have lasting effects on a person’s social development, and physical and mental health. Long term costs stemming from child sex abuse are estimated to be about \$200,000 to \$800,000 per victim.¹ An extended SOL can help shift the burden of paying costs to the perpetrators and the institutions that hid their crimes.

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.² 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. SB686 allows a damages claim to be filed “NOTWITHSTANDING ANY TIME LIMITATION UNDER A STATUTE OF LIMITATIONS, A STATUTE OF REPOSE, THE MARYLAND TORT CLAIMS ACT, THE LOCAL GOVERNMENT TORT CLAIMS ACT, OR ANY OTHER LAW.”

We respectfully urge a favorable report on SB686.

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¹ Md State Council on Child Abuse and Neglect (2021).

² 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