

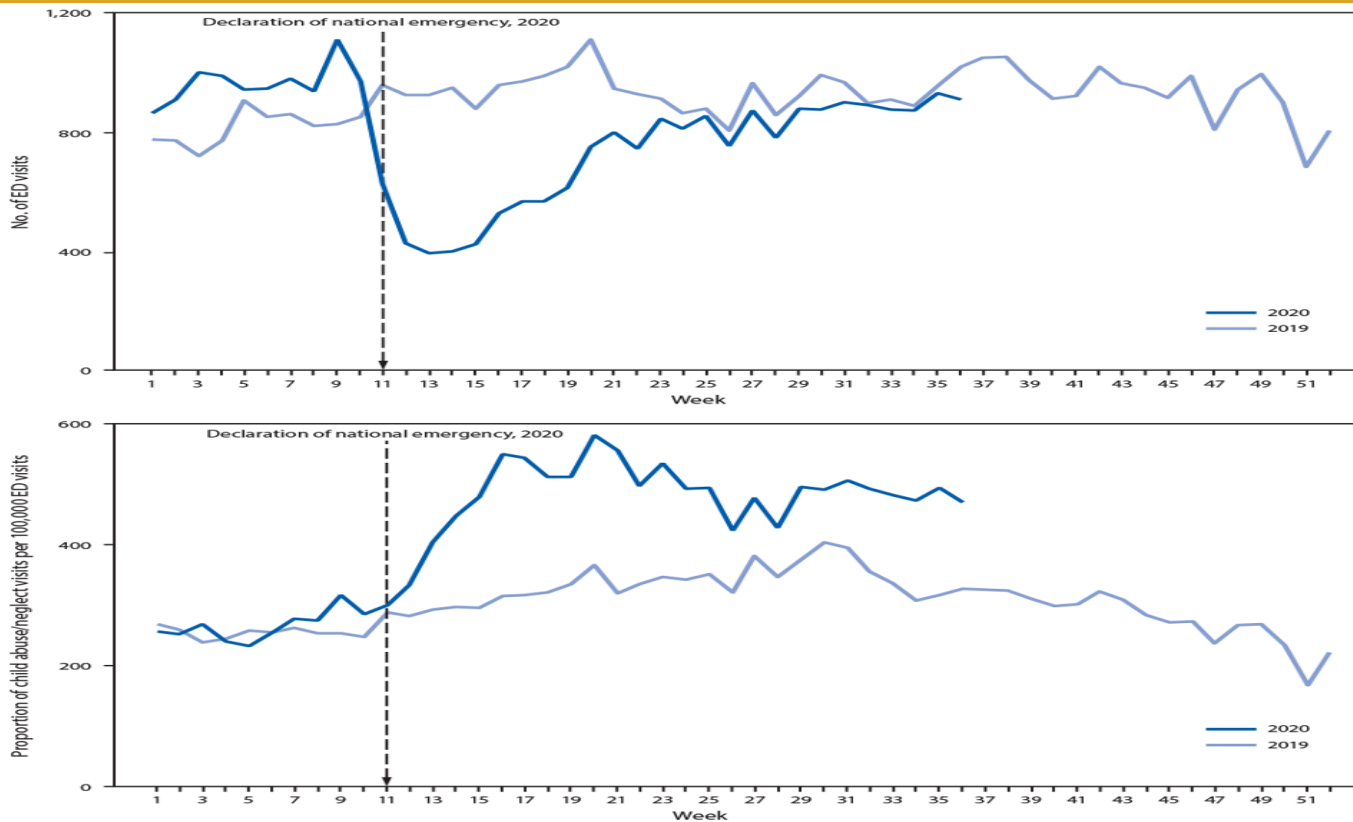
VT Senate Bill 99:
An Act relating to
repealing the statute of
limitations for civil actions
based on childhood
physical abuse

Kim Dougherty, J.D.,
M.S.W.
March 26, 2021



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Child Abuse on the Rise – 2020 ED Visits



In 2018, approximately **3.5 million children** were involved in child maltreatment investigations in the United States, with nearly **700,000 children determined to be substantiated victims of maltreatment** ([U.S. Department of Health & Human Services, 2020](#)).

FIGURE 1. Number (A) and proportion (B) of emergency department (ED) visits related to suspected and confirmed child abuse and neglect among children and adolescents aged <18 years, by week — National Syndromic Surveillance Program, United States, 2019–2020.

Environmental Factors for Child Abuse



*"The closing of schools and other child and youth-serving programs meant that many reporters were only seeing children remotely. As a result, we are seeing **a significant decrease in the number of child abuse and neglect reports** we receive from mandated reporters. This decrease will be reflected in next year's report."*

-Christine Johnson, FSD Deputy Commissioner for VT DCF



Uncontrollable external factors are inevitable and will consistently prevent the proper reporting of child abuse cases. A repealed SOL would allow forgiveness on situations like this and allow the child to come forward when able with no worries on timeline.

Environmental Factors for Child Abuse



*"The negative impact of opioids on those who misuse them has been widely documented. Despite significant spillover effects in the form of **elevated rates of child maltreatment and child welfare system** (CWS) involvement for children affected by parental opioid misuse, the public costs of opioid misuse to the CWS remain largely undocumented."*

-National Child Abuse and Neglect Data System

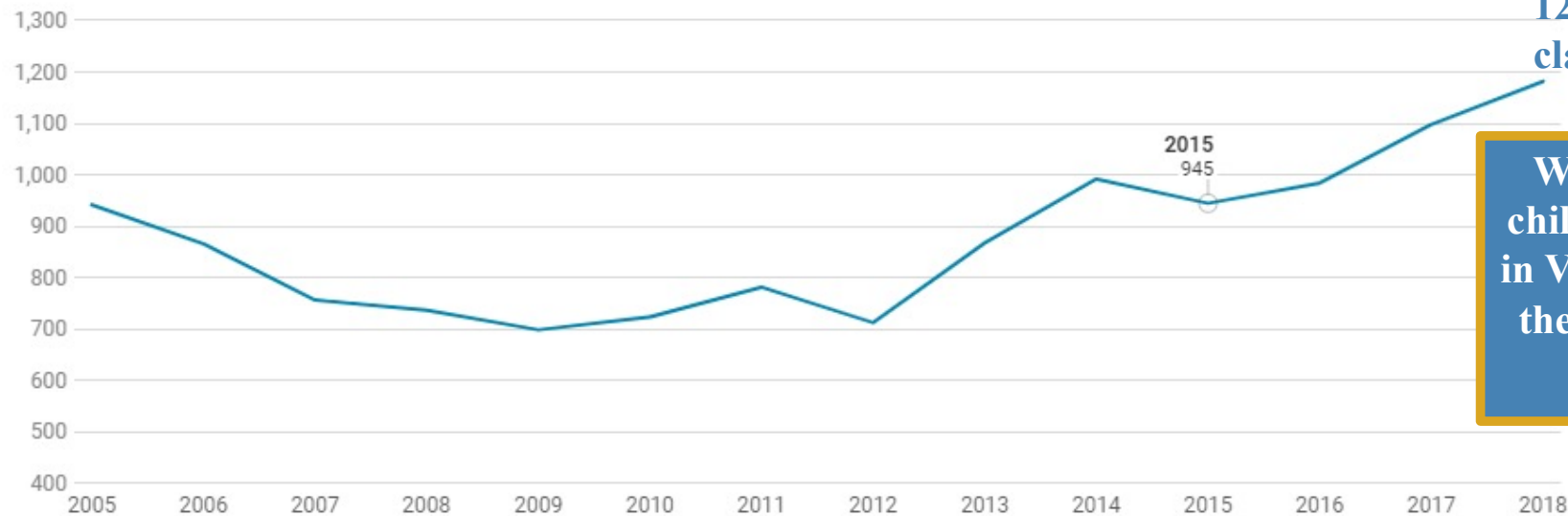
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Child Abuse Victims on the Rise - VT



Even when the number of reports has declined or remained steady, the number of substantiated cases has increased.

— Unique Child Victims



1200 substantiated claims in 2018

With the number of children being harmed in VT rising every year, the time for change is now

Chart: Erin Petenko • Source: VT Department for Children & Families • Get the data • Created with Datawrapper

2019 DCF Report Key Data



- **20,078 reports were made in 2019**
 - 78% of the reports made were from mandatory reporters;
 - 17% were from non-mandatory reporters
- Of the 20,078 reports received, **4,606 child safety interventions (25%)**
 - 2,640 investigations and 1,966 assessments
- At the conclusion of the 4,606 child safety interventions
 - **1,047 cases were opened for ongoing services (5%)**
- At the conclusion of the 2,640 investigations
 - **822 reports were substantiated**
- Based on the 822 substantiated reports, there were
 - **1,004 unique child victims**
 - **149 incidents of physical abuse**
 - **475 incidents of risk of harm**



Concern Over Follow Up Investigations



The outcome of calls to DCF

25% of calls led to an investigation or assessment, the lowest rate in five years.

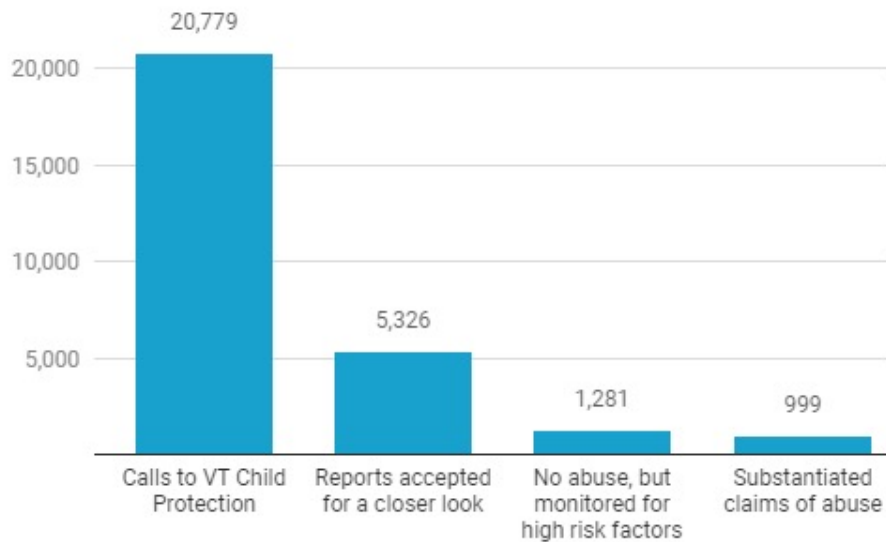


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• Created with Datawrapper

Problem Areas with VT Current Practices

- VT department workers are **spread too thin** taking on an average of **16.2** cases when the national best practice is **12** cases
- **Mandatory reporters can be the ones abusing** the children or can be **neglecting** to call DCF because it is not in their best interests
- Not enough recognition/advocacy for reporting cases of child abuse for people who are not mandatory (**bystander effect**)
- **Children not in position to report abuse**

The Epidemic of Child Abuse in VT



Institutional Child Abuse occurs when children are abused under the care of a specific entity like church, school, foster care, workplace, or anything else. In Vermont, there is a concerning history of institutions inflicting an epidemic of child abuse ranging from decades in the past. Children go to these places expecting to **find safety and instead are met with trauma.**

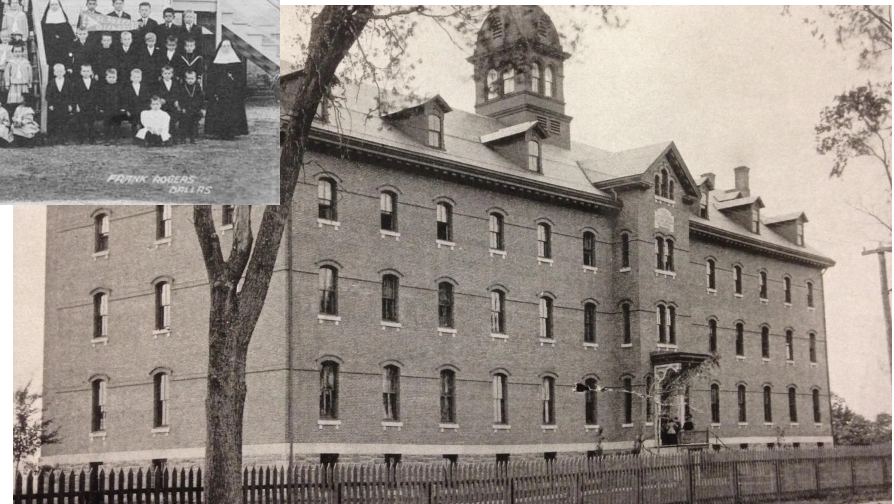
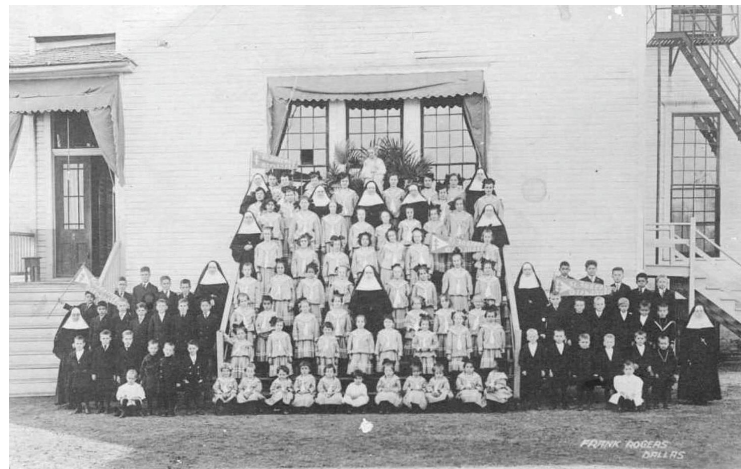
Someone needs to be held accountable for that. The child suffers no matter how much time has passed.

The Epidemic of Child Abuse in VT



St. Josephs' Orphanage:

A home intended to care for orphaned children and instead brutally physically abused, sexually abused, emotionally abused, mutated, and murdered children from the 1850's to the 1970's.



The Epidemic of Child Abuse in VT



Vermont's Catholic Churches:

A place of worship where children went to practice their religious freedom and instead were physically abused and raped by once trusted pastors (40 on the substantiated list) from the 1950's to the present.



Investigation of Child Abuse in VT



Kurn Hattin Homes for Children:

A "safe place" for children to stay away from their troubled home lives. Children were physically, emotionally, & sexually abused children from the 1950's to the present.

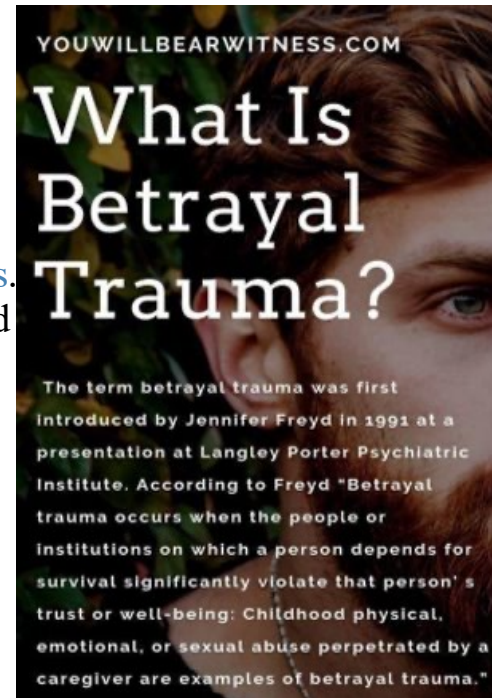


Examples of Institutional Abuse in VT



A Sample of Reported/Documented Child Abuse Occurring in Vermont Institutions:

- **Children** were made to kneel or stand for hours with their arms straight out holding an item.
- **Children** were hung upside down out the windows, over wells, or in laundry chutes.
- **Children** were locked in cabinets, closets, and attics for days until they were forgotten.
- **Children** were exposed to the incidental and purposeful deaths of other children.
- **Children** were continuously raped and forced to get an abortion by the caregivers.
- **Children** were forced to stand outside without a coat in the winter overnight, falling unconscious.
- **Children** were forced into cruel and inhumane exercises for hours on end with their pants around their ankles.
- **Children** were punched, beaten, and kicked down flights of stairs as punishments for minor "offenses."
- **Children** were given broken bones/infections and were neglected by their caregivers to get necessary medical attention.
- **Children** were tied to a tree naked and hit, whipped, and punched.
- **Children** were forced to re-eat their vomit and were chocked with urine-filled rags.



Physical and Sexual Abuse Have Similar Impacts



John Doe A (minor) Physical Abuse

- Continuously met with a hard slap across the head with no justification by KH staff
- KH houseparent slammed John Doe A's head into the toilet seat for not cleaning well enough-causing him to lose consciousness
- John Doe A was placed in a cardboard box and repeatedly beaten and kicked as punishment for wetting the bed
- Forced John Doe A to cruelly exercise for 8 hours straight with their pants on the ground-would be punched and kicked across the room if they were not "low enough in their knee bends"

John Doe B (minor) Sexual Abuse

- Sexually molested by convicted pedophile, Mark Davis, multiple times while under the residential care of Kurn Hattin
- Mr. Davis would bring John Doe B to the basement of KH and groom him with movies, treats, and money
- Mr. Davis separated John Doe B from the other children and touched the child's genitals underneath his clothes
- Mr. Davis forcibly made John Doe B touch Mr. Davis' genitals

The Common Lifelong Effects: Addiction to drugs, addiction to alcohol, extreme economic losses, mental health issues and lifelong diagnoses, major interpersonal issues, and suicide attempts/ideation

Psychological/Neurological Effect of Abuse



Jenny Coleman, Executive Director of Stop It Now! advises:

Childhood trauma can have a profound impact on **educational success, professional success and the ability to support yourself**, she said.

Survivors are at **high risk for physiological problems**, including obesity, stress, anxiety, changes in brain development, and cardiopulmonary and gynecological diseases.

They are also more likely to be revictimized and become addicted to drugs and alcohol.

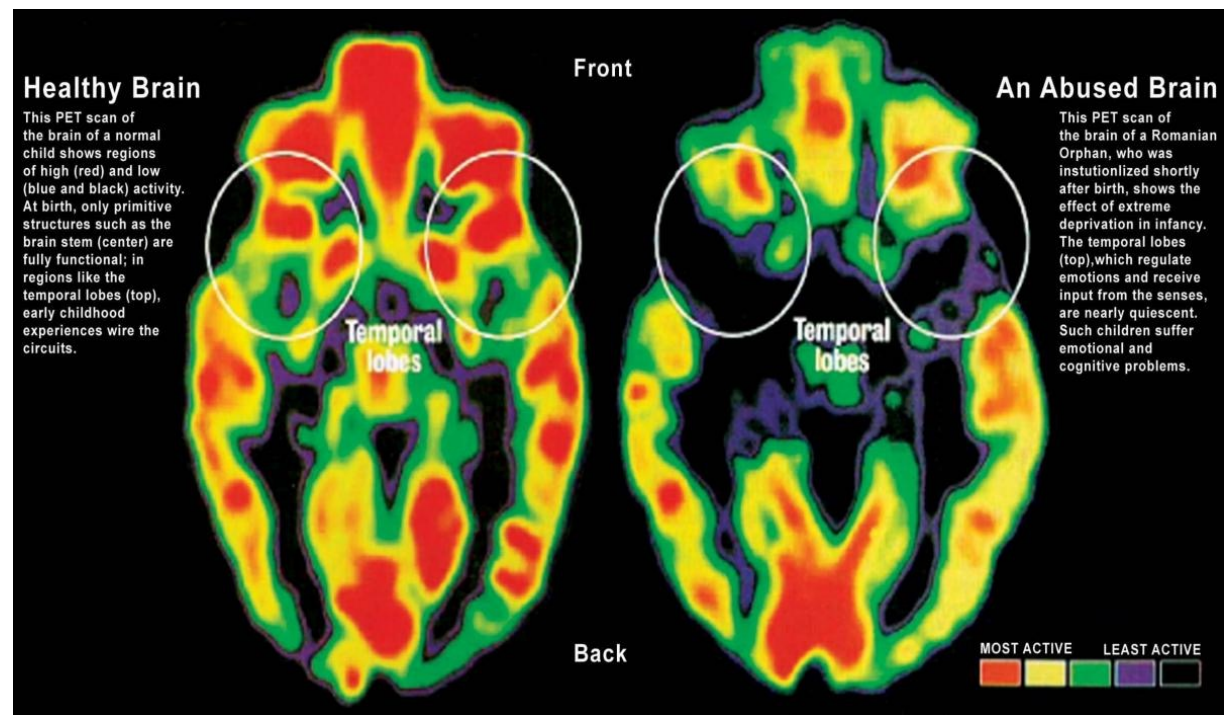
Psychological/Neurological Effect



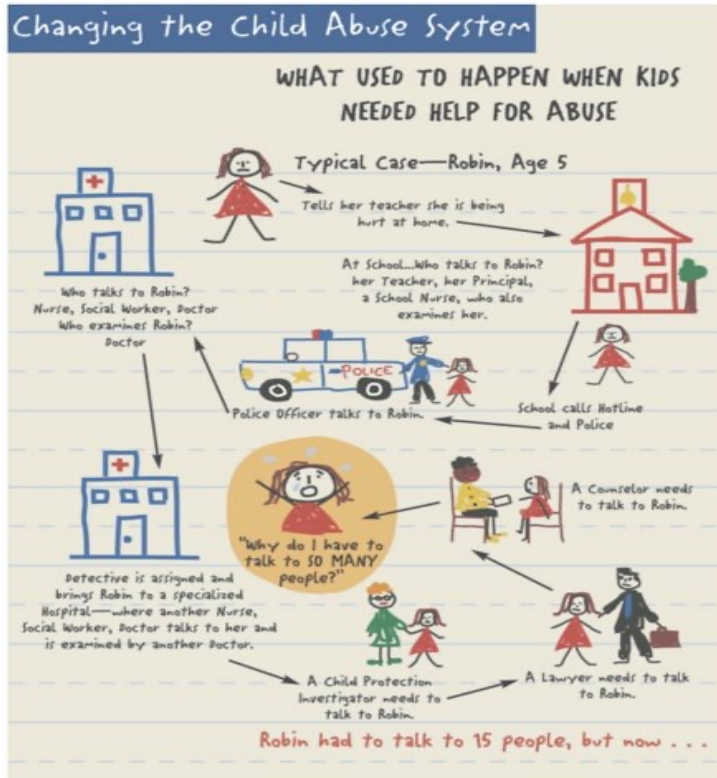
"Severe trauma, also known as adverse childhood experiences, can leave children in near-constant fear and anxiety, always on the verge of fight-flight-or freeze mode, research shows. The result can be a constant release of stress hormones in the body, harmful enough to alter architecture in the developing brain."

"Beatings that leave bruises, sexual or emotional abuse, domestic violence, a drug-addicted parent — those and other major childhood adversities can shrink key parts of the brain, MRI scans show."

-Amy Linn (Science reveals severe childhood trauma can alter developing brain, creates lifetime risk)



Delayed Disclosure of Child Abuse Supports S. 99



From the time a child is assaulted to the time the abuse is reported, **the child is forced to relive their trauma multiple times**. The disclosure often happens in the context of therapy; sometimes it is triggered many years after the abuse by an event the victim associates with the abuse; other times it happens gradually and over time as victims discover their memories.

- **33%, never tell anyone of they were abused;**
- **average age** of disclosure in a study of 1,000 victims **was 52 years old**

With a repealed SOL, any child in Vermont would be given the opportunity to report the abuse when they are **psychologically ready to do so**. This would have life long lasting effects on the Vermont community but bettering the mental health status across the board.

Statute of Limitations Reform Helps Everyone



HOW STATUTE OF LIMITATIONS REFORM HELPS EVERYONE



Identifies previously unknown predators and institutions responsible

to the public, shielding other children from future abuse.



Shifts the cost of abuse

from the victims and society to the perpetrators and the institutions that enabled them.



Educates the public

about the prevalence and harm from child sex abuse so that families and the legal system can prevent abuse.



www.childusa.org

CHILD USA
THE NATIONAL THINK TANK FOR CHILD PROTECTION

The Sean P. Meilmail Statute
of Limitations Research
Institute at CHILD USA

Timing of Childhood Abuse



**The trauma of child
abuse lasts a lifetime.**

**The time to seek justice
must be expanded
under S. 99.**