



TESTIMONY IN SUPPORT OF HOUSE BILL 722

Child Sexual Abuse Claims – Doctrine of Charitable Immunity – Abrogation

House Judiciary Committee

February 19, 2026

POSITION: FAVORABLE

Submitted by: Children's Justice Campaign at Enough Abuse

Dear Chairwoman Bartlett, Vice Chairwoman Davis, and esteemed members of the House Judiciary Committee:

The Children's Justice Campaign at Enough Abuse **strongly supports House Bill 722**, which would abrogate charitable immunity as a defense to civil claims arising from child sexual abuse. This legislation is essential to ensure that charitable institutions entrusted with the care of children cannot invoke outdated immunity doctrines to evade responsibility when their negligence enables abuse.

In 2023, the Maryland General Assembly enacted the Child Victims Act to dismantle long-standing procedural barriers and guarantee survivors a meaningful opportunity to seek justice, regardless of when the abuse occurred. A July 2025 court ruling, however, created a significant loophole by holding that charitable immunity survived because the CVA did not expressly eliminate it. That interpretation threatens numerous pending cases and undermines the Act's core purpose. HB 722 restores legislative intent and ensures that no institution—regardless of charitable status—can avoid accountability for enabling the sexual abuse of children.

Charitable Immunity is an Antiquated Doctrine That Has No Place in Child Sex Abuse Cases

Charitable immunity is a vestige of 19th-century jurisprudence created when charitable organizations were perceived as fragile institutions operating on shoestring budgets. Courts justified immunity under the theory that diverting charitable funds to tort damages would undermine benevolent missions. *These assumptions no longer withstand scrutiny.*

Unlike their 19th-century predecessors, modern nonprofit institutions including religious organizations, schools, youth-serving agencies, and hospitals, operate with sophisticated governance structures, professional risk management systems, substantial assets, and significant liability insurance coverage. In many respects, they function indistinguishably from commercial enterprises in both operational capacity and legal sophistication.

Today, approximately **80% of states have abolished charitable immunity entirely**, including major jurisdictions such as California, New York, Texas, Florida, Illinois, Ohio, and Pennsylvania.



Courts in these states hold charitable organizations to the same liability standards as private businesses.¹ Only ten states retain any form of the doctrine—Alabama, Arkansas, Georgia, Maine, Maryland, Massachusetts, New Jersey, Virginia, Utah, and Wyoming—and even these states have carved out significant exceptions and limitations.

States have increasingly recognized that charitable immunity is particularly inappropriate in child sexual abuse cases. Notably, New Jersey amended its Charitable Immunity Act in 2019 specifically to expose nonprofit organizations to liability for sexual abuse claims,² and the South Carolina Supreme Court unanimously ruled in January 2025 that charitable immunity has never extended to intentional torts such as child sexual abuse, calling the doctrine “disfavored” and noting it is “beating a steady retreat from many jurisdictions.”³

Maryland’s retention of charitable immunity for child sexual abuse claims is out of step with the national legal consensus. HB 722 would bring Maryland in line with the overwhelming majority of jurisdictions that recognize that charitable status does not—and should not—shield institutions from accountability when they enable the sexual abuse of children.

Child Sexual Abuse Is Widespread, and Maryland’s Own Investigation Confirms Its Institutional Scope

Child sexual abuse is a pervasive public health crisis, affecting approximately affecting **1 in 5 girls and 1 in 13 boys** nationwide.⁴ A substantial portion of this abuse occurs within charitable institutions, particularly religious organizations and youth-serving entities.⁵

Maryland has confronted this reality directly. In April 2023, the Maryland Attorney General released a 463-page report documenting decades of abuse within the Archdiocese of Baltimore, identifying 156 clergy and employees who engaged in abuse, more than 600 known child victims—likely far more—and misconduct spanning over sixty years.⁶ The report detailed

¹ See generally Restatement (Second) of Torts § 895E cmt. (1979) (outlining the history of charitable immunity and noting the “trend toward abolition.”); See also *President & Dirs. of Georgetown Coll. v. Hughes*, 130 F.2d 810, 812 (D.C. Cir. 1942) (“The rule of immunity is out of step with modern conceptions of justice.”); *Pierce v. Yakima Valley Mem’l Hosp. Ass’n*, 260 P.2d 765 (Wash. 1953) (abolishing immunity as unjust); *Albritton v. Neighborhood Ctrs. Ass’n for Child Dev.*, 12 Ohio St. 3d 210 (1984) (holding charities liable “to the same extent as individuals and corporations”).

² N.J. Stat. Ann. § 2A:53A-7 (2019)

³ *Doe v. Bishop of Charleston*, No. 2023-001491 (S.C. Jan. 16, 2025).

⁴ G. Moody et al., *Establishing the international prevalence of self-reported child maltreatment: a systematic review by maltreatment type and gender*, 18(1164) BMC Public Health (2018); M. Stoltenborgh et al., *A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World*, 16(2) Child Maltreatment 79 (2011); N. Pereda et al., *The prevalence of child sexual abuse in community and student samples: A meta-analysis*, 29 Clinical Psych. Rev. 328, 334 (2009).

⁵ See Advisen Ltd., *Sexual Abuse and Molestation Liability Insurance Data Analysis* (2018) (finding that religious organizations account for thirty percent of all child sexual abuse insurance losses, second only to schools at thirty-nine percent); Angela Shattuck et al., *Sexual Victimization of Youth in Organizational Contexts*, in *The Wiley Handbook of the Psychology of Violence* 238, 248 (Carlos A. Cuevas & Callie Marie Rennison eds., 2016).

⁶ See Md. Off. of the Att’y Gen., *Report on Child Sexual Abuse in the Archdiocese of Baltimore* (Apr. 5, 2023).



repeated institutional failures: transferring known abusers rather than removing them, minimizing or concealing allegations, and prioritizing institutional reputation over child safety.⁷ Yet many of the institutions implicated remain able to invoke charitable immunity as a defense to civil accountability.

Abuse Within Institutions Is Systemic and Enabled by Organizational Structures, Not Merely Individual Misconduct

Abuse within institutional settings is not merely individual misconduct occurring on organizational property. Institutions often create the very conditions that enable abuse. They confer access, authority, and credibility, facilitating grooming and suppressing disclosure. Hierarchical structures and cultures of deference discourage reporting and concentrate power in ways that protect the organization rather than the child.⁸

When allegations surface, institutional responses have too often included minimizing complaints, transferring perpetrators instead of reporting them, pressuring victims into silence, and allowing offenders to harm others elsewhere. The resulting power imbalance—combining positional authority, moral or religious influence, professional trust, and control over a child's opportunities—can effectively silence victims and prolong abuse.

Institutional Abuse Causes Lifelong Harm and Imposes Significant Public Costs

Child sexual abuse produces severe and enduring harm. Survivors face elevated risks of depression, anxiety, post-traumatic stress disorder, substance use disorders, suicidality, and chronic health conditions.⁹ These effects frequently impair education, employment, relationships, and long-term wellbeing.¹⁰

Survivors abused within institutions often experience “institutional betrayal,” a compounded trauma arising when a trusted organization fails to prevent or appropriately respond to abuse.¹¹ Denying redress based on charitable status deepens that harm and reinforces the sense of betrayal.

The economic consequences are equally substantial. The estimated lifetime cost per non-fatal female victim exceeds \$280,000, and the annual economic burden of child sexual abuse in the United States has been estimated in the billions.¹² When charitable immunity bars recovery, these

⁷ *Id.* at 1-6.

⁸ See Indep. Inquiry into Child Sexual Abuse, *Final Report* (2022); Royal Comm'n into Institutional Responses to Child Sexual Abuse, *Final Report* (2017).

⁹ See Ctrs. for Disease Control & Prevention, *Preventing Child Abuse & Neglect* (2023), <https://www.cdc.gov/violenceprevention/childabuseandneglect>.

¹⁰ See M. Merricka et al., *Unpacking the impact of adverse childhood experiences on adult mental health*, 69 *Child Abuse & Neglect* 10 (July 2017); I. Angelakis et al., *Childhood maltreatment and adult suicidality: a comprehensive systematic review with meta-analysis*, *Psychological Medicine* 1-22 (2019); Gail Hornot, *Childhood Trauma Exposure & Toxic Stress: What the PNP Needs to Know*, *J. Pediatric Healthcare* (2015); Perryman Group, *Suffer the Little Children: An Assessment of the Economic Cost of Child Maltreatment* (2014), available at <https://www.perrymangroup.com/media/uploads/report/perryman-suffer-the-little-children-11-2014.pdf>.

¹¹ See Carly Parnitzke Smith & Jennifer J. Freyd, *Institutional Betrayal*, 69 *Am. Psychologist* 575 (2014).

¹² *Id.*



costs do not disappear; they are shifted to survivors, families, and taxpayers, while negligent institutions avoid responsibility.

House Bill 722 restores accountability where it belongs.

WHY INSTITUTIONAL ABUSE IS DIFFERENT

- ### 1. Institutions Provide Access, Authority, and Trust



Perpetrators deliberately seek positions within charitable organizations because these roles provide access to children and confer automatic trust. A priest, teacher, coach, or youth leader occupies a position of authority that children are taught to respect and obey.
- ### 2. Institutional Cultures Enable and Conceal Abuse


 - ✓ Hierarchical structures with “need to know” information sharing
 - ✓ Cultures of overfamiliarity between staff and children
 - ✓ Unchecked adult power and deference to authority figures
 - ✓ “Cultures of silence” that deter whistleblowing
- ### 3. Institutions Protect Themselves, Not Children


 - ✓ “Moving on” perpetrators to new locations rather than reporting
 - ✓ Responding to disclosures with denial, concealment, and victim-blaming
 - ✓ Pressuring victims and families to remain silent
 - ✓ Providing perpetrators with positive references to abuse elsewhere
- ### 4. The Power Imbalance Is Magnified



Personal power (age, size, charisma) + Positional power (authority of role)
 Professional trust + Career control =
 Overwhelming power differential that silences victims

Eliminating Charitable Immunity for Child Sexual Abuse Claims Serves Core Public Policy Objectives

Charitable immunity creates an arbitrary and unjust distinction in cases of child sexual abuse. A child abused at a for-profit business may pursue full legal redress, while a child abused at a church, nonprofit hospital, or charitable school may be barred from recovery solely because of the institution’s tax status. The harm to the child is identical. The legal protection afforded to the institution should not depend on whether it is organized for profit.

This two-tiered system conflicts with basic principles of equal justice. As Judge Rutledge observed in rejecting charitable immunity more than eighty years ago, “[t]he rule of immunity is out of step



with modern conceptions of justice.”¹³ That observation is even more compelling in the context of child sexual abuse.

Institutional abuse is neither rare nor unforeseeable. Research and investigative findings repeatedly demonstrate that perpetrators deliberately seek positions within trusted organizations to gain access to children and exploit authority, institutional credibility, and structural secrecy. Claims arising from child sexual abuse frequently allege institutional negligence: failure to supervise, failure to act on warning signs, failure to investigate, concealment of prior misconduct, or inadequate safeguarding policies. When such failures occur, institutional liability is essential, not only because individual perpetrators often lack resources to provide meaningful compensation, but also because accountability incentivizes prevention.

Charitable immunity undermines the fundamental purposes of tort law: compensation of victims, deterrence of negligent conduct, and promotion of safer practices. When immunity forecloses liability, these objectives are defeated. Institutions have diminished incentives to implement robust child protection policies, conduct thorough background checks, train personnel effectively, or respond promptly to allegations of abuse. Removing immunity restores the ordinary operation of negligence law and reinforces institutional responsibility.

Opponents argue that abrogating charitable immunity will destabilize nonprofit organizations or threaten legitimate charitable missions. Experience across jurisdictions demonstrates otherwise. States that have abolished charitable immunity have not witnessed the collapse of charitable institutions. Instead, organizations have adapted through improved risk management practices and appropriate insurance coverage.

Importantly, eliminating charitable immunity does not impose strict liability. Institutions remain liable only where negligence or misconduct is proven under ordinary tort principles. Those that prioritize child safety have nothing to fear from accountability. Indeed, public trust in charitable institutions is strengthened—not weakened—when they are held to the same legal standards as other entities serving vulnerable populations.

Charitable immunity does not protect children. It protects the institutions that fail to protect them. Abrogating the doctrine aligns the law with modern child protection principles, ensures equal access to justice, and advances both prevention and accountability without threatening legitimate charitable work.

Conclusion

The Children's Justice Campaign at Enough Abuse respectfully urges a favorable report on HB 722.

In 2023, Maryland took a historic step forward by enacting the Child Victims Act, affirming its commitment to survivor justice and institutional accountability. That promise is weakened, however, when charitable immunity continues to shield institutions that enabled child sexual abuse. HB 722 restores coherence to Maryland's reform efforts by ensuring that survivors have

¹³ *President & Dirs. of Georgetown Coll. v. Hughes*, 130 F.2d 810, 812 (D.C. Cir. 1942).



CHILDREN'S JUSTICE CAMPAIGN

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full and equal access to justice. No institution—regardless of its charitable status—should be insulated from accountability when its negligence permits the sexual abuse of children.

Respectfully submitted,

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