



May 7th, 2019

Senate Judiciary Committee

H. 330 - Civil Statutes of Limitations for Child Sexual Abuse

Sarah Robinson, Deputy Director

Thank you for taking testimony on the statute of limitations for civil actions related to child sexual abuse. As Vermont's leading voice on domestic and sexual violence, the Vermont Network works to promote policies that support victims and survivors of violence to thrive and live lives free from violence.

We appreciate the Committee's thoughtful deliberation of H. 330 which will expand the civil statutes of limitations related to child sexual abuse. As you have heard from witnesses, including adult survivors of child sexual abuse, Vermont's current statute has presented limitations to survivors' ability to seek healing and justice. We appreciate the work that the committee has done to thoughtfully consider the devastating impacts of child sexual abuse and meaningful avenues for redress. We are very pleased with H. 330, but would like to briefly comment on the two proposed changes in the bill.

Sexual Exploitation of a Minor

We support the addition of an act that would have qualified as a violation of 13 V.S.A. § 3258, the sexual exploitation of a minor statute. Violations of this nature are (by definition) non-consensual sexual acts between a minor and a person in a position of power and authority. While the statute requires that the actor be at least 48 months older than the minor, it is not uncommon for individuals who abuse minors in this way to be considerably older and in clear positions of authority. While we would support the liability being extended to the statute in full, the most important provision of the 13 V.S.A. § 3258 is subsection (c).

Retroactive Liability for Entities

We support extending retroactive liability to entities that employed, supervised, or had responsibility for the person who committed sexual abuse. The ability for victims to seek justice by holding institutions accountable for harm is meaningful for survivors and can result in institutional change that aids in the prevention of further abuse. The benefit to victims outweighs the potential impact the passage of time may have on access to evidence for both complainants and respondents. In all civil cases, though, the burden of proof is with the complainant to establish that an entity ought to be held liable for its actions or inactions. In addition, Section 1(b) provides that court records be sealed until a motion to dismiss has been ruled on (or afterward if the motion is granted), which provides privacy to both survivors and to entities concerned about reputational damage.