

Eliminating the statutes of limitations in SA cases

“The sexual abuse and exploitation of children is one of the most vicious crimes conceivable, a violation of mankind’s most basic duty to protect the innocent.”

James T. Walsh

1. Why eliminate the criminal statute of limitations?

- **Stop repeat offenders and promote public safety:** Research indicates that adults who commit sexual violence tend to commit multiple acts against multiple people. It is time for Pennsylvania law to reflect this reality and provide law enforcement the ability to investigate “whenever a victim is ready to make a report in hopes of stopping the perpetrator from harming others through criminal prosecution. State laws should promote, not stand in the way, of law enforcement investigating sexual violence in order to discover if there is sufficient evidence to hold a perpetrator accountable in criminal court.
- **Give victims time to come forward:** Arbitrary statutes of limitations deny victims justice. The child victim and society should expect that no matter what date, in what year the child was sexually assaulted there will be an opportunity to pursue justice. Delayed disclosures of sexual violence are normal, common and should be expected. Many people who have been sexually violated wait months, years or decades before discussing what was done to them with anyone, let alone making a formal report to authorities.

2. Why eliminate the civil statute of limitations?

- **Shift the costs on to the perpetrator or institution that left the victim in harms way:** It is an unfair, life-long burden for victims to shoulder the costs of the abuse someone else inflicted upon them. Eliminating limits on the time victims are allowed to seek civil damages provides the opportunity for victims to attempt to shift those costs back on to the perpetrator or even on to organizations that failed to keep them safe – schools, day cares, churches, sports clubs, activity clubs, etc.

Many survivors experience Post Traumatic Stress Disorder, depression, anxiety, eating disorders, suicidal thoughts and problems with drugs and alcohol. These conditions can deter education, job retention and physical health, and ultimately create financial burdens on victims, families, employers and communities. They also result in an increased use of our health-care system and indirect costs to society.

It is common for most victims to struggle for decades before making the connection between childhood abuse and the struggles they often experience. Presently, their access to justice is denied because the statute of limitations to seek civil remedies has expired.

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3. Why make the extension of the civil statute of limitations retroactive?

- **Survivors of sexual violence need time:** Children do not understand sex abuse when it is happening to them and often need decades to process that their childhoods were stolen from them. Traumatic experiences impact memory and coping mechanisms. Many survivors of sexual violence cannot remember or communicate all the details of a sexual assault initially, but time, stability, and medical support can provide clarity.

Survivors need time to gather the strength, courage and support needed to report the sexual assault and to participate fully in civil or criminal justice process. It is time for Pennsylvania's laws to reflect an understanding that significant delays in reporting are normal and expected in the aftermath of sexual abuse.

- **Provide more time to those who have been barred:** Allow survivors of child sexual abuse under the age of 50 who have been previously blocked from seeking civil damages the ability to do so now. Give them the time to bring their stories and evidence to an attorney to see if they have what is needed to bring civil action and shift the burden back to the offender or institution.

1. Sullivan, J., Beech, A. R., Craig, L. A., & Gannon, T. A. (2011). Comparing intra-familial and extra-familial child sexual abusers with professionals who have sexually abused children with whom they work. *International Journal of Offender Therapy and Comparative Criminology*, 55, 56-74. doi:10.1177/0306624X09359194

Seto, M. C., & Fernandez, Y. M. (2011). Dynamic risk groups among adult male sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 23, 494-507. doi:10.1177/1079063211403162