



Appropriations Committee

Subcommittees

Oversight Committee on Pensions

Transportation and the Environment

THE MARYLAND HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

Civil Actions - Child Nonsexual Abuse and Neglect - Damages and Statute of Limitations (HB 456) - 2025

Testimony of Delegate Ryan Spiegel – Favorable

Chair Clippinger, Vice Chair Bartlett, and Members of the Committee:

House Bill 456 would extend the statute of limitations for civil claims of non-sexual child abuse—in other words, instances of physical abuse and neglect of children that are not sexual in nature, but are nonetheless horrific.

As you know, the Child Victims Act of 2023 (“CVA”) removed the statute of limitations for civil claims of child *sexual* abuse, allowing survivors to pursue claims since it can take decades to come to terms with what happened to them. As both a policy choice and a moral imperative, the General Assembly supported this change in the wake of investigations and reports that revealed the terrible history of child abuse in public and private institutions. But the new law did not impact claims for *non*-sexual abuse, which continue to be barred after a victim turns just 21 years old, because those claims are still subject to the default three-year statute of limitations after a survivor turns 18.

I am sponsoring this bill at the request of a constituent who is a survivor. He has courageously come forward to share his story and to advocate for victims of physical abuse and neglect in Maryland. But he is hardly alone. We need to stand up and support justice for all abused children, not just those who were sexually abused.

As timing would have it, in just the last couple weeks, there have been a number of important developments that weigh on this issue. First, as I am sure you know, the Maryland Supreme Court ruled that the CVA is constitutional, and that there is no issue with changing the statute of limitations for child abuse claims.

Secondly, as reported in the Baltimore Banner, Maryland has been recording an alarming rise in child deaths from physical abuse and neglect, which has not been given the attention it deserves. The Banner article, published on Feb. 3 (the same day that the Supreme Court upheld the CVA), begins with the following stark passage:

“Some were beaten to death. One was tortured. Another was shot. As many as 83 Maryland children died from abuse or neglect in 2023, according to the [most recent data reported](#) by states to the federal government. That’s more than one

death per week on average, making the state's published rate of child maltreatment fatalities among the worst in the nation."

And that's just the ones that we know about. And that's just the *deaths* – it doesn't include the terrible abuses that children survived.

Third, during a fiscal briefing on Jan. 20, a DLS budget analyst warned of a potentially "enormous liability" to the State, as lawyers are working to reach a settlement on as many as 3,500 claims brought under the CVA against state agencies. We don't have any real sense yet of the size of that potential liability, because it depends on many factors, ranging from the strength of individual claims, to the parties' willingness to compromise to avoid litigation risk. But in light of that concern, and given the State's current budget challenges, I felt it would be helpful to balance between giving survivors their day in court and ensuring that the State is not exposed to too much liability at once—since we realize that if this bill passes it will widen the universe of potential claimants. I believe we can accomplish both of those objectives through a sponsor amendment that I am proposing to cap the total cumulative payout that the state and local governments are required to make on judgments in child abuse cases in any given fiscal year. The cap applies only to judgments, not settlements. And it is important to remember that a judgment in Maryland is good for 12 years, and can be renewed after that. So this would still allow for structured payment plans on judgments, without exposing the State to an untenable liability at a snapshot in time.

I also want to emphasize that this bill does nothing to change the elements of a cause of action, or the burdens of proof, for anyone bringing a civil claim of child abuse. Existing Maryland statutory and common law has already established the parameters of these types of claims, and this bill does not create new types of civil claims. Under current law, a 20-year old can already bring a claim of childhood physical abuse, and it is up to a judge or jury to decide that claim.

This bill merely gives claimants the time they need to process their trauma, understand what happened to them, and put together a civil complaint if they so choose. It aligns with the science that tells us that many victims of childhood abuse are often not able to process and share their experiences until well into their 30s. And it incorporates by reference definitions that already exist in state law. It also precludes a claim of neglect against a caretaker who lacks the means to provide for basic needs, such as an unhoused parent.

Unlike the 2023 CVA, this bill does not *completely* remove the statute of limitations. Instead, we took a more incremental approach, similar to the 2017 law passed by the General Assembly as a precursor to the CVA. In fact, we used the exact same extension as the 2017 law, giving survivors until the age of 38 to bring a claim for non-sexual abuse. This will help manage the size of the subset of potential new claimants under this bill.

I hope you will agree that we have taken great care to balance these considerations, while ensuring that victims of non-sexual abuse have a fair chance to be heard in court the way that victims of sexual abuse now do. I urge a favorable report. Thank you.