



HOUSE JUDICIARY COMMITTEE

FEBRUARY 13, 2025

HOUSE BILL 456

CIVIL ACTIONS - CHILD NONSEXUAL ABUSE AND NEGLECT - DAMAGES AND STATUTE OF LIMITATIONS

OPPOSE

Maryland CAPE is our state's chapter and one of 40 state chapters of the Council for American Private Education. Our network includes the Catholic, Christian, Evangelical Lutheran, Friends, Independent, Jewish, Lutheran, Montessori, Muslim, and Seventh Day Adventist school communities. We speak on behalf of the 138,000+ nonpublic school students attending over one thousand nonpublic schools across our great state of Maryland. We issue this testimony today in opposition of House Bill 456.

HB 456 would establish a statute of limitations for civil actions relating to child nonsexual abuse and neglect, impose limitations on the damages, and apply retroactively to actions previously barred by the statute of limitations. It is our concern that the overly broad nature of such legislation would create an extremely significant, and unfair and unjust, burden on schools, organizations and institutions, as well as the Maryland taxpayer. No positive gain is achieved by penalizing an entity that, while it may have been affiliated on paper with the individual(s) responsible for the abuse, never empowered or was likely even aware of any abusive or negligent behavior.

By their nature, civil lawsuits require a far lower burden of proof than criminal cases. Beyond that, this legislation utilizes vague and expansive definitions, thus creating a large gap allowing litigation even in cases of good-faith decisions. In particular, the defining of "NONSEXUAL ABUSE" as "THE PHYSICAL OR MENTAL INJURY OF A CHILD UNDER CIRCUMSTANCES THAT INDICATE THAT THE CHILD'S HEALTH OR WELFARE IS HARMED OR AT SUBSTANTIAL RISK OF BEING HARMED" by categories including "A PERSON WHO, BECAUSE OF THE PERSON'S POSITION OR OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD" is so expansive as to undoubtedly allow an overwhelming number of lawsuits covering situations in which the institution and/or its representatives were not negligent but rather attempting in good faith to do what was best for the child or children in question.

It should be noted that this bill would almost definitely bring tremendous financial costs to the State of Maryland. The costs of processing the suits, defending against lawsuits, and settling claims would fall not only on private institutions but on the government as well.

There is no question that protecting children is of paramount importance; however, HB 456 would do harm rather than good. Allowing the extraction of financial payments for more of the past does nothing to prevent abuse, while it would create tremendous harm to the many institutions and organizations who are an essential part of healthy civic life and bring much good to many, many children and adults. We respectfully urge the committee to grant an UNFAVORABLE REPORT on House Bill 456. Thank you.

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