

BILL: House Bill 1378
TITLE: Child Sexual Abuse Claims Against the State – Time Limitation
HEARING DATE: March 26, 2025
POSITION: FAVORABLE WITH AMENDMENT
COMMITTEE: Judiciary
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Chair and Members of the House Judiciary Committee:

I am submitting this testimony on behalf of the Maryland Association of Boards of Education (MABE) in support of House Bill 1378 with amendments. MABE represents all twenty-four local boards of education in Maryland, which are responsible for the education, safety, and welfare of nearly 900,000 students across our state.

Background and Support for HB 1378

MABE recognizes the profound importance of justice for victims of child sexual abuse and supports the intent of HB 1378 to establish a sunset date of January 1, 2026, for bringing previously time-barred claims of child sexual abuse against the State and “units of the State.” We believe this provision brings clarity to the timeline established by the Child Victims Act of 2023.

Proposed Amendments

While MABE supports HB 1378, we respectfully request two amendments to the bill:

- 1. Explicit Inclusion of County Boards of Education and Local Governments in the time bar; and**
- 2. Creation of a Child Victims of Sexual Abuse Compensation Fund.**

We discuss each in detail below, and have provided suggested inclusive language for the first one appended to this written testimony.

Explicit Inclusion of County Boards of Education and Local Governments.

We propose that HB 1378 be amended to explicitly provided that the January 1, 2026, sunset provision for “units of the State” specifically includes County boards of education; and local governments. In addition, the sunset provision should apply to non-perpetrator, non-negligent individuals (e.g., superintendents) indemnified by these state entities. This clarification will provide certainty to all governmental entities and help ensure consistent application of the law across all public institutions. The sunset provision should

also apply to county boards and their counterparts, as the current statutory thresholds for victim compensation far exceed historical insurance caps. As a result, the cost of compensation for historical victims as currently set forth in the law is a burden borne by current and future students ***To be clear, MABE supports justice for victims of child sexual abuse. However, it is imperative that legislative action fairly accounts for historical insurance coverage caps, which were significantly lower than the current statutory thresholds. Without such clarity, funding for victims would be drawn from public funds meant for the education of current and future students—directly from the current budgets of local boards of education. This is a burden borne by current and future students.***

MABE has prepared language to amend the bill as such and can provide immediately upon request.

Creation of a Child Victims of Sexual Abuse Compensation Fund

MABE strongly recommends creating a state-funded victim compensation fund to address claims that become time-barred after January 1, 2026. This fund would:

- Provide an alternative pathway to justice for victims who miss the filing deadline;
- Establish a fair, accessible, and trauma-informed process for adjudicating claims;
- Set appropriate compensation limits based on existing sovereign immunity caps; and
- Ensure accountability while reducing administrative burdens, court costs, lawyers fees, and financial pressures on public education and other state institutions.

A compensation fund would offer a critical balance: ensuring victims receive justice while preventing vital public education funds from being redirected from their intended purpose—serving current students.

To effectively administer this Fund, MABE proposes the following key features:

Administrative Structure

The Fund could be established under an existing state agency such as the Office of the Attorney General, the Governor’s Office of Crime Prevention and Policy, or the Department of Public Safety. To ensure impartiality and efficient processing of claims, a "Fund Adjudicatory Board" could be created, consisting of appointed members with expertise in victim advocacy, public administration, and legal matters. This Board could oversee claims, determine eligibility, and establish a streamlined adjudication process that prioritizes accessibility and trauma-informed practices.

The adjudication process would rely on a preponderance of evidence standard, allowing claims to be evaluated fairly while reducing administrative burdens on courts. Regulations and operational infrastructure for the Fund should be in place by January 1, 2026, to ensure smooth implementation.

Funding Sources

To maintain the integrity of the fund and ensure sustainability, primary funding should come from the State. Additional revenue streams could include federal funding sources, private donations, and fees assessed against offenders where applicable.

Claim Eligibility

Eligibility for compensation could extend to victims with claims against the State, county boards of education, or local governments that become time-barred after January 1, 2026. Additionally, claims involving employees who are not alleged perpetrators of abuse but who may have been indemnified by public entities should also be considered, ensuring a fair and comprehensive approach to adjudication.

Compensation Limits

To align with existing statutory frameworks and sovereign immunity caps, the fund could establish compensation limits that mirror those that would have applied had the claim been timely filed, as follows:

- Claims for incidents occurring before October 1, 2016: \$100,000;
- Claims for incidents occurring between October 1, 2016, and September 30, 2023: \$400,000;
- Claims for incidents occurring on or after October 1, 2023: \$890,000.

Legal Fee Limitations

To prevent excessive legal fees from diminishing victims’ compensation, the Fund could implement a 10% contingency fee cap for attorneys representing claimants. This approach follows precedent set by the 9/11 Victim Compensation Fund and ensures that the maximum amount of funds is directed toward victims rather than legal costs.

Precedent and Models for the Fund

This proposal draws on successful models including:

- Maryland's existing Criminal Injuries Compensation Board;
- Victim compensation funds established by Catholic Church Dioceses in Pennsylvania, New Jersey, New York, and Massachusetts;
- The September 11th Victim Compensation Fund;

- Similar funds established in response to the Penn State abuse cases and the BP Gulf oil spill.

Conclusion

MABE believes these amendments will strengthen HB 1378 by providing clarity to all public entities while creating a compassionate alternative for victims whose claims become time-barred in any time bar the General Assembly contemplates. Additionally, we emphasize the importance of establishing a victim impact fund to streamline relief, reduce administrative burdens and court costs, and, importantly, prevent critical public education funds from being redirected away from current students.

We urge the Committee to adopt these amendments and give a favorable report to House Bill 1378 as amended. MABE stands ready to work with the Committee on language to amend and on implementation details to balance solutions that serve the interests of justice for victims of these crimes, reduce administrative burdens, and ensure public education funds are used for current students.