



## Zach Hiner's Testimony to the Vermont Senate Committee on the Judiciary in Support of H. 330

*April 17, 2019*

Thank you, Senator Sears and the other members of the Senate Committee on the Judiciary for inviting me to testify in support of H 330 today. I am grateful to be speaking with you today and more grateful to each of you for taking up this important measure.

My name is Zach Hiner and I am the Executive Director of SNAP, the Survivors Network of those Abused by Priests. For the past thirty years, our organization has provided support and advocacy services for victims of institutional sexual violence. While our organization was born out of the Catholic sex abuse crisis, we count among our network survivors from every faith tradition as well as other institutions, such as universities and clubs like the Boy Scouts.

From a personal standpoint, I am lucky to not be a survivor myself. But as an advocate who has worked with survivors and have heard their stories, I know only too well that each one is unique in its details but painfully similar in terms of the feelings and challenges that most of those survivors have experienced.

We have more than 25,000 survivors in our network nationwide, and one of the typical things that these victims have in common – besides being abused by an authority figure, that is – is a negative history with the judicial process, largely due to barriers that have been erected by statutes of limitations laws.

### **What are the facts about abuse and SOL?**

The facts about sexual violence are clear: sexual violence is a tremendously under reported crime, and when survivors do come forward, it is typically much later in the life. Estimates vary, but data shows that 1 out of 10 children will experience sexual violence before their 18th birthday. Of those victims, fewer than 40% will ever come forward to report their abuse. In 2019, the average age of disclosure for a survivor of child sexual abuse is 52 years old.

These statistics combine to illustrate the fact that childhood sexual abuse is a common yet, often hidden crime, as it is often difficult for survivors to disclose while the abuse is occurring or shortly thereafter, whether due to feelings of embarrassment, guilt, a belief that the abuser cares for them, or fear due to the abuser's position of trust and authority.

We also know that the effects of childhood sexual abuse are long-term and severe. Studies have shown that childhood sexual abuse has been correlated with higher levels of mental health problems, such as depression, anxiety, dissociative patterns, eating disorders and suicidal ideation, and physical health problems. In fact, adults with a history of child abuse are 30% more likely to have a serious medical condition like cancer or heart problems. Additionally,



survivors of childhood sexual abuse also face personal issues as well such as joblessness, poverty, addiction issues, and difficulty forming close relationships.

These problems often come at a high cost, both to society and communities, but especially to the victims of sexual abuse. Through no fault of their own, many survivors have lived lives with pain, illnesses, and other adverse experiences that have resulted from being victimized as children. Survivors often are forced to spend money on therapy, medication, or medical care, treatments that are expensive and cost money that survivors too often do not have to spend.

By reforming the civil statute of limitations, we can begin to transfer some of the costs associated with abuse from the victim to the perpetrator and to those institutions which have shielded abusers.

But more important than the financial considerations are those of justice and prevention.

### **SOL Creates Barriers**

For an example of how sexual abuse can remain hidden and ultimately go unpunished, I turn here to some figures from the Catholic sex abuse crisis. When the Church published the famous John Jay report in 2002, we learned that over the course of the years 1950-2002, there were nearly 110,000 (109,694) total priests working in the U.S. and that 4,392 of them had been found to have abused children. Of those priests, only 252 were arrested (one quarter of one percent) and fewer than 100 were jailed.

More recently, in the grand jury report released by Pennsylvania Attorney General Josh Shapiro in 2018, we learned that more than 300 priests in that state had abused more than 1000 children. Of those priests, only 2 have been arrested and jailed for their crimes.

These low numbers can be attributed in large part to statutes of limitation.

While we do not yet know the full scope of abuse in Vermont, we do know that in 2002, then Attorney General William Sorrel began his own investigation into clergy sexual abuse. In the course of that probe, he uncovered the case of Fr. Brian Mead. There was enough evidence to charge Fr. Mead with multiple counts of lewd and lascivious acts with a child. Unfortunately, the Diocese of Burlington had kept the allegations hidden long enough for the statute of limitations to expire.

The Supreme Court of the United States has prohibited changing criminal statutes of limitations retroactively in the *Stogner v. California* case. But that decision makes it even more imperative for civil statute of limitations reform to proceed. While we may not be able to see perpetrators, who have run out the criminal statute of limitations jailed, reforming the civil statute of limitations can insure that these "hidden predators" and the institutions that protected them are exposed.

Earlier I referenced that only 2 priests out of the 300 mentioned in the 2018 Pennsylvania Grand Jury report have faced criminal consequences. Another notable figure is 0, in that 0 of



the victims of those 300 priests will be able to seek redress in the courts due to the civil statute of limitations in Pennsylvania.

To me, it makes little sense to limit access to opportunities for justice due to a debate over an arbitrary time period. Rather than control access to the courts based on when someone remembered their abuse, we believe that the courts should be open to all and any legal questions be handled within the court system on a case by case basis.

### **Why should we eliminate civil statutes?**

At SNAP we believe that informed communities are safer communities, and for those in our network, the first goal of allowing claims to be brought forward is the public identification of perpetrators. When those who hurt children are allowed to remain hidden within the community due to statute of limitations barriers, it leaves other children at risk of abuse and the lifelong costs and adverse effects that come with that abuse.

By opening civil windows, not only are survivors provided with an opportunity to experience justice and closure, they are also able to use their experiences to better inform communities and institutions about how abuse occurs and how it is hidden.

Additionally, when civil claims are filed, they often lead to other victims coming forward and filing their own cases. Sometimes, this even leads to the identification of case that is still within the criminal statute of limitations as happened in Pennsylvania following the release of the 2011 Grand Jury report. In this way, reforming the civil statute of limitations can lead to the criminal prosecutions that in turn lead to safer communities.

As we as a nation have learned more about sexual violence, reforming the statute of limitations to be more in line with survivors' reporting trends happened in most states around the country. Some states, such as Delaware and Hawaii, have even opened civil windows multiple times in order to give more survivors access to justice. Just in the couple of months, New York and New Jersey have passed their own reform to statute of limitations laws, joining the 38 other states that have made reforms since 2002.

In sum, reforming the statute of limitations is a move that has strong precedent and can give survivors an opportunity for their experiences to have a positive meaning for others and for the pain they have experienced to lead to new policies and procedures that will help prevent other children from being abused in the future.

But such meaning can only come when survivors are empowered to seek redress through the court system.

We know that the Diocese of Burlington is planning to release a list of accused clerics soon. We expect that when this list is released, other survivors of clergy abuse will come forward with reports. We hope that these survivors will be able to come forward to a judicial system that will be able to provide them with justice and closure, not one that will simply be closed off.



The bill as passed by the house is a strong one and reflects the realities of sexual violence and how victims of these crimes respond and report. In a powerful show of support for survivors, this bill would fully eliminate the civil statute of limitations for child sexual abuse and allow those whose claims were previously barred to bring their claims to a court of law. I am thankful to Representative LaLonde for his part in championing this bill and getting it to this point.

And now today I urge you to pass this bill out of committee without delay and present it to the full floor for a vote. We believe that the passage of this bill will not only send a strong message to survivors in Vermont, but to people across the country that the best way to deal with cases of sexual violence, determine culpability and provide restorative justice and closure is through the court system.

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*(SNAP, the Survivors Network, has been providing support for victims of sexual abuse in institutional settings for 30 years. We have more than 25,000 survivors and supporters in our network. Our website is [SNAPnetwork.org](http://SNAPnetwork.org))*