

HB0456_Child_Nonsexual_Abuse_and_Neglect_MLC_FAV.p

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TESTIMONY FOR HB0456

Civil Actions - Child Nonsexual Abuse and Neglect - Damages and Statute of Limitations

Bill Sponsor: Delegate Spiegel

Committee: Judiciary

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: **FAVORABLE**

I am submitting this testimony in strong support of HB0456 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

This is an important bill. Allows victims, who did not have protection and suffered as children from abuse and neglect to finally strike back. The victim can file suit against the perpetrator at any time post-abuse and retroactively and proactively extends the statute of limitations to allow victims that were previously barred from filing a claim to do so. The bill also sets a cap on noneconomic damages of \$1.5M.

For those who have suffered abuse and neglect as a child, this is an amazing victory. A child abuser should never be safe from prosecution and we should never restrict the victim from getting justice because there is no greater crime than to prey on a child.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

written_testimony_with_scientific_justification.pdf

Uploaded by: James Van Hout

Position: FWA

Testimony to the Maryland General Assembly on HB 456 (FWA)

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2023167728

From 2004 to 2009, when I was nine to 14 years old, I was severely physically and psychologically abused and neglected at a school in Montgomery County called The Heights School. The school was run by an extremist sect of the Catholic Church known as Opus Dei, an extraordinarily wealthy and influential organization with ties to the government of the former Spanish dictator Francisco Franco. Opus Dei operates mostly independently from the rest of the Catholic Church and in the past several years has faced widespread accusations of international child psychological abuse, child neglect, and child trafficking. During my childhood, I attended five Catholic schools in multiple states and Washington, D.C. The *only* Catholic school at which I was so severely abused or neglected was the school run by Opus Dei in Maryland. For the record, I attended The Heights School after my name had been changed from James Baugus to Frank Overcash but before I later changed it to James Van Hout.

As a result of the abuse and neglect I suffered at The Heights School, I developed severe depression, panic attacks, OCD, and PTSD, diseases which I have lived with for about 15 years. I have been discriminated against while trying to get a job and I am currently unemployed. At one point I could not even afford therapy. For nearly fifteen years, I could not discuss what happened to me at The Heights School due to PTSD, a phenomenon strongly supported by the scientific evidence. In fact, when I was 21—the year that the statute of limitations period expired—I fell into the most severe depression of my life and I was hospitalized for nearly three weeks the following year.

The Constitution of Maryland guarantees every person the right to sue. This right, alongside the unequivocal scientific evidence, is why you passed the Child Victims Act two years ago. The rule of law requires that the law be applied fairly to everyone and justice requires that no one—no matter how wealthy or powerful—be permitted to offload the consequences of their actions onto others. Yet I am speaking to you now because neither justice nor the rule of law have been upheld as victims like me have been deprived of a constitutional right and effectively locked outside the courthouse doors.

Therefore, I ask the General Assembly to uphold both justice and the rule of law by passing House Bill 456 with the amendments introduced by Delegate Spiegel and those I will suggest today. Thank you for your time.

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The following scientific justification of HB 456 is provided for informational purposes.

Scientific Justification for HB 456

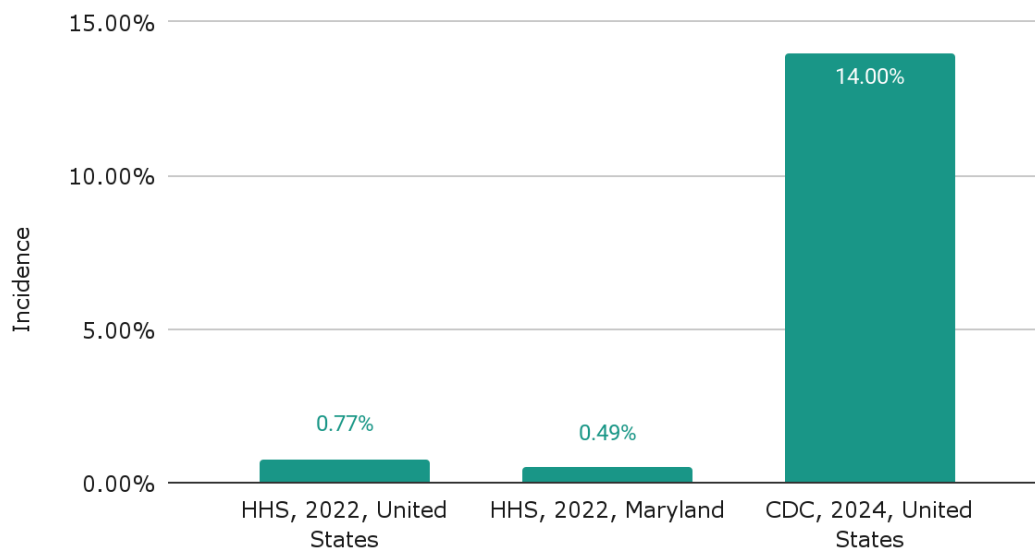
James Van Hout¹

¹ This overview of the scientific literature was compiled by myself, James Van Hout. I am not an expert in the field of child maltreatment, rather I am a victim of child maltreatment recovering from PTSD and an advocate for HB 456. I have compiled the information herein to provide a scientific justification for HB 456. This document has not been peer-reviewed or published in a peer-reviewed scientific journal. I have done my best to ensure that the information provided in this document is supported by the cited works and I encourage the reader to review the cited literature for themselves. Other sources left over from a previous version of this document are provided in the References. You may contact me at jimmyvanhout40@gmail.com with any comments, questions, or concerns. For more information on HB 456, please see <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0456>

Yearly Incidence and Prevalence of Child Abuse and Neglect and Age of First Victimization

Based on substantiated reports of child abuse and neglect in the United States and Maryland reported by the Department of Health and Human Services (HHS), the national and state-level yearly incidence of child maltreatment in 2022 were 0.77% and 0.49%, respectively.² However, the actual yearly incidence is likely far higher, estimated³ by the Centers for Disease Control and Prevention (CDC) to be at least 14% nationally in 2024 (Figure 1). Indeed, in a study of 1,679 female undergraduates in the United States, very few victims of child physical, sexual, or psychological abuse disclosed the abuse to legal authorities⁴. The prevalence of child maltreatment is naturally much higher than the yearly incidence and has been estimated to range from 7% to 62% in studies conducted in the United States and Australia⁵ (Figure 2).

Incidence of child maltreatment



² Department of Health and Human Services, 2022

³ Centers for Disease Control and Prevention, 2024

⁴ Bottoms et al., 2016

⁵ Bottoms et al., 2016; Higgins et al., 2023; Strathearn et al., 2020

Figure 1. Yearly incidence of child maltreatment. In the United States and Maryland, 0.77% and 0.49% of children, respectively, had substantiated reports indicating that they were victims of abuse or neglect in 2021. The actual yearly incidence of maltreatment in children is likely to be at least 14%. *Sources: Centers for Disease Control and Prevention, 2024; Department of Health and Human Services, 2022*

Prevalence of child maltreatment

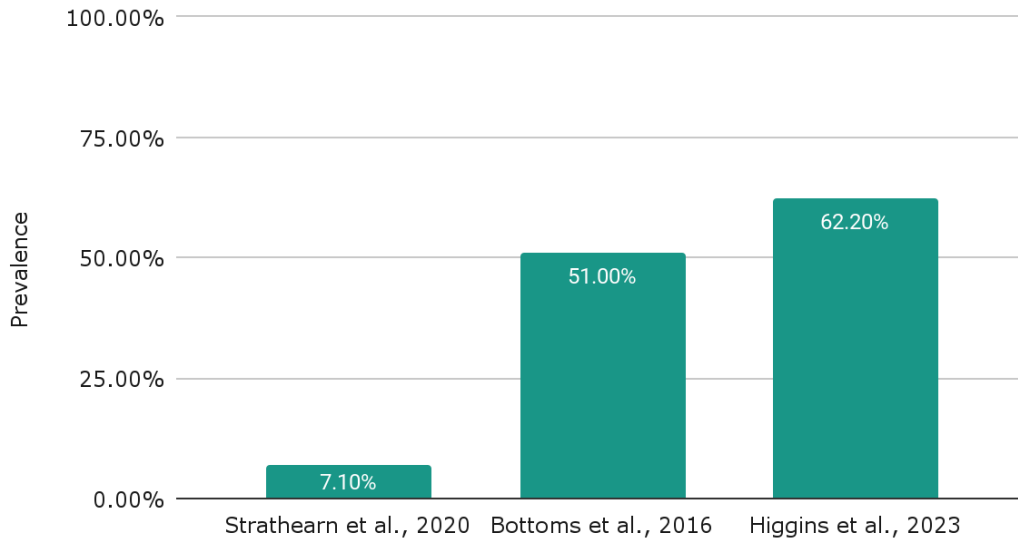


Figure 2. Prevalence of child maltreatment. In studies of populations from the United States and Australia, the prevalence of child maltreatment has been estimated to range from 7% to 62%. *Sources: Bottoms et al., 2016; Higgins et al., 2023; Strathearn et al., 2020*

Data from HHS, based only on substantiated reports of child maltreatment, indicate that the most commonly experienced form of child maltreatment by victims in 2022 was neglect (74.3%), followed by physical abuse (17%), sexual abuse (10.6%), and psychological abuse (6.8%) (Figure 3)⁶. Data from studies on U.S. and Australian populations indicate prevalences of child physical, sexual, and psychological abuse and neglect ranging from 4% to 32%, 2% to 28.5%, 3.7% to 39%, and 3.7% to 8.9%, respectively (Figure 4)⁷. The age of first exposure to child physical and sexual abuse was reported by Dunn et al. (2013) and is shown in Figure 5.⁸

⁶ Department of Health and Human Services, 2022

⁷ Bottoms et al., 2016; Dias et al., 2017; Higgins et al., 2023; Strathearn et al., 2020

⁸ Dunn et al., 2013

Most common types of child maltreatment experienced by victims in the United States in 2022 based on substantiated reports

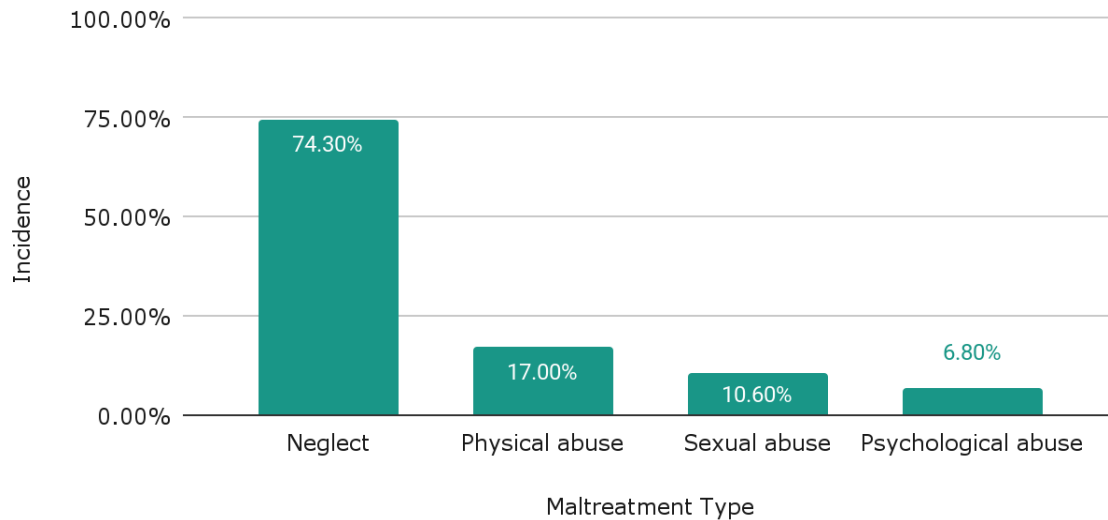


Figure 3. Most common types of child maltreatment experienced by victims in the United States in 2022, based on substantiated reports. All forms of child abuse and neglect can cause serious adverse consequences. The most common type of child maltreatment in the United States in 2022, based on substantiated reports, was neglect, followed by physical, sexual, and psychological abuse. *Source: Department of Health and Human Services, 2022*

Prevalence by type of child maltreatment (* indicates one or more studies did not provide data)

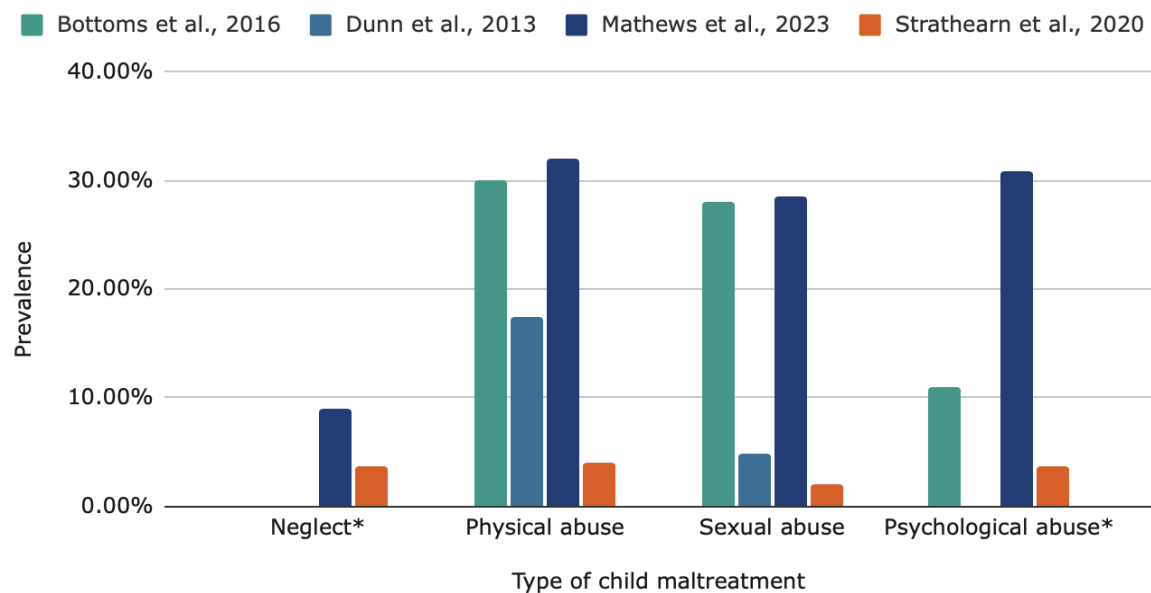


Figure 4. Prevalence of child maltreatment by type. Data from U.S. and Australian populations indicate varying prevalence of child physical, sexual, and psychological abuse and neglect. *Note: The absence of data from a study for a given type of child maltreatment indicates that the study did not provide the data; it does not indicate that the prevalence is zero. *Sources: Bottoms et al., 2016; Mathews et al., 2023; Strathearn et al., 2020*

Age of first exposure to child physical and sexual abuse

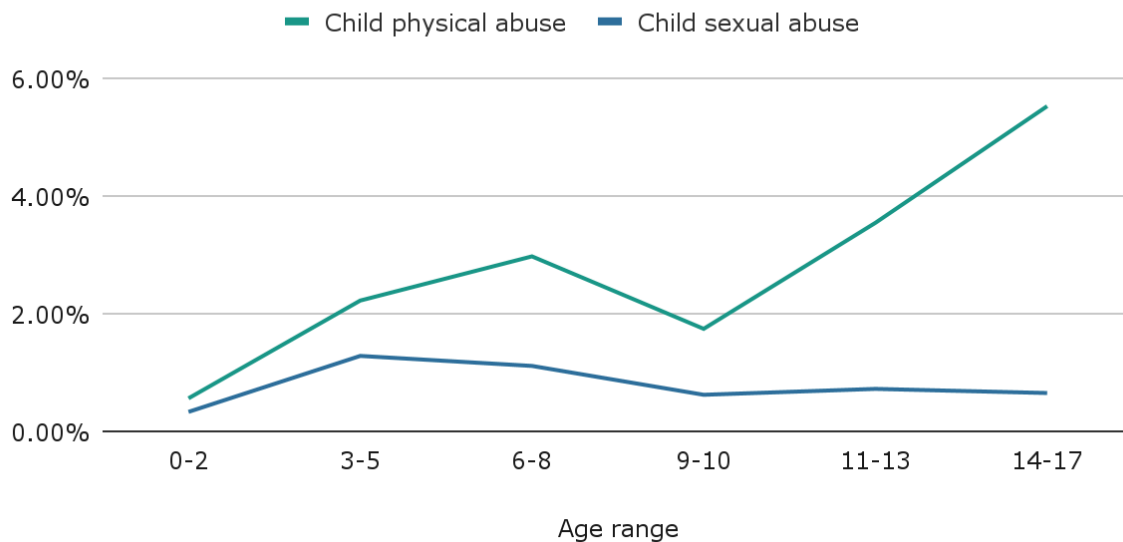


Figure 5. Age of first exposure to child physical and sexual abuse. In their sample, 17.43% and 4.84% of participants were victims of child physical and sexual abuse, respectively. *Source: Dunn et al., 2013*

Harms Associated with Child Abuse and Neglect

All types of child abuse—physical, sexual, and psychological—and neglect are associated with a large, statistically significant increased risk of Post-Traumatic Stress Disorder (PTSD), depression, attempted suicide, sexually transmitted infection (STI), risky sexual behavior (e.g. youth pregnancy), and substance use disorder (SUD; see citations in Table 1). Additionally, every type of maltreatment is associated with large, statistically significant decreases in educational and employment outcomes (see citations in Table 1). When a child suffers more than one type of maltreatment, the risk of adverse consequences is further increased⁹.

⁹ Kisely et al., 2018; Mills et al., 2013; Spinazzola et al., 2014; Strathearn et al., 2020

	Physical abuse	Sexual abuse	Psychological abuse	Neglect
Post-Traumatic Stress Disorder	✓ ¹⁰	✓ ¹¹	✓ ¹²	✓ ¹³
Depression	✓ ¹⁴	✓ ¹⁵	✓ ¹⁶	✓ ¹⁷
Suicide attempt	✓ ¹⁸	✓ ¹⁹	✓ ²⁰	✓ ²¹
Sexually transmitted infection	✓ ²²	✓ ²³	✓ ²⁴	✓ ²⁵
Risky sexual behavior	✓ ²⁶	✓ ²⁷	✓ ²⁸	✓ ²⁹
Substance use disorder	✓ ³⁰	✓ ³¹	✓ ³²	✓ ³³
Worsened educational outcomes	✓ ³⁴	✓ ³⁵	✓ ³⁶	✓ ³⁷
Worsened employment outcomes	✓ ³⁸	✓ ³⁹	✓ ⁴⁰	✓ ⁴¹

Table 1. Adverse consequences associated with child physical, sexual, and psychological abuse and neglect. All forms of child maltreatment are associated with serious adverse consequences. A checkmark

¹⁰ Adams et al., 2018; Kisely et al., 2018; Strathearn et al., 2020; Sugaya et al., 2012

¹¹ Adams et al., 2018; Boumpa et al., 2022; Kisely et al., 2018; Strathearn et al., 2020

¹² Norman et al., 2012; Spinazzola et al., 2014; Strathearn et al., 2020

¹³ Kisely et al., 2018; Spinazzola et al., 2014; Strathearn et al., 2020

¹⁴ Adams et al., 2018; Norman et al., 2012; Strathearn et al., 2020; Sugaya et al., 2012

¹⁵ Adams et al., 2018; Norman et al., 2012; Strathearn et al., 2020

¹⁶ Angelakis et al., 2019; Norman et al., 2012

¹⁷ Norman et al., 2012; Spinazzola et al., 2014; Strathearn et al., 2020

¹⁸ Angelakis et al., 2019; Lawrence et al., 2023; Norman et al., 2012

¹⁹ Angelakis et al., 2019; Lawrence et al., 2023; Norman et al., 2012

²⁰ Lawrence et al., 2023; Norman et al., 2012

²¹ Angelakis et al., 2019

²² Norman et al., 2012

²³ Centers for Disease Control and Prevention, 2021

²⁴ Norman et al., 2012

²⁵ Norman et al., 2012

²⁶ Jones et al., 2010; Norman et al., 2012; Strathearn et al., 2020

²⁷ Jones et al., 2010; Thompson et al., 2017; Strathearn et al., 2020

²⁸ Jones et al., 2010; Norman et al., 2012; Thompson et al., 2017; Strathearn et al., 2020

²⁹ Norman et al., 2012; Thompson et al., 2017; Strathearn et al., 2020

³⁰ Norman et al., 2012; Strathearn et al., 2020; Sugaya et al., 2012

³¹ Lawrence et al., 2023; Strathearn et al., 2020

³² Lawrence et al., 2023; Norman et al., 2012; Spinazzola et al., 2014; Strathearn et al., 2020

³³ Norman et al., 2012; Spinazzola et al., 2014; Strathearn et al., 2020

³⁴ Font & Cage, 2018; Fry et al., 2018; Jaffee et al., 2018; Strathearn et al., 2020

³⁵ Assini-Meytin et al., 2022; Jaffee et al., 2018; Hardener et al., 2018; Strathearn et al., 2020

³⁶ Strathearn et al., 2020

³⁷ Strathearn et al., 2020

³⁸ Jaffee et al., 2018; Strathearn et al., 2020

³⁹ Jaffee et al., 2018; Strathearn et al., 2020

⁴⁰ Strathearn et al., 2020

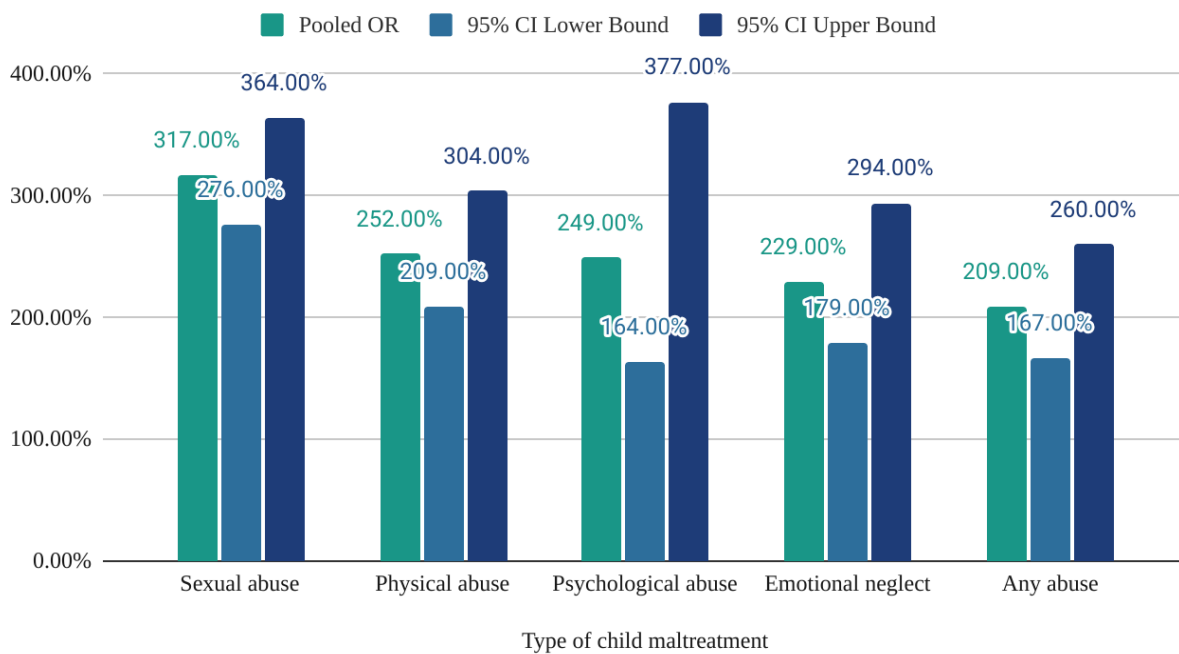
⁴¹ Strathearn et al., 2020

indicates that a large, statistically significant increased risk exists as reported in the cited literature with strong supporting evidence.

In addition to the consequences listed in Table 1, victims of child maltreatment are also at higher risk of homelessness⁴² and prostitution⁴³. As Table 1 illustrates, some of the most significant challenges to public health, social welfare, and economic output are related to child abuse and neglect.

A systematic review and meta-analysis found that victims of child maltreatment were at higher risk of attempting suicide, with the pooled odds ratio (OR) being 317%, 252%, 249%, 229%, and 209% for sexual abuse, physical abuse, psychological abuse, emotional neglect, and any abuse, respectively⁴⁴ (Figure 6). Moreover, the pooled OR of attempting suicide was 518% in victims of multiple incidents of abuse, termed “complex abuse”⁴⁵ (Figure 7).

Risk of attempted suicide among victims of child abuse and neglect



⁴² Mar et al., 2014; Sundin & Baguley, 2015

⁴³ Wilson & Wisdom, 2008; Wilson & Widom, 2010

⁴⁴ Angelakis et al., 2019

⁴⁵ Angelakis et al., 2019

Figure 6. Risk of attempted suicide among victims of child abuse and neglect. Pooled odds ratios (ORs), 95% confidence interval (CI) lower and upper bounds for attempted suicide among victims of child maltreatment. All types of child abuse and neglect are associated with a large, statistically significant increased risk of attempting suicide. *Source: Angelakis et al., 2019*

Risk of attempted suicide among victims of multiple incidents of child abuse

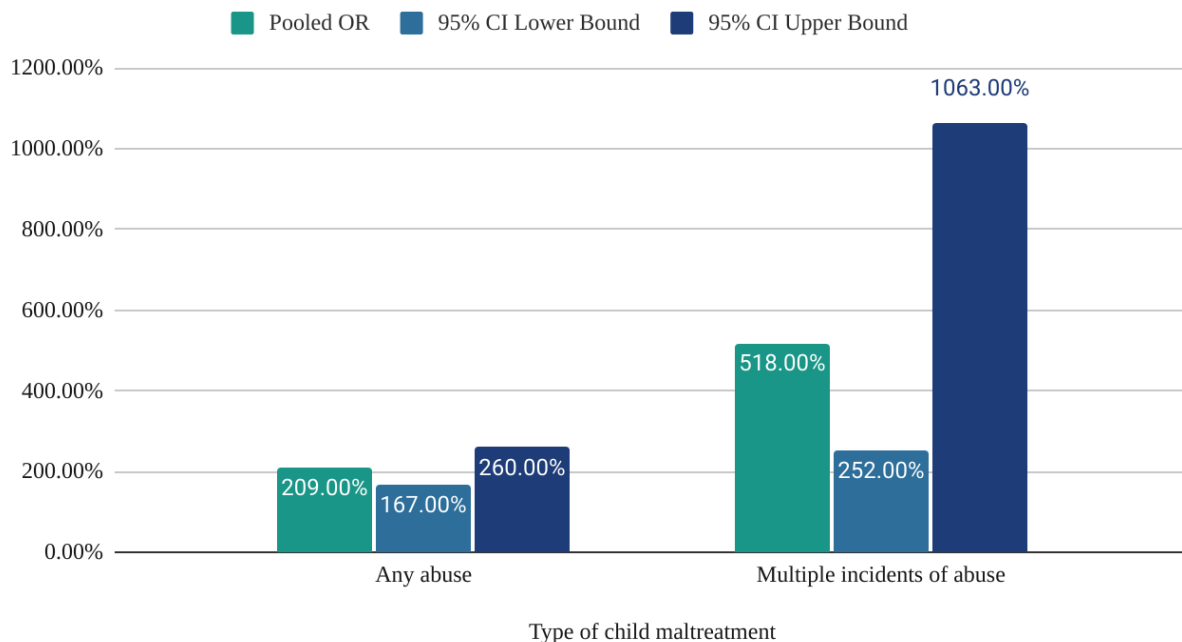


Figure 7. Risk of attempted suicide among victims of multiple incidents of child abuse. Pooled odds ratios (ORs), 95% confidence interval (CI) lower and upper bounds for attempted suicide among victims of any child abuse and multiple incidents of abuse (termed “complex abuse”). Victims of any child abuse are at a large, statistically significant increased risk of attempted suicide, and victims of multiple incidents of child abuse are at an even larger, statistically significant increased risk. *Source: Angelakis et al., 2019*

Multiple studies have found an increased risk of substance abuse among those exposed to child maltreatment.⁴⁶ A systematic review and meta-analysis found that, among those with opioid use disorder (OUD), the prevalence of child sexual (female), sexual (male), physical, and psychological abuse is 48%, 16%, 38%, and 43%, respectively, and that the prevalence of child physical and emotional neglect is 38% and 42%, respectively⁴⁷ (Figure 8). A study using data from NESARC, which included a nationally representative sample of 34,653 U.S. adults aged 20

⁴⁶ Afifi et al., 2012; Khoury et al., 2010; Santo, Jr. et al, 2021; Wang et al., 2010

⁴⁷ Santo, Jr. et al., 2021

and older, found that victims of any type of child abuse or neglect had increased risk of abusing every drug surveyed including alcohol, opioids, and cocaine.⁴⁸

Prevalence of child maltreatment among people with opioid use disorder

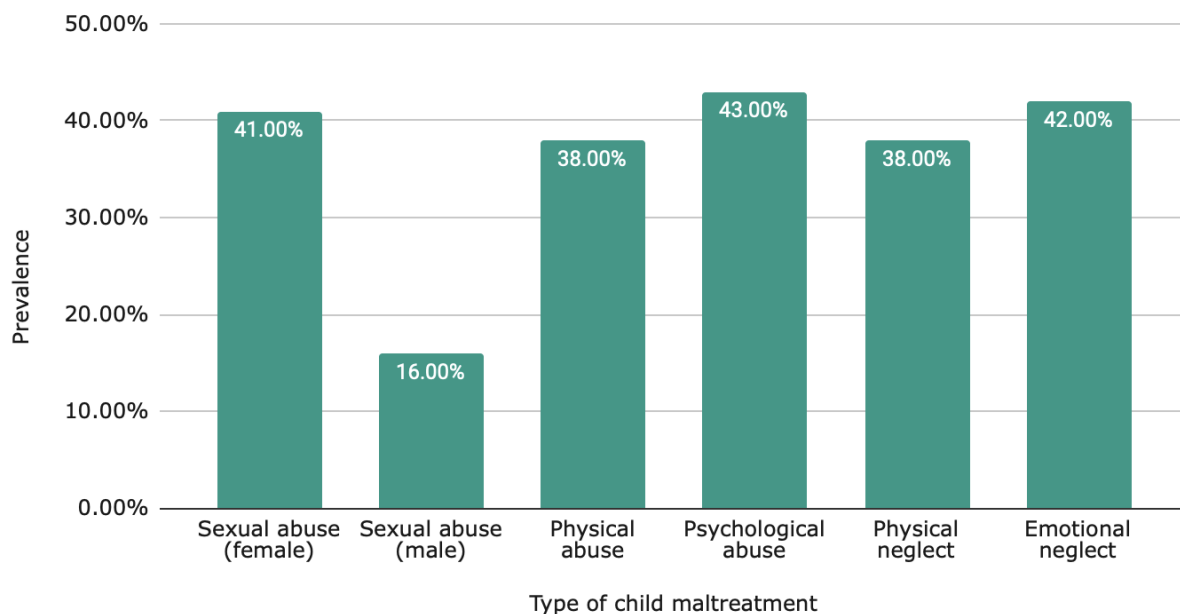


Figure 8. Prevalence of child maltreatment among those with opioid use disorder. At least approximately half of all Americans with an opioid use disorder (OUD) were abused or neglected as children. Child maltreatment is associated with an increased risk of all types of substance abuse. *Source: Santo, Jr. et al., 2021*

A substantial number of those with PTSD were abused or neglected as children. In a study of 8,503 Australian residents aged 16 and older, 92% of those with current PTSD had a history of child maltreatment.⁴⁹ Veterans with combat-related PTSD were found to have elevated rates of exposure to child physical abuse, ranging from 26% to 45%.⁵⁰ A study of 1,200 Portuguese adults found rates of child psychological abuse, physical abuse, sexual abuse, physical neglect, and emotional neglect among those with PTSD to be 31.6%, 25.6%, 25%, 15.2%, and 14.3%,

⁴⁸ Afifi et al., 2012

⁴⁹ Scott et al., 2023

⁵⁰ Bremner et al., 1993; Zaidi et al., 1994

respectively (Figure 9).⁵¹ Those exposed to any type of child maltreatment—whether physical⁵², sexual⁵³, or psychological⁵⁴ abuse or neglect⁵⁵--have a much higher risk of developing PTSD. A study following 2,508 participants from birth to 21 years of age and assessing for child maltreatment found that the adjusted OR for PTSD was 438%, 254%, 476%, 278%, and 338% for sexual abuse, physical abuse, psychological abuse, neglect, and any maltreatment, respectively⁵⁶ (Figure 10).

Exposure to child maltreatment among those with PTSD

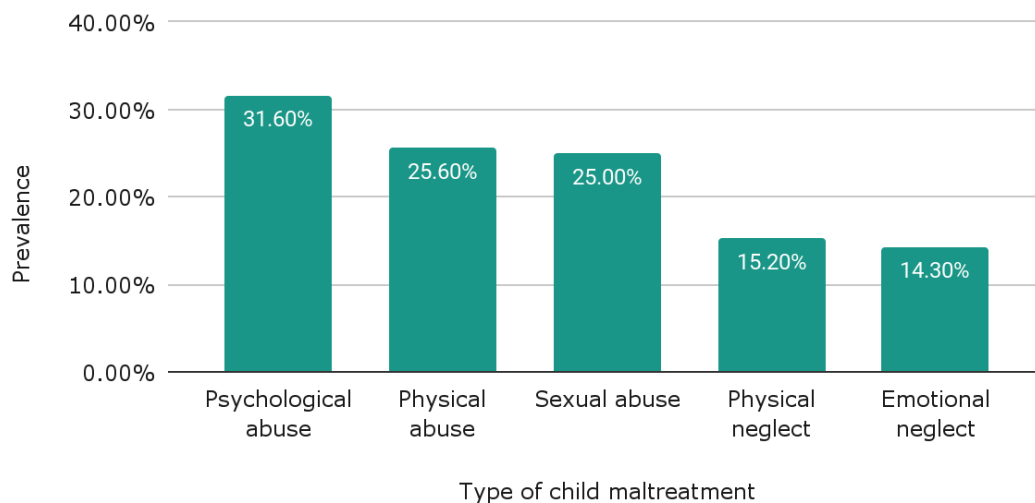


Figure 9. Exposure to child maltreatment among those with PTSD. A history of exposure to child physical, sexual, or psychological abuse or neglect is very common among those with PTSD. *Source: Dias et al., 2017*

⁵¹ Dias et al., 2017

⁵² Adams et al., 2018; Kisely et al., 2018; Strathearn et al., 2020; Sugaya et al., 2012

⁵³ Adams et al., 2018; Boumpa et al., 2022; Kisely et al., 2018; Strathearn et al., 2020

⁵⁴ Kisely et al., 2018; Spinazzola et al., 2014; Strathearn et al., 2020

⁵⁵ Kisely et al., 2018; Spinazzola et al., 2014; Strathearn et al., 2020

⁵⁶ Kisely et al., 2018

Risk of PTSD in people exposed to child maltreatment

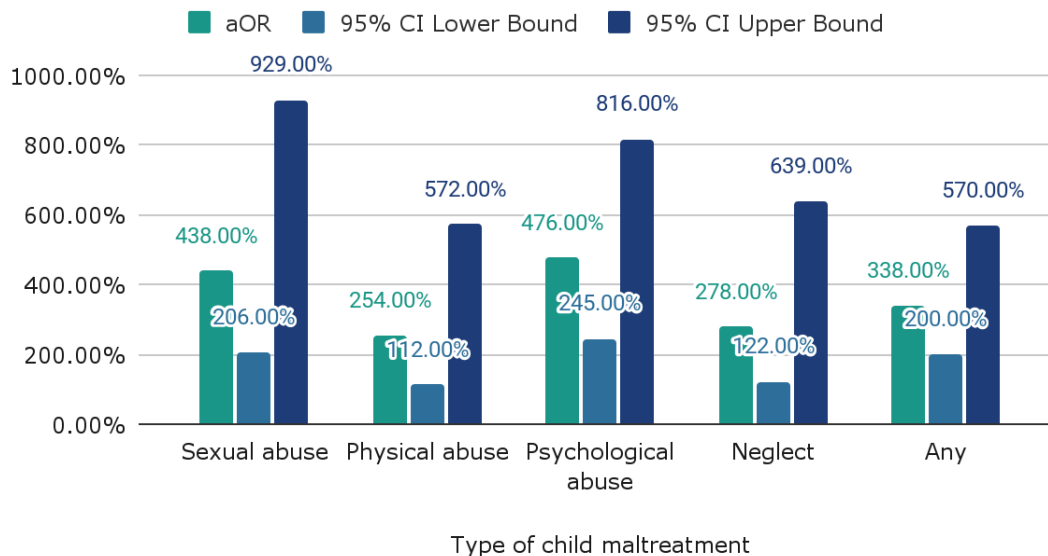


Figure 10. Risk of PTSD in people exposed to child maltreatment. Adjusted odds ratios (aOR), 95% confidence interval (CI) lower and upper bounds for PTSD among victims of child physical, sexual, and psychological abuse and neglect. All types of child maltreatment are associated with a large, statistically significant increased risk of PTSD. *Source: Kisely et al., 2018*

Delayed Disclosure, PTSD, and Avoidance

As previously discussed, PTSD is a common sequela of all forms of child abuse—physical⁵⁷, sexual⁵⁸, and psychological⁵⁹--and neglect⁶⁰. PTSD is associated with immense morbidity and mortality, including an increased risk of depression⁶¹, anxiety⁶², substance use disorder⁶³, suicide⁶⁴, and death⁶⁵. One of the diagnostic criteria for PTSD is avoidance, including avoidance of discussing the event⁶⁶. Indeed, avoidance of disclosing the traumatic event is highly associated

⁵⁷ Adams et al., 2018; Kisely et al., 2018; Strathearn et al., 2020; Sugaya et al., 2012

⁵⁸ Adams et al., 2018; Boumpa et al., 2022; Kisely et al., 2018; Strathearn et al., 2020

⁵⁹ Kisely et al., 2018; Spinazzola et al., 2014; Strathearn et al., 2020

⁶⁰ Kisely et al., 2018; Spinazzola et al., 2014; Strathearn et al., 2020

⁶¹ Brady et al., 2000; Campbell et al., 2007; Spinhoven et al., 2014

⁶² Brady et al., 2000; Campbell et al., 2007; Spinhoven et al., 2014

⁶³ Khoury et al., 2010; Goldstein et al., 2016; Mergler et al., 2018

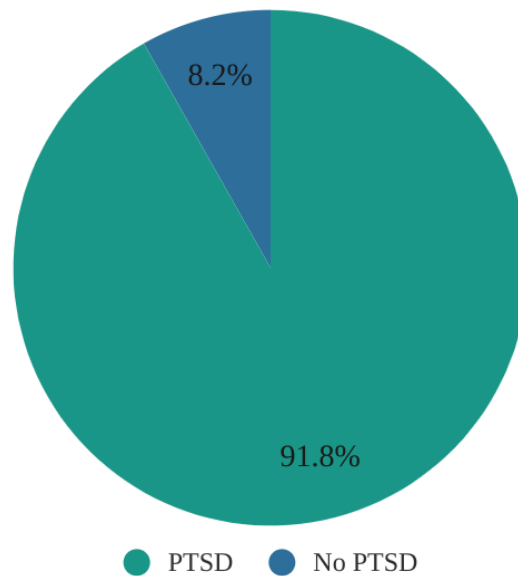
⁶⁴ Fox et al., 2021

⁶⁵ Nilaweera et al., 2023

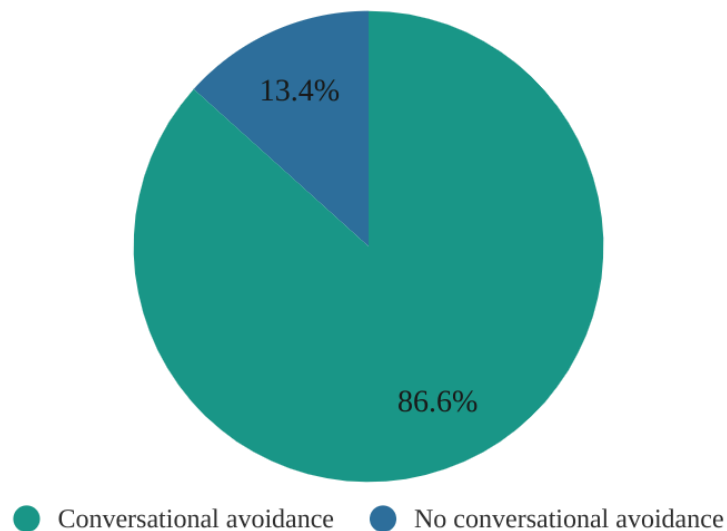
⁶⁶ American Psychiatric Association, 2013

with both the development and severity of PTSD⁶⁷. In a study of 73 children between the ages of 3 and 7 who had been exposed to a traumatic event, 91.8% met criteria for PTSD and 86.64% avoided conversations about the event⁶⁸ (Figure 11).

PTSD among children exposed to a traumatic event



Avoidance of discussing the traumatic event in children exposed to a traumatic event



⁶⁷ Hébert et al., 2009; Kvedaraite et al., 2021; Mueller et al., 2008; Mueller et al., 2009

⁶⁸ Blair-Andrews et al., 2024

Figure 11. PTSD and avoidance of discussing the traumatic event in children exposed to a traumatic event. PTSD is a common sequela of traumatic events (TEs). One of the diagnostic criteria for PTSD is avoidance of the TE, including avoidance of conversations about the TE. In a study of 73 children exposed to a TE, 91.8% of children met criteria for PTSD and 86.64% of children avoided conversations about the TE. *Source: Blair-Andrews et al., 2024*

All forms of child abuse—physical⁶⁹, sexual⁷⁰, and psychological⁷¹--are known to result in delayed disclosure of the abuse by the victim. This is likely the case for neglect as well since it often results in similar harm (e.g. serious physical injury, terror, etc.) and the same aforementioned consequences (Table 1)--especially PTSD. In fact, the risk for delayed disclosure is heightened among victims of child maltreatment who develop PTSD, in which case the delay in disclosure is related to the pathogenesis of PTSD and the hallmark symptom of avoidance⁷². In other words, the delay in disclosure is related to the disease process itself.

In a study of 804 Canadian adults, 17.3% of victims of child sexual abuse disclosed the abuse within 24 hours, 3.9% from 24 hours to one month, 8.7% from one month to five years, and 48.8% after five years⁷³ (Figure 12). 21.3% never disclosed the abuse prior to the study. In a study of 1,679 female college students in the United States, 34%, 23%, and 20% of victims of child physical, sexual, and psychological abuse, respectively, had never disclosed the abuse prior to entering college and participating in the study⁷⁴ (Figure 13).

⁶⁹ Bottoms et al., 2016; Foyne et al., 2009

⁷⁰ Bottoms et al., 2016; Hébert et al., 2009; Hemanth et al., 2024

⁷¹ Bottoms et al., 2016

⁷² Hébert et al., 2009; Kvedaraite et al., 2021; Mueller et al., 2008; Mueller et al., 2009

⁷³ Hébert et al., 2009

⁷⁴ Bottoms et al., 2016

Delay in disclosure of child sexual abuse

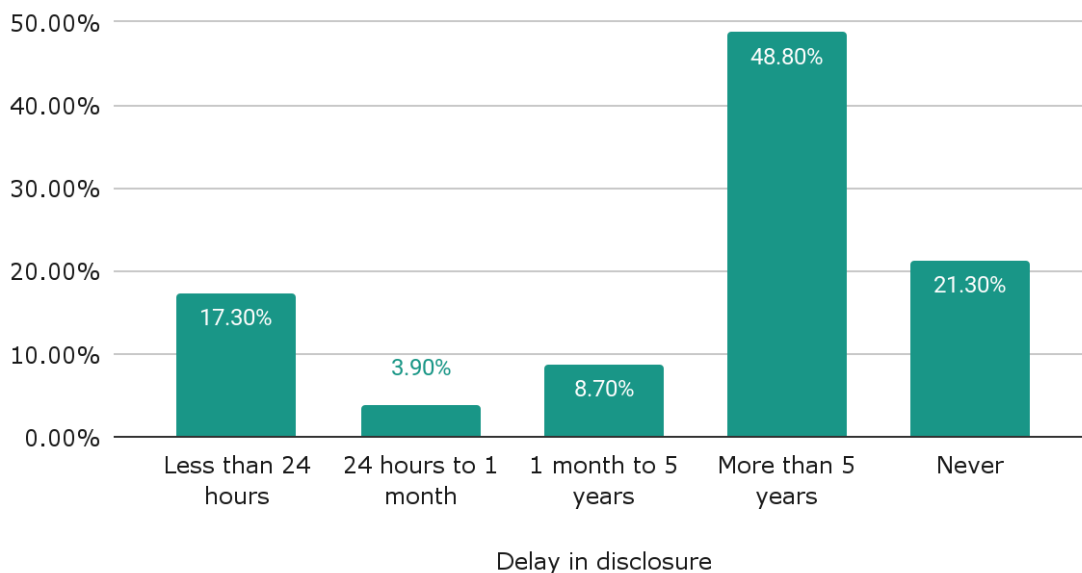


Figure 12. Delay in disclosure of child sexual abuse. Delayed disclosure is common in all forms of child abuse. In a study of 804 Canadian adults, 17.3% of victims of child sexual abuse disclosed the abuse within 24 hours, 3.9% from 24 hours to one month, 8.7% from one month to five years, and 48.8% after five years. 21.3% never disclosed the abuse prior to the study. *Source: Hébert et al., 2009*

Victims of child abuse who had not disclosed prior to entering college

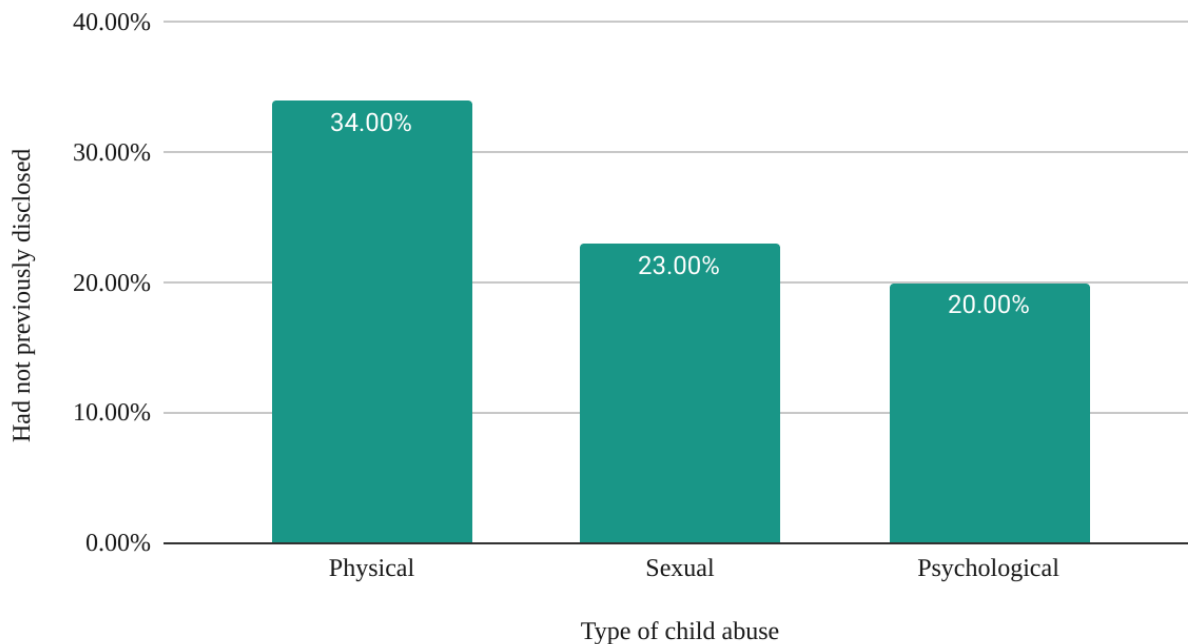


Figure 13. Victims of child abuse who had not disclosed prior to entering college. Delayed disclosure is common among victims of all types of child abuse, especially when a victim develops PTSD. In a study of 1,679 female undergraduate students in the United States, 34% of physical abuse victims, 23% of sexual abuse victims, and 20% of psychological abuse victims had not disclosed the abuse prior to entering college and participating in the study. The mean age of participants was 21. Due to shared harms and adverse consequences, delayed disclosure is likely common among victims of neglect as well. *Source: Bottoms et al., 2016*

In summary, delayed disclosure is common among victims of all types of child abuse and likely neglect. In those who develop PTSD, this delay in disclosure is more common and is related to the pathogenesis and severity of the disease and the core symptom of avoidance.

When a victim of child maltreatment delays disclosure, they may be unable to file a lawsuit before the statute of limitations has expired. For example, in the aforementioned study of 1,679 female undergraduate students in the United States, 34% and 20% of victims of child physical and psychological abuse, respectively, had not disclosed the abuse prior to the study⁷⁵ (Figure 13). Given that the mean age of participants was 21 and that, in Maryland, the civil statute of

⁷⁵ Bottoms et al., 2016

limitations for child physical and psychological abuse expires at 21, many of these women would have already lost their right to sue for damages had the abuse taken place in Maryland⁷⁶.

Notably, rates of disclosure to authorities were very low in this study, with higher rates of disclosure to more familiar and presumably more trusted people such as friends, family, and significant others (Figure 14). This could indicate that many, if not most, of those who were able to disclose the abuse to select individuals close to them would not have been able to disclose to a courtroom full of unknown jurors, witnesses, law enforcement, hostile defense attorneys, a judge, and the perpetrator. Indeed, the low rate of disclosure to therapists—though possibly an artifact of limited need for or access to mental health care among the victims—may serve as another indicator of this, highlighting the fact that disclosure to a trusted friend, relative, or significant other does not necessarily indicate the ability to discuss the abuse in therapy, much less in a courtroom. The low rate of legal action may also be indicative of this widespread, limited ability to discuss the abuse, though it could also be an artifact of limited legal resources or evidence (Figure 15).

⁷⁶ M.D. Code, Courts and Judicial Proceedings, § 5-101, 5-201; M.D. Code, Criminal Law, § 3-601, 601.1, 602.1; M.D. Code, Family Law, § 5-701

Disclosure of child abuse

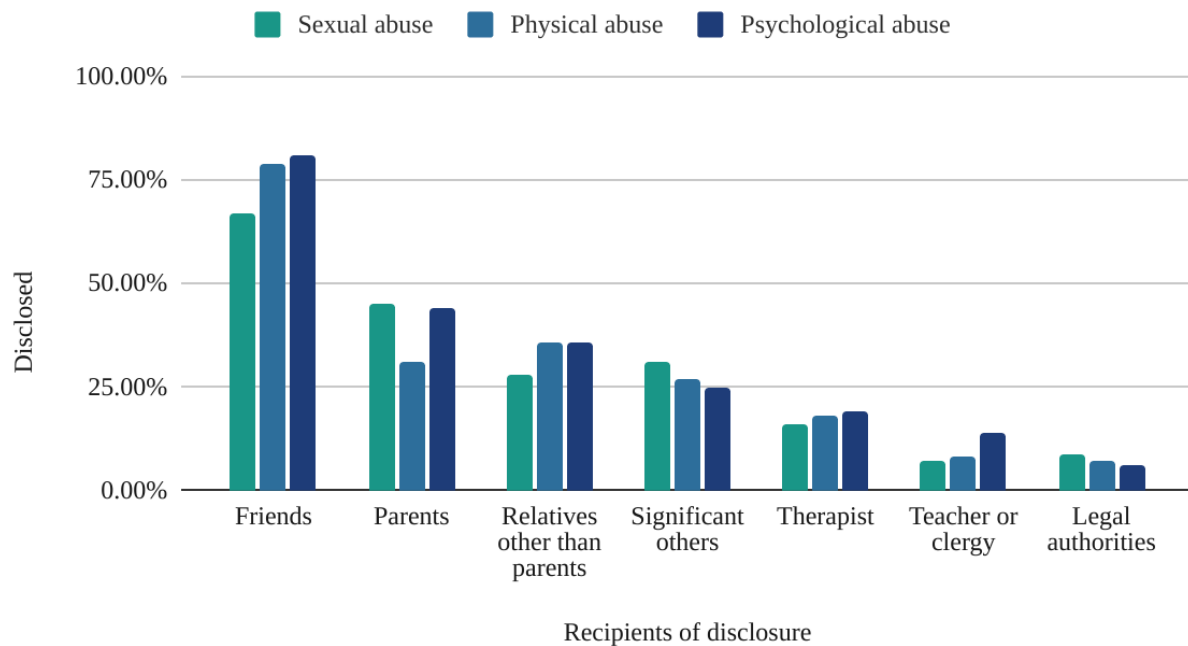


Figure 14. Disclosure of child abuse. In a study of 1,679 female undergraduates in the United States (mean age of participants was 21), the majority of victims of child abuse had disclosed the abuse prior to participating in the study. However, disclosure was typically limited to select, close individuals such as friends, parents, other relatives, and significant others. Disclosure to therapists was rare, and disclosure to authorities (teachers, clergy, or legal authorities) was very rare, indicating a limited ability to disclose. Notably, a substantial number of victims of all measured forms of child abuse—sexual, physical, and psychological—had not disclosed the abuse prior to the study. *Source: Bottoms et al., 2016*

Victims of child abuse who took legal action

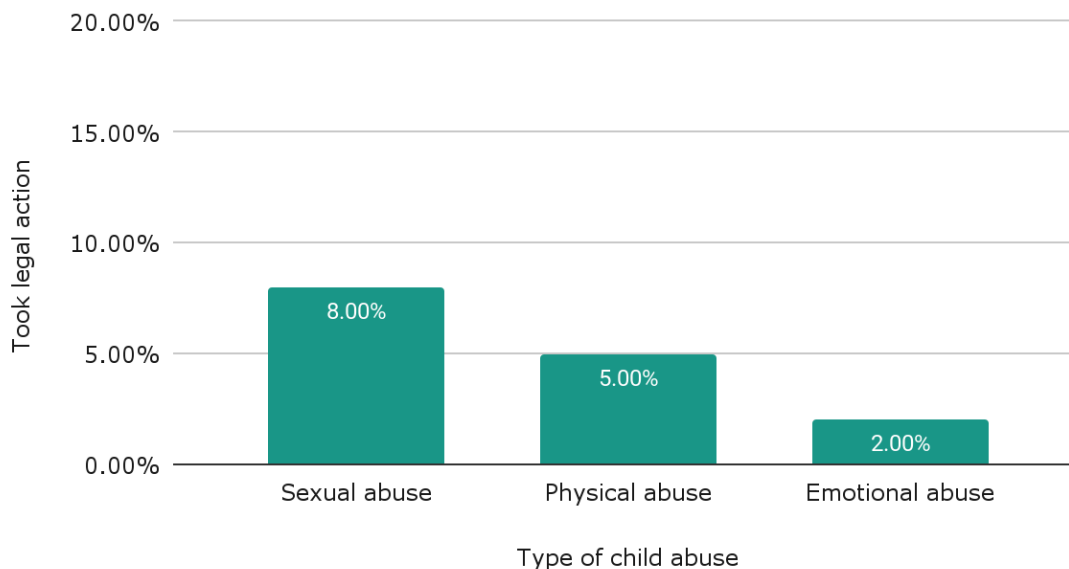


Figure 15. Victims of child abuse who took legal action. In a study of 1,679 female undergraduate students in the United States, very few victims of sexual, physical, or emotional/psychological abuse took legal action against the perpetrator of the abuse. *Source: Bottoms et al., 2016*

As the result of delayed disclosure and extremely short civil statutes of limitations (Figure 16), most child abuse and neglect victims do not exercise their constitutional right to sue for damages stemming from the maltreatment⁷⁷. Since the consequences of maltreatment are often so serious and the prevalence of delayed disclosure is so high among victims, it seems likely that many victims delay disclosure and fail to exercise their constitutional right to sue because of the effects of the maltreatment itself; on the other hand, it could also be argued that victims who are less affected by the maltreatment to which they were exposed may choose to delay disclosure and avoid a lawsuit of their own accord. However, when a victim develops PTSD, the avoidant symptoms and delay in disclosure associated with the disease inhibit the victim from filing suit prior to the expiration of the statute of limitations, especially when the statute of limitations expires at a very young age. That is, victims who develop PTSD (as well as many who do not) do not voluntarily forgo their legal right to sue; rather, they are never permitted to exercise this

⁷⁷ M.D. Const., Declaration of Rights, art. XIX; M.D. Code, Criminal Law, § 3-601-602.1; M.D. Code, Courts and Judicial Proceedings, § 5-101, 5-117, 5-201; M.D. Code, Family Law, § 5-701

right in the first place, precisely due to the effects of the disease caused by the abusive or neglectful acts.

Age of victim at which civil statute of limitation expires (Maryland)

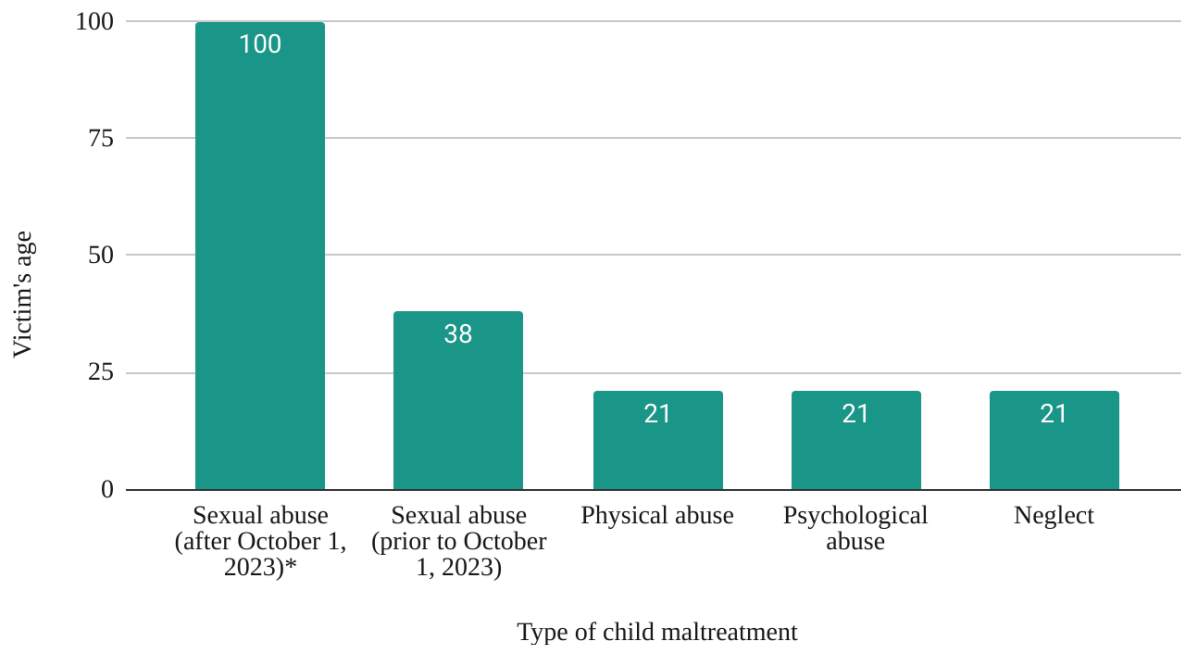


Figure 16. Age of victim at which civil statute of limitations expires (Maryland). The civil statutes of limitations (SOL) for child physical and psychological abuse and neglect expire when the victim reaches the age of 21. Prior to October 1, 2023 (the date the Child Victims Act took effect), the civil SOL for child sexual abuse expired when the victim reached the age of 38; after the retroactive repeal of the civil SOL for child sexual abuse, a victim can file suit at any time. *There is no longer a civil SOL for child sexual abuse. *Sources: M.D. Code, Criminal Law, § 3-601-602.1; M.D. Code, Courts and Judicial Proceedings, § 5-101, 5-117, 5-201; M.D. Code, Family Law, § 5-701*

Peterson et al. (2018) estimated the average cost to society of child physical, sexual, and psychological abuse and neglect to be \$1.1 million per victim (2024 USD) in nonfatal cases and more than \$20 million per victim (2024 USD) in fatal cases in the United States⁷⁸. However, the authors of that study acknowledge that the figure for nonfatal maltreatment is an underestimate and also note that these figures only represent the costs of child maltreatment to society and should not be used to determine how much money ought to be paid out or cost-savings.

⁷⁸ Peterson et al., 2018

Moreover, different factors, such as exposure to multiple types of abuse, may increase the cost of nonfatal maltreatment due to increased severity of outcomes.

Peterson et al. (2023) estimated the annual economic cost, in terms of medical expenses and disability-adjusted life years (DALYs), of adverse childhood experiences (ACEs)—which include child maltreatment—to be \$177,120 (2024 USD) and \$164,820 (2024 USD) per person afflicted with at least four ACEs in the United States and Maryland, respectively. This quantity of ACEs would not be uncommon in cases of child abuse or neglect; in fact, most victims are exposed to multi-type child maltreatment and would therefore have multiple ACEs. The estimated lifetime economic costs, again in terms of medical expenses and DALYs, were \$4,922,460 (2024 USD) and \$4,580,520 (2024 USD) per person afflicted with four or more ACEs in the United States and Maryland, respectively. Pacella et al. (2023) determined that victims of child maltreatment have a higher utilization of health services including hospitalization, resulting in substantial health care costs and burden on the health care system.

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Civil Actions - Child Nonsexual Abuse and Neglect

Uploaded by: Ryan Spiegel

Position: FWA



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.

HB0456-JUD_MACo_SWA.pdf

Uploaded by: Sarah Sample

Position: FWA



House Bill 456

Civil Actions - Child Nonsexual Abuse and Neglect - Damages and Statute of Limitations

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Judiciary Committee

Date: February 13, 2025

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** HB 456 **WITH AMENDMENTS**. In brief, HB 456 attempts to address some of the grievous harms visited upon the victims of child abuse and neglect. If the bill becomes law, it will extend the statute of limitations on matters involving allegations of nonsexual abuse of a child.

First, this is not an area of liability that county governments anticipate having significantly increased exposure. The instances are narrow but not zero and for those reasons, counties find it necessary to share the types of challenges that could arise for county employees and legal teams. For context, this would primarily effect parks and recreation divisions that would have supervisory capacity over an individual who might be working at a summer camp, or some other child-centered program. These programs are not run in all jurisdictions, so this potentially narrow impact is also not statewide. In terms of the challenges, there are fiscal concerns, the interpretation of "MENTAL OR PHYSICAL INJURY," and the ability to effectively investigate these claims.

On the fiscal side, the increased exposure, however narrow, will affect insurance premiums for the vast majority of jurisdictions who do not self-insure. Additionally, the cap that was established in 2023 - \$890,000 - is relatively new, but a significant jump from the prior \$400,000 that was previously specified in the Local Government Tort Claims Act. Counties made clear at that time, and would like to again, that while claims are likely to be few, even one could significantly erode the reserves to pay the settlement or judgements in these cases.

The second category of concern is the scope of what constitutes "PHYSICAL OR MENTAL INJURY" particularly as it relates to the definitions of "NEGELCT" and "NONSEXUAL ABUSE" in the bill. The mental injury standard is too broad to make a reasonable determination of the likelihood of increased liability. The line between what constitutes necessary and appropriate disciplinary actions and mental injury leaves a lot of uncertainty. This has the potential to limit necessary interventions by employees.

There are some instances with program participants where an employee might be intervening during an incident to protect the child, other children, or employees. If even a mild form of injury, physical or emotional, takes place when an employee was reasonably taking actions in the protection of a child, the local governments would be in a very tricky spot. This could have the potential to create a chilling

effect on staff members taking actions that could increase exposure to even further liability due to the fear that someone could be mentally or physically injured during a good faith action and bring claims.

Lastly, the longer statute of limitations to bring claims puts counties in a situation where investigating claims effectively would be very difficult. As an example, parks and recreation divisions employ a large number of young adults in high-school and college, particularly for short periods of time. If a plaintiff waits 10 years to bring claims, the ability to find the employee of interest for a proper investigation is often very restricted, and compromises the local government's ability to investigate or defend itself against the claim.

Amendments to realize a clearer understanding of "PHYSICAL OR MENTAL INJURY," good faith actions, and reasonable discipline could ensure counties are able to encourage employees to take actions that are necessary to keep all community members safe.

Counties believe measures should be taken to ensure that victims of child abuse and neglect can seek the justice their circumstances deserve. The bill expands the opportunity for victims to do so but also leaves counties in a difficult position to continue providing certain beneficial programs. With the outlined amendments, MACo urges a **FAVORABLE WITH AMENDMENTS** report on HB 456.

MDCAPE Testimony - HB456 - CIVIL ACTIONS - UNFAV

Uploaded by: Ariel Sadwin

Position: UNF



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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ATRA Testimony HB 456 2025 Reviver.pdf

Uploaded by: Cary Silverman

Position: UNF

Testimony Before the Maryland House Judiciary Committee
in Opposition to H.B. 456,
A Bill That Would Revive Additional Time-Barred Claims
Cary Silverman on Behalf of the American Tort Reform Association
February 13, 2025

On behalf of the American Tort Reform Association (ATRA), thank you for the opportunity to testify today. ATRA opposes H.B. 456's retroactive application, which would revive claims that have long expired under the applicable statute of limitations. This bill's reviver provision (Section 2) continues down an unsound path, which undermines the stability, accuracy, and fairness of the state's civil justice system.

ATRA is a broad-based coalition of businesses, municipalities, associations, and professional firms that share the goal of having a fair, balanced, and predictable civil justice system. I am a Maryland resident, a member of the Maryland Bar, and a partner in the Washington, D.C. office of Shook, Hardy & Bacon L.L.P. I testified before this Committee when it considered legislation that revived time-barred childhood sexual abuse claims.

Retroactively changing laws and reviving time-barred claims undermines the ability of Maryland's citizens and businesses to rely on the law. In this instance, the bill subjects a broad range of organizations that interact with children to liability exposure stemming from their hiring and supervision of employees or volunteers, or based on the adequacy of their policies and practices for uncovering abuse, decades ago. They will no longer have records of what they did or did not do from so many years ago. They will be unable to defend themselves from claims alleging they could or should have done something more that might have prevented or stopped child abuse or neglect.

Statutes of limitations are an essential element of a properly functioning civil justice system. They advance important public policies. They encourage those who are harmed to come forward without delay. They promote accuracy in liability determinations by allowing judges and juries to decide cases when the best evidence is available—before witnesses and records are gone, and while memories are fresh. They provide finality and certainty, ending liability exposure after a certain amount of time.

The legislature may find that some types of civil actions should have longer statutes of limitations than others. Changes should be made prospectively, giving notice to organizations that make decisions based upon them such as when they set record retention policies, purchase insurance, and even decide whether to offer a product or service in Maryland given the level of liability exposure involved.

When this Committee considered the Child Victim Act (CVA), ATRA expressed concern about the slippery slope that the General Assembly would set out upon by reviving time-barred childhood sexual abuse claims because the tort system, by its nature, often involves tragic injuries. Now, before the ink has dried on the Maryland Supreme Court's 4-3 decision upholding the CVA's reviver—just 10 days later—the Committee is heading down that slope.

H.B. 456 would revive a new group of claims alleging that organizations negligently failed to prevent child neglect or physical or emotional harm that adults today experienced when they were children. If the General Assembly enacts this law, I

expect next year there will be a bill to revive the claims of individuals who could not sue under the CVA or this bill because they were 19 or 20 years old at the time. And the following year, the Committee may be asked to revive claims seeking damages for other longstanding unresolved wrongs in any number of areas. This undermines the very purpose of statutes of limitations.

When the Maryland Supreme Court upheld the CVA's reviver, it did so under the impression that "it is extremely rare, perhaps unprecedented, for [the General Assembly] to retroactively eliminate [a statute of limitations]."¹ Given the "serious implications for the fairness of cases in which defendants may lack access to evidence to access the claims against them or mount a defense," the Court said "it is reasonable to expect the General Assembly to tread very carefully when considering the retroactive application of an expansion or elimination of a statute of limitations. . . ."² Yet, here we are again.

The Committee should also keep in mind that defending decades-old claims will not only be impossible for the wide range of organizations that will be named as defendants, the cost will be enormous. Consider that as a result of the CVA's reviver, state entities in Maryland are facing 3,500 lawsuits (so far),³ with claims dating back as far back as the 1960s.⁴ This amounts to \$3 billion in liability exposure for the state alone—and that is with an \$890,000 cap on total damages for public entities contained in that (and this) bill.⁵ Already, the General Assembly, which is facing a budget gap, has been called upon to allocate funds to cover settlements from these lawsuits.⁶ And, recognizing the strain revived claims have caused the state, last week, legislation was introduced that would stop victims from filing any more revived CVA action against state government entities as of January 1, 2026 (H.B. 1378).

Now imagine the sudden liability exposure that H.B. 456, which revives claims alleging any conduct that could be viewed as neglect or physical or emotional abuse, going back indefinitely, will place not only on state entities, but many youth-serving organizations in Maryland that don't have the benefit of this damage cap⁷ and will also not be able to fairly respond to such old claims.

Thank you for considering our concerns. We respectfully ask that you not favorably report this bill.

¹ *Roman Catholic Archbishop of Washington v. Doe*, Sept. Term 2024, at 30 (Md. Feb. 3, 2025).

² *Id.*

³ Department of Legislative Services, Office of Policy Analysis, *Fiscal Briefing* at 11 (Jan. 2025).

⁴ Hannah Gaskill, *Child Victims Act Settlements Could Cost Maryland Over \$3 Billion: 'A Potentially Enormous Liability for the State'*, Baltimore Sun, Jan. 21, 2025.

⁵ *Id.*

⁶ *Fiscal Briefing*, *supra*, at 11; see also Bryan P. Sears, *Legislators Warned of 'Enormous Liability' Related to Sex Abuse Lawsuits*, Maryland Matters, Jan. 20, 2025 (quoting a budget analyst as informing the appropriations committees that "it's very possible that there will be a settlement reached before the end of session, and you all may be asked to find the money to make the first settlement payment, which could very easily be in the hundreds of millions of dollars").

⁷ H.B. 456's \$1.5 million cap on noneconomic damages in revived claims against private entities is not actually a limit on liability, it is an expansion. Maryland currently has an inflation-adjusted \$950,000 limit on noneconomic damages that applies in all personal injury actions, including those covered by this legislation. Md. Cts. & Jud. Code Ann. § 11-108(b). Thus, the \$1.5 million cap in the bill actually proposes a 50%-plus increase in liability. In addition, while the legislation caps the *total* liability of state entities at \$890,000 for revived and future claims, the limit applicable to private entities applies only to the portion of the award for *noneconomic* damages in revived actions.

HB 456 of 2025 Letter of Opposition.docx.pdf

Uploaded by: Dana Phillips

Position: UNF



WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor

Maryland
DEPARTMENT OF BUDGET
AND MANAGEMENT

HELENE GRADY
Secretary

MARC L. NICOLE
Deputy Secretary

HOUSE BILL 456 CIVIL ACTIONS - CHILD NONSEXUAL ABUSE AND NEGLECT - DAMAGES AND STATUTE OF LIMITATIONS

STATEMENT OF OPPOSITION

DATE: February 13, 2025

COMMITTEE: Judiciary

SUMMARY OF BILL: The bill establishes a minimum 20-year statute of limitations for civil actions related to child nonsexual abuse and neglect, with the damages awarded per claimant capped at \$1,500,000 per incident or occurrence.

EXPLANATION: Following the passage of the Child Victims Act of 2023, which sought to ensure that survivors of child sexual abuse in Maryland can pursue civil remedies despite any previously applicable statute of limitations, the State of Maryland is facing a significant financial liability, which is not yet addressed in the budget. HB 456 is similar in nature, addressing nonsexual abuse and neglect, and could represent another very significant financial liability for the State without a mechanism to fund the liability. HB 456 also provides for a lengthy limitations period for the filing of any such claim, allowing for it to be filed within 20 years after the alleged victim of the nonsexual abuse or neglect reaches 18 years of age or 3 years after a defendant is convicted of a crime related to the abuse, whichever is later. The State recognizes the profound and lasting impact of abuse on individuals who suffered harm under the State's supervision, and we remain committed to supporting victims seeking justice.

The Department of Budget and Management (DBM) is charged with submitting a balanced budget to the General Assembly annually and will be working with the General Assembly to achieve structural balance over the long term. In light of current projected general fund deficits in fiscal 2027as and significant uncertainty regarding the federal budget and policy changes, forward,as well as significant uncertainty regarding the federal budget and policy changes the Department urges caution in passing legislation to significantly increase general fund expenditures without commensurate decreases in other areas or additional revenue to fund the new liability. State government must be intentional, disciplined, and strategic with its allocation of State funding to ensure maximum impact toward priority outcomes.

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<http://dbm.maryland.gov>

Given the forecasted out-year deficits for the General Fund and significant uncertainty regarding the federal budget and policy changes, it would be extremely challenging for the State to manage this increase in liability.

**For additional information, contact Dana Phillips at
(410) 260-6068 or dana.phillips@maryland.gov**

Maryland Catholic Conference_UNFAV_HB 456.pdf

Uploaded by: Jenny Kraska

Position: UNF



February 13, 2025

HB 456

Civil Actions – Child Nonsexual Abuse and Neglect – Damages and Statute of Limitations

House Judiciary Committee

Position: UNFAVORABLE

The Maryland Catholic Conference (MCC) offers this testimony in opposition of **House Bill 456** with amendments. The MCC represents the public policy interests of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Across the state, Catholic parishes, schools, hospitals, and charitable organizations form Maryland's second-largest social service provider network, surpassed only by the state government.

House Bill 456, seeks to establish a statute of limitations for civil actions related to child nonsexual abuse and neglect, impose limitations on damages, and apply retroactively to previously barred actions. HB 456 is overly broad in scope, has undoubted significant fiscal implications for public and private institutions, along with potential legal conflicts which make it problematic.

Before considering this legislation, it is crucial to recognize that a similar bill passed in 2023 regarding the elimination of the statute of limitations for civil claims in cases of child sexual abuse and has resulted in financially devastating claims, including against the State of Maryland, that are likely to prove financially crippling and result in the raising of taxes to pay the projected settlements in just the cases filed thus far.

The financial and operational ramifications of **HB 456** cannot be ignored. Allowing retroactive claims and expanding liability will have devastating financial consequences for organizations that provide essential services, forcing them to divert critical resources away from their missions to cover legal costs and insurance premiums. Many of these institutions, including nonpublic schools, faith-based organizations, daycare providers and charities, already operate with limited funding and would struggle to withstand a wave of litigation. Passage of similar legislation in 2023 that included an exceedingly high damages cap for private institutions has already resulted in the bankruptcy filing by the Archdiocese of Baltimore, which had for years been financially compensating victims through an independent mediation process. The same

fate could face other institutions that provide critical services to people in Maryland, serving as a safety net that fills the gaps in partnership with State agencies.

Should **HB 456** pass, the State itself could face significant financial exposure. Many of the entities affected by this legislation receive state funding, meaning the cost of defending against lawsuits, settling claims, and maintaining operations will ultimately fall on Maryland taxpayers.

This bill, if passed, could create a fiscal crisis that weakens the very organizations meant to support children and families. This exact scenario is already playing out in Maryland. Various committees in the general assembly have heard from budget analysts in the past several weeks regarding the fiscal consequences to the State regarding the Child Victims Act of 2023. The budget analysts have said that the Attorney General is likely to be asking the legislature for hundreds of millions of dollars as a downpayment for the settlement of at least 3500 cases that have been filed against the State, mainly involving state-run juvenile detention facilities, which will likely result in billions of dollars worth of settlements that the State will be responsible for.

The expansive nature of **HB 456** similarly risks exposing public and private institutions and individuals to lawsuits over actions taken decades ago, even in cases where there is little or no evidentiary support. Unlike criminal cases, civil lawsuits require a much lower burden of proof, making organizations—such as schools, religious groups, day care providers, and nonprofits—particularly vulnerable to costly and protracted litigation.

Additionally, the bill does not sufficiently distinguish between cases of clear negligence and situations where difficult decisions were made in good faith. The definitions provided for in this legislation are incredibly vague and nebulous, for example the definition of “NONSEXUAL ABUSE” MEANS 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. Without clear definitions and safeguards, this legislation could unfairly penalize people and organizations that have long been dedicated to serving children and families.

While addressing nonsexual child abuse and neglect is an important goal, this bill’s broad and retroactive provisions create significant legal, financial, and operational concerns. Passing this bill would continue the opening of Pandora’s Box that began two years ago, would further muddle Maryland’s law of statutory interpretation—likely leading to years of litigation over the correct interpretation of statutes—and could also exacerbate legal and financial instability.

For these reasons, I respectfully urge the committee to grant an **UNFAVORABLE** report to **HB 456**.

HB0456 - MSBA Opposition Letter (2025.02.11).pdf

Uploaded by: Shaoli Sarkar

Position: UNF



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To: Members of the House Judiciary Committee
From: Maryland State Bar Association (MSBA)
Subject: HB 456 – Civil Actions – Child Nonsexual Abuse and Neglect – Damages and Statute of Limitations
Date: February 11, 2025
Position: **Oppose**

The Maryland State Bar Association (MSBA) respectfully **opposes** HB 456 – Civil Actions – Child Nonsexual Abuse and Neglect – Damages and Statute of Limitations. House Bill 456 establishes a certain statute of limitations in certain civil actions relating to child nonsexual abuse and neglect; establishes a limitation of \$1,500,000 on noneconomic damages that may be awarded under the Act; provides that a certain party may appeal an interlocutory order under certain circumstances; applies the Act prospectively and retroactively to certain actions barred by a certain statute of limitations; etc.

MSBA represents more attorneys than any other organization across the state in all practice areas. Through its advocacy committees and various practice-specific sections, MSBA monitors and takes positions on legislation that protects the legal profession, preserves the integrity of the judicial system, and ensures access to justice for Marylanders.

MSBA thanks the sponsor for bringing to light the needs of survivors of neglect and nonsexual abuse and trying to protect and remedy their harms. However, MSBA opposes the bill as it imposes retroactive legislation that raises due process and constitutional concerns and its language covering defendants and acts of abuse and neglect are incredibly broad.

A wide range of actions are covered under neglect and nonsexual abuse, and defendants could include any person or entity who has temporary care or is responsible for a child. Individuals who have “responsibility for supervision of the child” and those who exercise “authority over the child” due to their position or occupation would also broadly be included in these cases. HB 456 could cover unintended individuals or groups with an attenuated relationship with the child and not those with a direct link to the neglect and abuse.

The standard of qualifying neglect under the bill broadly includes one that places the child’s health or welfare “at substantial risk of harm” or “substantial risk of mental injury,” rather than specific conduct resulting in harm.

MSBA welcomes an opportunity to work with sponsors to narrow the scope of the bill, but at this time, MSBA respectfully urges an **unfavorable report on House Bill 456**.

Contact: Shaoli Sarkar, Advocacy Director (shaoli@msba.org, 410-387-5606)

Late testimony

Uploaded by: William Kress

Position: UNF



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.

HB 456 - MML - LOI.pdf

Uploaded by: Angelica Bailey Thupari

Position: INFO



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 13, 2025

Committee: House Judiciary

Bill: HB 456 - Civil Actions - Child Nonsexual Abuse and Neglect - Damages and Statute of Limitations

Position: Letter of Information

Reason for Position:

While the Maryland Municipal League (MML) has no official position on HB 670, we submit these observations for the Committee's consideration as it continues work on this important policy.

As this Committee is aware, Maryland has a special statute of limitations for child sexual abuse, but nonsexual abuse claims generally fall under the standard 3-year limitation from the date the abuse occurred, which can be extended if the plaintiff was a minor at the time of the abuse. If the alleged victim was under 18 at the time of the abuse, the statute of limitations is typically 3 years after the victim turns 18. This bill would increase that timeframe to 20 years after the alleged victim turns 18, or 3 years after a defendant is convicted of a crime related to the incident, whichever is later. Extending the statute of limitations exposes municipalities to additional lawsuits related to allegations of child abuse that occurred in the past. As a result, municipalities could face an increased financial burden in the form of legal fees, settlements, and damages.

This proposal increases the cap for damages from \$400,000 to \$890,000. This is a significant increase, especially for smaller municipalities. Municipal insurance premiums would likely increase as a result.

However, employees and agents of Maryland's municipalities typically have limited direct interaction with minors, primarily within parks and recreation programs, which are not universally available. As a result, our actual exposure and potential liability are difficult to assess. While the risk exists, it may be minimal.

We understand friendly amendments are forthcoming that address these points. The League appreciates the goal of this legislation and the Sponsor's collaboration, and we look forward to continuing to work with this Committee. Thank you for your consideration.

For more information, please contact Angelica Bailey Thupari, Director of Advocacy and Public Affairs, at angelicab@mdmunicipal.org or (443) 756-0071.

The Maryland Municipal League uses its collective voice to advocate, empower and protect the interests of our 160 local governments members and elevates local leadership, delivers impactful solutions for our communities, and builds an inclusive culture for the 2 million Marylanders we serve.