



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 1378 ONLY if Amended
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to reject HB1378 as introduced and to further amend the proposed amendments regarding an Alternative Dispute Resolution Program.

House Bill 1378 – Limiting Claims Against the State
Civil Child Sexual Abuse Cases

As introduced, this bill would prevent survivors of child sexual abuse from filing claims against the State of Maryland after January 2026 if the claim would have been time barred prior to October 1, 2023. Amendments shared on Monday redirect these cases to a newly created "Alternative Dispute Resolution Program for Child Sexual Abuse Claims Against the State". The administration of this new program is left to an undesignated "state entity" to be chosen by a workgroup that is not subject to the Open Meetings Act or the Public Information Act. The work of the dispute resolution will be performed by a contract with third parties and not subject to rules procurement rules. Amendment language may be in flux.

Child sexual abuse causes devastating problems for many of its victims. Child sexual abuse victims can suffer depression, aggression, somatic complaints, problems sleeping, eating disorders, regression, sexual acting out or promiscuity, seductive behaviors, self-mutilation, substance abuse, and suicide gestures and attempts. Long-term effects of child sexual abuse include post-traumatic stress disorder, difficulties forming relationships, early teenage sex with older men, prostitution, and poor self-esteem.

The Maryland Coalition Against Sexual Assault supports the rights of survivors to have meaningful remedies from those responsible for their abuse. HB1378 proposes to limit these rights when the defendant is the State of Maryland. The financial burden on the state, the state's current fiscal crisis, and the very real possibility of diminishing resources for victims are all cited as the reasons for the limitation on civil lawsuits. MCASA recognizes the significant challenges the state faces, nonetheless, have grave concerns about some of what has been proposed.

Survivors should have a remedy and right to file a claim. Many survivors of child sexual abuse wait years or even decades to come forward. HB1378 as introduced would have cut off the rights of survivors to sue the state long before many are ready to come forward. This would deprive the survivors of help and also deprive the public of important information about abuse and about perpetrators. There is no good solution to the current situation: there is not enough money to fully compensate survivors harmed while in state care. If the legislature chooses to limit state liability, providing some ability to recover and a realistic time frame to file a claim is far preferable to cutting off claims all together.

Establishing an alternative dispute resolution (ADR) process could allow survivors to confront abusers and create a process for public reporting of what survivors endured and who was responsible. Importantly, draft proposed amendments to HB1378 require that the process "provide an opportunity for claimants to voluntarily have their experiences made public." Shining light upon an issue that has been relegated to secrecy and darkness helps survivors recover, increases awareness, and creates accountability.

MCASA urges the General Assembly not to delegate the responsibility of choosing the entity charged with administering a program to respond to survivors. MCASA respectfully suggests that this important issue should be determined by the legislature in an open forum with a full hearing.

Decisions about the process for responding to child sexual abuse should be made openly and with full public participation. One alternative being discussed would create a workgroup that would be charged with making recommendations about which "state entity" should administer a program, and about related regulations and procedures. Current draft amendment language would mean that this would all be done without public participation and potentially outside of public view. Proposed language:

- Excludes the workgroup from the open meetings law;
- Excludes the workgroup from the public information law;
- Excludes the "contract with third parties" to operate the ADR program from procurement laws;
- Fails to create a grant or other system to ensure the contract has expertise;

- Excludes the ADR process from the Administrative Procedures Act.

MCASA urges the Committee to reject any proposed language that reduces transparency.

Survivors and programs working with survivors should be included in decisions about program design and regulation. The voices of survivors of child sexual abuse, advocates working with survivors, and professionals with experience representing vulnerable litigants in administrative forums should all be included in discussions about the details of any program to respond to survivors. Listening to survivors will help ensure that the process created is as trauma-informed and efficient as possible.

The state should create options for survivors who are not and will not be helped by civil lawsuits or an alternative dispute resolution process. There are currently survivors who are not helped by private lawsuits and the current law. Efforts to help provide meaningful access to civil remedies for survivors of sexual abuse dragged on for decades. Over time, perpetrators died, witnesses' memories faded, and the likelihood of winning lawsuit disappeared for some survivors. Proposed ADR processes would not help these survivors either. The state should consider increasing support for healing therapies, increasing funding for advocacy, and other forms of support.

Limiting lawsuits against the state should not mean limiting resources for survivors. If the General Assembly decides to enact HB1378, we urge the state to protect and expand other supports for survivors. The difficulties caused by child sexual abuse have real costs: emotional and financial. It is unfair to force the victim to bear the costs of the harm caused by a perpetrator of child sexual abuse just because they missed a new deadline or can no longer prove their case. HB1378 is an opportunity to address the fiscal issues facing the state, but also a chance to improve our response to survivors of child sexual abuse.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 1378 ONLY if amended**