



**March 28, 2023**

**Senate Bill 686 - Civil Actions – Child Sexual Abuse –  
Definition, Damages, and Statute of Limitations (The Childs Victim Act 2023)**

**House Judiciary Committee**

**UNFAVORABLE**

The Maryland Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

At the outset, we wish to acknowledge the tremendously painful and emotional nature of the issue of child sexual abuse, the courage of the survivors of sexual abuse who advocate for changes in the law regarding the civil statute of limitations for cases involving child sexual abuse, and our sorrow for all those who have suffered through contact with anyone involved with the Catholic Church.

It is with great reluctance that we submit this testimony in opposition to the legislation before you. We feel compelled to oppose the current version of this legislation, specifically the unconstitutional provision to open an unlimited retroactive window allowing civil cases of child sexual abuse to be brought forward regardless of how long ago they are alleged to have occurred.

We have noted in connection with past legislation that eliminating the civil statute of limitations retroactively raises serious equity concerns and is particularly unnecessary in Maryland which does not have a criminal statute of limitations on child sex abuse. Maryland is one of few states that have no statute of limitations for felonies, and thus perpetrators of sexual abuse can be rooted out and victims can have their day in court at any time until the death of the perpetrator, regardless of how long ago the sexual abuse occurred.

While there is clearly no financial compensation that can ever rectify the harm done to a survivor of sexual abuse, the devastating impact that the retroactive window provision will potentially have by exposing public and private institutions - and the communities they serve - to unsubstantiated claims of abuse, cannot be ignored. For example, in the hearing for Senate

bill 686 the attorney testifying for the Maryland Association of Boards of Education estimated that *"...multiple incidents could be \$850,000 for a school board when we look at our experience over just over the last few years. It's not inconceivable to have 3000 incidents. That might come to fruition if we have an indefinite look back. 3000 incidents would pencil out to \$2.5 billion in the maximum judgments."*

In the past, the church has supported efforts to extend the age by which victim-survivors may file civil suits. Currently, the law in Maryland allows victims until the age of 38 to file such claims; an extension supported by the church. The MCC has been vocal in its support of prospective legislation concerning this issue given the fact that that legislation seeking to retroactively revive claims currently time-barred in Maryland is unconstitutional.

We urge you to consider this legislation in light of the issues we have outlined here, and to give Senate Bill 686 an unfavorable report, in its current form.