



Advocates for Children and Youth is a statewide non-profit focused on improving the lives and experiences of Maryland's children through policy change and program improvement. We champion solutions to child welfare, education, health, and juvenile justice issues, positioning us to influence the full spectrum of youth experiences. This multi-issue platform helps us to improve the entirety of children's worlds—the systems they touch, the people they interact with, and the environment where they live.

Testimony before the Judicial Proceedings Committee

In SUPPORT of

Senate Bill 505- Civil Actions – Child Sexual Abuse- Statute of Limitations and Required Findings

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Thank you for the opportunity to provide testimony on Senate Bill 505- Civil Actions – Child Sexual Abuse— Statute of Limitations and Required Findings. Advocates for Children and Youth (ACY) supports this bill.

A statute of limitations is the time within which a lawsuit has to be initiated by an injured party.¹ In Maryland, as in almost every state, in civil actions where the victim is a minor when the action occurred, the statute of limitations does not begin to run until that victim reaches the age of majority.² The statute of limitations for child sex abuse cases is often longer than other offenses against children because many children who were victims of sex abuse do not feel safe reporting the abuse until they are adults. SB 505 raises the statute of limitations from seven years after the age of majority (25 years old) to 20 years after the age of majority (38 years old). SB 505 also requires that the person or governmental entity being sued have “actual knowledge of a previous incident or incidents of sexual abuse.” Having that high a standard will help protect the due process rights of the entity being sued is not the individual who committed the sexual abuse. Finally, SB 505 creates parity between private and public schools by exempting a suit against a public school from the written notice requirements under State Government § 12-106 (b).

In Maryland, over the last year, there were 1,131 cases where the Local Department of Social Services (LDSS) found that a child under 18 was sexually abused.³ There were 679 child sexual abuse investigations by LDSS that were unsubstantiated, which means there was not enough evidence to find that the abuse had occurred, but it could not be ruled out either.⁴ However, studies have shown that most sexual abuse is never even reported. For many adults who were sexually abused as children, it is not until they have received a great deal of therapy as an adult and have overcome the trauma from the abuse that they are able to pursue civil

¹ <http://www.ncsl.org/research/human-services/state-civil-statutes-of-limitations-in-child-sexua.aspx>

² Id.

³ Department of Human Resources. Data and Reports. Monthly Child Welfare Data, December 2016, p.18.

⁴ Id. at p.22.

remedies, and they might be much older than 25.⁵ Extending the statute of limitations from seven to 20 years will help ensure that a greater percentage of child sex abuse victims are able to receive civil remedies.

We urge this Committee to issue a favorable report on SB 505 to raise the civil statute of limitations for sexual abuse from age 25 to age 38 to allow more victims of sexual abuse to pursue civil remedies for their victimization.

⁵ <http://sol-reform.com/what-is-a-sol/>