



Committee: House Judiciary Committee
Bill Number: HB 456 - Civil Actions – Child Nonsexual Abuse and Neglect – Damages and Statute of Limitations
Hearing Date: February 13, 2025
Position: Unfavorable

The Maryland Association of Boards of Education (MABE) respectfully opposes *House Bill 456 - Civil Actions – Child Nonsexual Abuse and Neglect – Damages and Statute of Limitations*, which proposes to establish a new statute of limitations for civil actions related to child nonsexual abuse and neglect, as well as limitations on damages. While we wholeheartedly support the protection and welfare of children, this bill raises significant concerns for our educational institutions.

Extending the statute of limitations to twenty years will result in claims that cannot be fairly defended.

House Bill 456 extends the statute of limitations for civil actions to 20 years after a victim reaches the age of 18 or 3 years after a related criminal conviction. This extended timeframe, combined with retroactive application, is likely to result in a substantial increase in lawsuits against public school systems. These lawsuits will be difficult, if not impossible, to defend because of the fidelity of the evidence. The statute of limitations is set to ensure the preservation of evidence integrity. By requiring claims to be brought within a certain period, the law ensures that evidence will still be reliable, and witnesses' memories are more likely to be accurate. Memories can fade and the details may become unclear due to the passing of time, stress and emotions. With a statute of limitations of twenty years, the quality of evidence will likely deteriorate.

The retroactive application of this extended statute of limitations means that cases previously barred can now be brought forward, leading to potential financial and administrative burdens for schools that must defend against claims dating back several decades. The increased litigation resulting from the expanded statute of limitations would divert critical resources away from our primary mission of providing quality education. Funds that should be invested in educational programs, teacher development, and students. Local school systems operate within constrained budgets, and the financial impact of defending against long-past claims could adversely affect the quality of education and services provided to current students.

Insurance reserves have not been adequately set for claims of this nature.

MABE members are collectively self-insured through the MABE Liability Pool Program or are self-insured for liability claims. MABE members have not set reserves for potential claims dating back twenty years. If HB576 were to pass, it would require additional funding for potential claims which will increase the financial strains on the school systems and the taxpayers.

"Nonsexual Abuse" is extremely broad and undefined in the bill and opens the door for claims of any nature.

The term "nonsexual abuse" is broadly defined within the bill, encompassing a wide range of physical and mental injuries. This broad definition lacks the specificity needed to clearly delineate what constitutes "nonsexual abuse," leading to potential legal ambiguity and uncertainty. The lack of clear guidelines for what actions or circumstances fall under "nonsexual abuse" could result in inconsistent application and interpretation of the law, further complicating legal proceedings and increasing the risk of litigation.

The broad and undefined term "nonsexual abuse" opens the door for fraudulent claims that may not align with the original intent of the Sponsor. This could lead to an influx of claims that are challenging to evaluate and address fairly. Ensuring that allegations of "nonsexual abuse" are appropriately and accurately addressed requires a more precise definition to prevent unintended consequences and to maintain the integrity of the legal process.

For these reasons, MABE requests an unfavorable report on House Bill 456. We urge the Committee to consider the broader implications of this bill on educational institutions and to prioritize measures that protect children while also providing clear and specific guidelines for legal actions.

If you have any questions, please contact the MABE lobbyist, William Kress, Esquire at bill@kresshammen.com.