



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 722 with Amendments
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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 report favorably on House Bill 722 only if Amendments.

House Bill 722 – Eliminating Charitable Immunity in Civil Child Sexual Abuse Cases

This bill would help provide victims of child sexual abuse with meaningful access to Maryland's civil justice system by eliminating charitable immunity, the legal doctrine that insulates charities from certain liabilities.

House Bill 722 continues Maryland's efforts to provide access to civil remedies for child sexual abuse survivors. MCASA has supported these efforts for decades and continues to believe that survivors need access to both services and to the courts. While we support the principle of HB722, we are also concerned that care be taken to provide services for survivors, including those who do not wish to file a lawsuit, or who cannot successfully sue.

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.

Victims of child sexual abuse need access to the civil justice system; charitable immunity can prevent recovery. The difficulties caused by child sexual abuse have real costs: emotional and financial. Victims often require and benefit from counseling. Others incur medical costs or have difficulty maintaining employment or schooling as a direct result of the abuse. It is unfair to force the victim to bear the costs of the harm caused by a perpetrator of child sexual abuse. Criminal restitution and family court provide only limited relief in a small number of cases.

Charitable immunity can prevent tort recovery for some survivors based on where their perpetrator worked or offended.

The State should consider the needs of all survivors of child sexual abuse and create options for survivors who will not be helped by private trial attorneys. Options to support survivors could include establishing a fund to provide reimbursement for healing therapies, increasing support for programs serving sexual assault survivors, and mandating insurance coverage. MCASA supports the choices that adult survivors will make to pursue private lawsuits and the increased access to damages this bill would permit. However, we continue to be concerned for the many survivors who will not benefit private lawsuits and we ask that this Committee take steps to support them as well. HB722 should be amended to create meaningful options for survivors who choose not to or cannot file a successful lawsuit.

Eliminating charitable immunity completely raises concerns about the viability of smaller non-profits, including those survivors rely upon for services and support. Nonprofit organizations vary widely in scale and size, ranging from large hospitals, universities, and religious organizations, to very small community-based organizations. Smaller organizations have little or no ability to obtain insurance against these claims, particularly for past occurrences. Judgments against these organizations are unlikely to result in actual payments to survivors and are likely to devastate the nonprofit, reducing community resources. While it may be totally appropriate in some cases to cause an organization to end, in others it will not be. We urge the Committee to approach this issue carefully and to consider practical options and amendments that will both support survivors and prevent reductions in services.

**The Maryland Coalition Against Sexual Assault
urges the Judiciary Committee to
report favorably on House Bill 722 only if Amended**